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Date: 18<sup>th</sup> January 2022

Dear Councillor,

**Licensing and Appeals Sub-Committee**

Please find enclosed the agenda and supporting information for the Licensing and Appeals Sub-Committee meeting.

A Meeting of the **Licensing and Appeals Sub-Committee** will be held at **Council Chamber**, on **Thursday, 27 January 2022 at 10:00**.

If you require any further information, please contact Democratic Services on the number shown above.

Yours faithfully,



Chief Executive

To:- **Labour Group**  
Councillors Gee (Chair) and  
Councillor Dunn

**Conservative Group**  
Councillor Haines.

## **AGENDA**

### **Open to Public and Press**

- 1** Apologies
- 2** To note any declarations of interest arising from any items on the Agenda
- 3** HEARING FOR AN APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 **3 - 51**
- 4** HEARING FOR AN APPLICATION FOR A PREMISES LICENCE TO BE REVIEWED UNDER THE LICENSING ACT 2003 **52 - 63**

### **Exclusion of the Public and Press:**

- 5** The Chairman may therefore move:-  
That in accordance with Section 100 (A)(4) of the Local Government Act 1972 (as amended) the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraph of Part I of the Schedule 12A of the Act indicated in the header to each report on the Agenda.

## **REPORT TO LICENSING & APPEALS SUB-COMMITTEE**

**Agenda Item: 3**

**Hearing Date: 27<sup>th</sup> January 2022**

Contact Officer: Faye Norman

### **HEARING FOR AN APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003**

<b>Applicant's Name</b>	Maloka Developments Limited
<b>Premises Name</b>	The Garage
<b>Address</b>	7 Derby Road Aston on Trent Derby DE72 2AE

#### **1. PURPOSE**

- 1.1 To determine an application to grant a premises licence received by this Authority on the 10<sup>th</sup> December 2021 from Maloka Developments Limited. The application is attached at **(Appendix 1)**.

#### **2. BACKGROUND**

- 2.1 The applicant is seeking to be granted a premises licence for live music, recorded music and the sale by retail of alcohol for consumption on and off the premises for the times stated in paragraph 3.

#### **3. APPLICATION DETAILS**

- 3.1 The applicant requests the Licensing Authority to permit the following:

Activity	Days	Times
Live music	Monday – Saturday Sunday Christmas Eve & New Year's Eve	1400hrs – 2300hrs 1400hrs – 2200hrs 0800hrs – 0030hrs
Recorded music	Monday – Thursday Friday - Sunday Christmas Eve & New Year's Eve	0800hrs – 2330hrs 0800hrs – 2345hrs 0800hrs – 0030hrs
Sale of alcohol for consumption on and off the premises	Monday – Thursday Friday - Sunday Christmas Eve & New Year's Eve	1100hrs – 2330hrs 1100hrs – 2345hrs 0800hrs – 0030hrs
Opening hours of the premises	Monday – Sunday Christmas Eve & New Year's Eve	0800hrs – 0000hrs 0800hrs – 0100hrs

- 3.2 The steps the applicant intends to take to promote all four licensing objectives can be seen at section M of the application form.

#### **4. CONSULTATION RESPONSES**

- 4.1 A representation was received from a Responsible Authority.

Licensing Authority

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Representation received during the 28 day consultation period. Full details can be found at **(Appendix 2)**.

4.2 3 representations were received from other persons.

John Holloway	Representation received during the 28 day consultation period. Full details can be found at <b>(Appendix 3)</b> .
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Paul Pappin	Representation received during the 28 day consultation period. Full details can be found at <b>(Appendix 4)</b> .
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Lee Dabell	Representation received during the 28 day consultation period. Full details can be found at <b>(Appendix 5)</b> .
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## 5. AGREEMENT BETWEEN PARTIES

5.1 The Licensing Authority has now agreed conditions with the applicant and have subsequently withdrawn their representation as shown at **(Appendix 6)**.

## 6. OTHER RELEVANT CONSIDERATIONS

6.1 The Authority should consider its responsibilities under the Crime and Disorder Act 1998, and the Human Rights Act 1998 when considering the fair balance between the interests of the applicant and the rights of local residents.

6.2 Any decision taken by the Sub-Committee must be appropriate and proportionate to the objective being pursued.

6.3 Members are reminded that whenever they make a decision under the Licensing Act 2003, they have a duty to act with a view to promoting the licensing objectives.

6.4 When considering any representations, only those issues relating to the four licensing objectives should be considered and appropriate weight given to the importance and relevance to the application of each representation.

6.5 In making its decision, Members must also have regard to the Statutory Guidance issued under section 182 of the Licensing Act 2003 and the Council's own Licensing Policy. If Members depart from either, they must specify their reasons for doing so.

## 7. DETERMINATION

7.1 The Sub-Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

1. Grant the licence in accordance with the application.
2. Modify the conditions of the operating schedule by altering or omitting or adding to them.
3. Exclude or restrict from the scope of the licence any of the licensable activities to which the application relates.
4. Reject the whole of the application.

- 7.2 The Sub-Committee may also grant the licence subject to different conditions for different parts of the premises.
- 7.3 Members are asked to note that they may not modify the conditions or reject whole or part of the application merely because they consider it desirable to do so. It must be appropriate to do so in order to promote the licensing objectives and any such step must relate to any outstanding representation made.
- 7.4 If Members grant the application, the details of the operating schedule will be incorporated into the licence as conditions. The licence will also be subject to certain mandatory conditions.

## **8. RIGHT OF APPEAL**

- 8.1 Members should note that the applicant or persons making representations have the right of appeal against any decision made by the Sub-Committee.

## **9. APPENDICES**

1. Premises Licence Application
2. Representation received – Licensing Authority
3. Representation received – John Holloway
4. Representation received – Paul Pappin
5. Representation received – Lee Dabell
6. Representation withdrawn – Licensing Authority



**South Derbyshire**  
**Application for a premises licence**  
**Licensing Act 2003**

For help contact  
[licensing@southderbyshire.gov.uk](mailto:licensing@southderbyshire.gov.uk)  
 Telephone: 01283 221000

\* required information

### Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

☐ Yes ☒ No

### Applicant Details

\* First name

Robin

\* Family name

Bell

\* E-mail

Malokadevelopments@gmail.com

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☒ Applying as a business or organisation, including as a sole trader  
☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

### Applicant Business

Is your business registered in the UK with Companies House?

☒ Yes ☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number

13251296

Business name

MALOKA DEVELOPMENTS LIMITED

If your business is registered, use its registered name.

VAT number

none

Put "none" if you are not registered for VAT.

Legal status

Private Limited Company

*Continued from previous page...*

Your position in the business

Home country

The country where the headquarters of your business is located.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 21**

**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address    ☐ OS map reference    ☐ Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)

### Section 3 of 21

#### APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- ☐ An individual or individuals
- ☒ A limited company / limited liability partnership
- ☐ A partnership (other than limited liability)
- ☐ An unincorporated association
- ☐ Other (for example a statutory corporation)
- ☐ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales

#### Confirm The Following

- ☒ I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- ☐ I am making the application pursuant to a statutory function
- ☐ I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

### Section 4 of 21

#### NON INDIVIDUAL APPLICANTS

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

#### Non Individual Applicant's Name

Name

Robin Bell

#### Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)



*Continued from previous page...*

Company Director

**Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Contact Details**

E-mail

Telephone number

Other telephone number

\* Date of birth  /  /   
dd mm yyyy

\* Nationality

Documents that demonstrate entitlement to work in the UK

[Add another applicant](#)

**Section 5 of 21**

**OPERATING SCHEDULE**

When do you want the premises licence to start?  /  /   
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end  /  /   
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

120 sqm former light industrial building being converted into a Licensed Bistro in a village center location. Open plan environment with the majority of seating on the ground floor and only 24 sqm on a raised balcony. No outside drinking or eating areas.

*Continued from previous page...*

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

## Section 6 of 21

### PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

☐ Yes

☒ No

## Section 7 of 21

### PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

☐ Yes

☒ No

## Section 8 of 21

### PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

☐ Yes

☒ No

## Section 9 of 21

### PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

☐ Yes

☒ No

## Section 10 of 21

### PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

☒ Yes

☐ No

### Standard Days And Timings

#### MONDAY

Start

End

Start

End

#### TUESDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

**Continued from previous page...**

**WEDNESDAY**

Start

End

Start

End

**THURSDAY**

Start

End

Start

End

**FRIDAY**

Start

End

Start

End

**SATURDAY**

Start

End

Start

End

**SUNDAY**

Start

End

Start

End

Will the performance of live music take place indoors or outdoors or both?

☒ Indoors

☐ Outdoors

☐ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Infrequent internal low volume but amplified live music.

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Potential longer performance times during Village well dressing festival one weekend each summer, Christmas eve and New years Eve. 11am until 1am

Continued from previous page...

## Section 11 of 21

### PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

☒ Yes

☐ No

#### Standard Days And Timings

##### MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

##### TUESDAY

Start

End

Start

End

##### WEDNESDAY

Start

End

Start

End

##### THURSDAY

Start

End

Start

End

##### FRIDAY

Start

End

Start

End

##### SATURDAY

Start

End

Start

End

##### SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

☒ Indoors

☐ Outdoors

☐ Both

Where taking place in a building or other  
structure tick as appropriate. Indoors may  
include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

background recorded music

Continued from previous page...

State any seasonal variations for playing recorded music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

☐ Yes ☒ No

Section 13 of 21

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

☐ Yes ☒ No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☐ Yes ☒ No

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

Continued from previous page...

TUESDAY

Start  End

Start  End

WEDNESDAY

Start  End

Start  End

THURSDAY

Start  End

Start  End

FRIDAY

Start  End

Start  End

SATURDAY

Start  End

Start  End

SUNDAY

Start  End

Start  End

Will the sale of alcohol be for consumption:

- ☐ On the premises    ☐ Off the premises    ☒ Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Extended opening hours on Christmas Eve and New Years Eve 11:00 - 01:00 on Christmas Day and New Years Day.

Continued from previous page...

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

**Name**

First name

Family name

Date of birth  /  /   
dd mm yyyy

**Enter the contact's address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number  
(if known)

Issuing licensing authority  
(if known)

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- ☐ Electronically, by the proposed designated premises supervisor
- ☒ As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

**Section 16 of 21**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

Continued from previous page...

## Section 17 of 21

### HOURS PREMISES ARE OPEN TO THE PUBLIC

#### Standard Days And Timings

##### MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

##### TUESDAY

Start

End

Start

End

##### WEDNESDAY

Start

End

Start

End

##### THURSDAY

Start

End

Start

End

##### FRIDAY

Start

End

Start

End

##### SATURDAY

Start

End

Start

End

##### SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.



*Continued from previous page...*

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

potential occasional extension to opening hours for special occasions

## **Section 18 of 21**

### **LICENSING OBJECTIVES**

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

b) The prevention of crime and disorder

All staff engaged in licensable activity at the premises will receive training and information in relation to the following:

The Challenge 25 scheme in operation at the premises, including the forms of identification that are acceptable.

The hours and activities permitted by the premises licence issued under the Licensing Act 2003 and conditions attached to the licence.

How to complete and maintain the refusal register in operation at the premises (in relation to the sale of alcohol).

Recognising the signs of drunkenness.

The operating procedures for refusing service to any person who is drunk, under-age or appears to be under-age, or appears to be making a proxy purchase.

Training shall be recorded in documentary form and shall be regularly refreshed at no greater than 6 month intervals.

Training records shall be made available for inspection and copying at reasonable times upon request of an authorised officer of a responsible authority.

Training records will be retained for at least 12 months.

An incident log shall be kept and maintained at the premises which will include a log of the following, including pertinent details:

Any incidents of disorder or of a violent or anti social nature

All crimes reported to the venue, or by the venue to the police

All ejections of patrons

Any complaints received

Seizures of drugs or offensive weapons

Any faults in the CCTV system

Any visits by a responsible authority (under the Licensing Act 2003) or emergency service.

Records must be completed within 24 hours of any incident, and will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident.

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The logs shall be kept for at least 12 months following the date of entry and be made available for inspection and copying

*Continued from previous page...*

upon request of an authorised officer of a responsible authority.

A written drugs policy shall be in place and operated at the premises. It must detail the actions taken to minimise the opportunity to use or supply illegal substances within the premises. The policy must be made available for inspection and copying upon request by an authorised officer of a responsible authority.

A structured training programme surrounding substance misuse will be in place. Training will be undertaken at 6 month intervals as appropriate for all staff that deal with persons who are in the possession of/or incapacitated through the use of drugs or the combined effect of drugs and alcohol.

Records will be maintained detailing the time and date of substance misuse training, the people who received the training, and the name of the person delivering the training.

Records will be available for inspection by an authorised officer of a responsible authority at all reasonable times. The records will be retained for at least 12 months.

The premises shall operate and maintain a comprehensive digital colour CCTV system to the satisfaction of the Police and local authority

All public areas of the licensed premises including entry and exit points will be covered, including any outside areas under the control of the premises licence holder.

The system must record clear images permitting the identification of individuals, and in particular enable facial recognition images (a clear head and shoulder image) of every person entering and leaving in any light condition.

The CCTV system will continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises.

All equipment must have a constant and accurate time and date generation.

All recordings will be stored for a minimum period of 28 days with date and time stamping.

Viewable copies of recordings will be provided on request to the Police and local authority officers within 48 hours of the request and in accordance with the Data Protection Act 2018 (or any replacement legislation)

The CCTV system will be capable of downloading images to a recognisable viewable format.

There will be security measures in place to ensure the integrity of the system to prevent the tampering with, and deletion of, images.

A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide an authorised officer of a responsible authority copies of recent CCTV images or data with the absolute minimum of delay when requested (in accordance with the Data Protection Act 2018 or any replacement legislation).

#### c) Public safety

No customer shall be allowed to remove any alcoholic or other drinks from the licensed area of the premises in an open container (e.g. glasses and open bottles) unless to an external area set aside for consumption indicated on a plan.

#### d) The prevention of public nuisance

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Clear and legible notices shall be prominently displayed at all exits requesting patrons to respect the needs of local

**Continued from previous page...**

residents and businesses and to leave the vicinity as quickly and quietly as possible.

**e) The protection of children from harm**

There will be in place a written age verification policy in relation to the sale or supply of alcohol, which will specify a Challenge 25 proof of age requirement. This means that staff working at the premises must ask individuals who appear to be under 25 years of age, attempting to purchase alcohol, to produce identification. The only acceptable identification documents will be:

A photo driving licence

A passport

An identification card carrying the PASS hologram

Unless such identification is produced the sale of alcohol must be refused.

This policy will include documented steps taken to prevent adults from purchasing alcohol for or on behalf of children under 18.

The premises shall display prominent signage indicating that a Challenge /25 scheme is in operation.

An alcohol sales refusal register shall be kept at the premises and be maintained to include details of all alcohol sales refused. The register will include:

the date and time of refusal

the reason for refusal

details of the person refusing the sale

description of the customer

any other relevant observations.

The refusals register will be made available for inspection and copying on request of an authorised officer of a responsible authority.

All entries must be made within 24 hours of the refusal

**Section 19 of 21**

**NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**

*Continued from previous page...*

**Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

**Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is A British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

**Continued from previous page...**

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

***Continued from previous page...***

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

#### **Home Office online right to work checking service**

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

#### **Section 20 of 21**

#### **NOTES ON REGULATED ENTERTAINMENT**



*Continued from previous page...*

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

**Continued from previous page...**

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

**Section 21 of 21**

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £87000 £315.00

Band D - £87001 to £125000 £450.00\*

Band E - £125001 and over £635.00\*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £125000 £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39999 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

\* Fee amount (£)

100.00

**ATTACHMENTS**

**AUTHORITY POSTAL ADDRESS**



**Continued from previous page...**

**Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**DECLARATION**

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).

The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)

☐ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity

Date (dd/mm/yyyy)

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/south-derbyshire/apply-1> to upload this file and continue with your application.

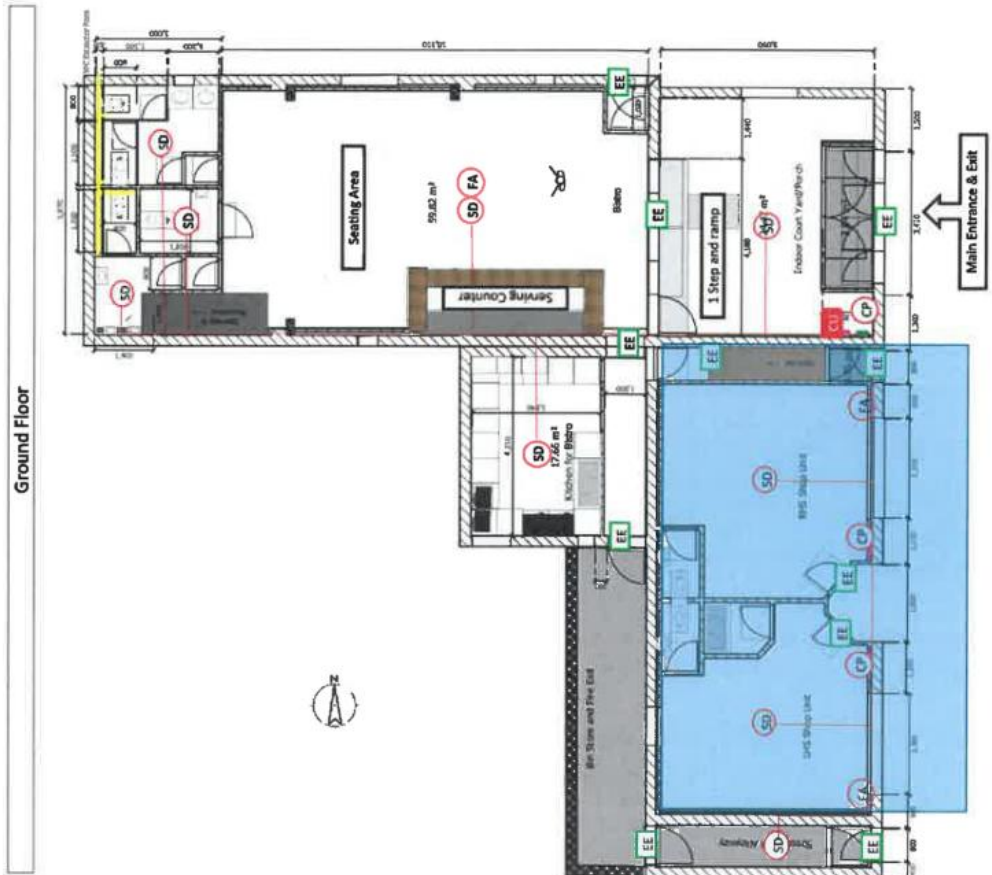
Don't forget to make sure you have all your supporting documentation to hand.

**IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED**

Maloka Developments Ltd Aston on Trent	Tudor Garage Aston On Trent	Job No – 2021 -001
	Premises Application	Drw No – Dw010/01
	Drawn by – Rob Bell	07/12/2021

General Notes	
SD	Smoke detector
CP	Call point
CU	Fire Alarm Control Panel
FA	Sounder
EE	Emergency Escape route & Lighting
Fire Alarm	2 zone fire system
	Zone 1 all Ground Floor areas and Mezzanine
	Zone 2 All First Floor Area.
	Areas in Blue are not subject to this application.





**SOUTH DERBYSHIRE DISTRICT COUNCIL**  
**Licensing Act 2003**

**REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES**

**Responsible Authority** (please delete as applicable):  
 Licensing Authority

<b>Your Name</b>	Mark Lomas
<b>Job Title</b>	Licensing Officer Enforcement (Submitted on behalf of the Senior Licensing Officer)
<b>Postal and email address</b>	South Derbyshire District Council, Licensing Department, Civic Offices, Civic Way, Swadlincote, DE11 0AH mark.lomas@southderbyshire.gov.uk
<b>Contact telephone number</b>	01283 595890

<b>Name of the premises you are making a representation about</b>	The Garage
<b>Address of the premises you are making a representation about</b>	7 Derby Road, Aston-on-Trent, DE72 2AE

<b>Which of the four licensing objectives does your representation relate to?</b>	<b>Yes Or No</b>	<b>Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary</b>
<b>To prevent crime and disorder</b>	Yes	This is a Premises Licence Application for a licensed Bistro establishment with the licensable activities of live music, recorded music and the retail sale of alcohol being available both on and off the premises. The applicant within their application has commendably offered hours and conditions to promote the four licensing objectives in support of their application. However, these hours and conditions in their current form are not achievable, clear, and concise, whilst undermining other primary legislation. They would place the applicant in a precarious position in attempting to comply with and adhere to them whilst undermining the licensing objectives and the applicant's business. In order to assist and ensure the promotion of the four licensing objectives in line with the application submitted by the applicant I would replace the offered conditions with the following conditions shown below.
<b>Public safety</b>	Yes	As above
<b>To prevent public nuisance</b>	Yes	As above
<b>To protect children from harm</b>	Yes	As above

<b>Suggested hours and conditions</b>	<b>Provision of Live Music – Monday to Saturday ; 1400hrs -</b>
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that could be added to the licence to remedy your representation or other suggestions you would like the Licensing and Appeals Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.

**2300hrs.**

**Sunday ; 1400hrs - 2200hrs.**

**Christmas Eve and New Years Eve ; 0800hrs – 0030hrs.**

**Provision of Recorded Music – Monday to Thursday ; 0800hrs - 2330hrs.**

**Friday to Sunday ; 0800hrs - 2345hrs.**

**Christmas Eve and New Years Eve ; 0800hrs – 0030hrs.**

**Supply of Alcohol – Monday to Thursday ; 1100hrs - 2330hrs.**

**Friday to Sunday ; 1100hrs – 2345hrs.**

**Christmas Eve and New Years Eve ; 0800hrs – 0030hrs.**

**Hours Premises are open to the Public – Monday to Sunday ; 0800hrs - 0000hrs.**

**Christmas Eve and New Years Eve ; 0800hrs – 0100hrs.**

1. Full training shall be provided to all staff on commencement of employment relating to the sale of alcohol and any system or procedures they are expected to follow in the course of dealing with these goods.
2. Refresher training shall be provided at regular intervals – at least every 6 months.
3. Records detailing the training provided shall be kept on the premises for production upon request by the Police or other Responsible Authority.
4. All records must be written and shall be retained on the premises for a minimum of 12 months.
5. A challenge 25 Proof of age scheme shall be operated at all times.
6. Anyone attempting to purchase alcohol (or other age restricted product) that appears under the age of 25 years shall be asked to produce a proof of age.
7. The only acceptable forms of identification shall be:
  - PASS – accreditation proof of age card.
  - Photo Driving Licence.
  - Current Passport.
  - HM Forces Identity Card
8. Clear, prominent and unobstructed signage informing customers of the proof of age scheme in operation shall be displayed at all entry points to the premises and at the point of sale.
9. A system of recording sales challenged under the proof of age scheme shall be operated at all times.
10. [Page 29 of 63](#) The refusal book / log shall be kept on the premises for

production upon request by the Police or other Responsible Authority.

11. The records relating to the refusal book / log shall be retained on the premises for a minimum of 12 months.
12. The Premises Licence Holder shall ensure that a written incident log is maintained within the premises and details of all relevant incidents are recorded within the log. This log shall be kept on the premises for a period of not less than 12 months and shall be produced upon request by the Police or other Responsible Authority.
13. A CCTV system shall be installed at all times and the recording system must be maintained in good working order and any faults repaired as soon as possible. (It is recommended that all maintenance paperwork be kept to show that the retailer has shown all due diligence in maintaining the system).
14. The CCTV recording system shall operate at all times when the premises are open for licensable activities and whilst they are open to the public.
15. All CCTV recordings shall be retained for a minimum of 28 days. These images must be available for viewing at any reasonable time upon request of a Police Officer or another authorised person as detailed within Section 13 of the Licensing Act 2003.
16. The Premises Licence Holder, Designated Premises Supervisor or designated members of staff shall be able to retrieve and copy any recording/images at the time of asking or within 48 hours if so required. (The police will not meet the cost for a recording or materials used for a reproduction of the image in respect of any crime and disorder; all costs are to be met by the owner of the system. If the incident was unrelated to the premises, the retrieval, if a cost incurred, would be met between the agencies requiring the image).
17. The CCTV recording unit shall be kept secure, to be opened only by the premises licence holder or authorised, designated member of staff.
18. Installed CCTV cameras shall be positioned so as to ensure that all parts of the premises to which the public have access are covered including any external areas (save for any toilet areas).
19. All digital recordings shall be made in real time and they shall be fit for purpose recording clear images permitting the identification of individuals in particular enabling facial recognition images at the point of entry and exit.
20. [Page 30 of 63](#) No customer shall remove any alcoholic and/or non-alcoholic

	<p>beverage in an open container from the internal licensed area of the premises except to an external area set aside for consumption as indicated on the premises licence plan.</p> <p>21. Notices shall be affixed in a prominent position at or near the exit doors requesting customers to leave the premises and local area quietly.</p>
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Signed: *M.Lomas*

Date: 20<sup>th</sup> December 2021

Please return this form along with any additional sheets to the Licensing Section, South Derbyshire District Council, Council Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH or email to [licensing@southderbyshire.gov.uk](mailto:licensing@southderbyshire.gov.uk). This form must be returned within the Statutory Period. For more details please check with the Licensing Office on 01283 595 716/724/890



**Faye Norman**

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**From:** John Holloway  
**Sent:** 03 January 2022 17:42  
**To:** Licensing  
**Cc:**  
**Subject:** Objection to Licensing application Maloka Developments Aston on Trent  
**Categories:** Faye

Sirs

I wish to raise an objection to this application in two sections

1. The application process
2. The application itself

1. This email is being written on the 3<sup>rd</sup> January. To my knowledge the notice regarding this application has only just been posted on the Applicant's premises, with a closing date of 7<sup>th</sup> January. I regard this as being of insufficient time for people to be aware of this notice of application

The notice poster itself is not located in a position appropriate for reading, ie placed in the bottom corner of a window a few inches above the ground. To read this notice requires considerably stooping, assuming one is fit enough, to read the application. One might reasonably assume that the applicant does not wish this to be read. I can supply a photograph if required

Of the two phone numbers given on the notice for SDDC, one is totally inaccurate giving the wrong STD code. Both numbers are not the same as that printed on the SDDC Licensing

objection form. The objection form is in a pdf format ie unable to be typed on without specific software. Why is there not a WORD document available?

The notice gives no indication of which SDDC department needs to be contacted; a generic [www.southderbyshire.gov.uk](http://www.southderbyshire.gov.uk) is insufficient given there is also no specific reference number

**I would strongly suggest that SDDC officials question the dubious location of the poster and question the quality and accuracy of its content**

2. I strongly object to this application in respect of the lateness of the licensing hours requested as the premises are in the centre of the village surrounded by private dwellings. Live (and loud) music beyond 11pm-11.30 is not acceptable to residents in these dwellings

The premises are adjacent to an existing public house, The White Hart, already licensed for internal and external music. There is also another nearby public house, The Malt, also licensed for indoor and external recorded and live music. This rural village has no need for three venues, close together to put up with and endure the noise that these premises' will generate. Given that the premises (windows) open directly onto the pavement and, as I understand it, will only have one entrance set of glass doors I question whether those structures will be sufficient to prevent noise from egressing into the village itself



The proposed new Bistro has no car parking land and therefore an already overcrowded main thoroughfare will be subjected to further disruption of multiple parked cars and the late night noise of vehicles leaving the area

Copies of this objection have been sent to the three District Councillors representing the village of Aston on Trent

Regards

John Holloway



## **SOUTH DERBYSHIRE DISTRICT COUNCIL**

### **Licensing Act 2003**

#### **Representation by an 'Other Person' as defined by the Act**

**Note:** Please be aware that this form will be viewed by the Applicant or by a representative of the Applicant. It may also be read out in public at the sub-committee hearing.

You may request that the Licensing Authority withholds some or all of your details, however, the withholding of details will only be considered in exceptional circumstances where the Licensing Authority believes there to be a genuine and well-founded fear of intimidation. Any person who wishes the Licensing Authority to consider withholding their details is advised to contact the Licensing Department prior to submitting this form.

Your personal details will be redacted in the Licensing and Appeals Sub-Committee report.

An 'other person' can make representations against a relevant licence application. Representations may be made on behalf of the above by a representative e.g. MP, solicitor, or a friend.

Please indicate in which capacity you are making this representation by ticking a box below:

- An individual person X
- A body representing a person e.g. Solicitor ☐
- A person involved in a business ☐
- A body representing a business ☐

Representations are only relevant to an application if they relate to at least one of the four **Licensing Objectives** listed below:

- 1. The Prevention of Crime and Disorder**
- 2. Public Safety**
- 3. Prevention of Public Nuisance**
- 4. The Protection of Children from Harm**



Representations may be made at any time during a period of 28 consecutive days starting on the day after the application was given to the Licensing Authority. This period is reduced to 10 working days for minor variations applications.

In the case of a closure order issued by the Police, representations may be made during the seven days that follow relevant notice being given to the Licensing Authority by the Magistrates Court, starting on the day after the day the notice was received.

Please enter your contact details below: -

Name:	Paul Pappin
Address:	
Postcode:	
Tel:	
E-mail:	

Please confirm the name and address of person, represented person or business affected, if different from the address given above i.e. this could be a shop premises in the vicinity but you do not live at the shop premises.

Name:	
Address:	
Postcode:	

Address of premises in application causing concern, which you wish to make a representation about

Name of Applicant:	Maloka Developments
Address of Premises	7 Derby Road, Aston on Trent, Derby. DE72 2AE
Application Details:	Application for licence for live music, recorded music and the sale of alcohol.

Please give details of your representation and evidence supporting your representation in the box below. Indicate which of the licensing objectives your representation refers to by ticking the relevant box/es:



- |   |          |
|---|----------|
| • <b>The Prevention of Crime and Disorder</b> | <b>X</b> |
| • <b>Public Safety</b>                        | <b>X</b> |
| • <b>Prevention of Public Nuisance</b>        | <b>X</b> |
| • <b>The Protection of Children from Harm</b> | <b>X</b> |

Details of representation (please use additional sheets where necessary)

This property is extremely close to the junction of Derby Road and Weston Road where there have been several road traffic accidents over the last few months. The premises where the licence application refers to has no parking facilities and both Weston Road and Derby Road already have recorded parking problems.

In principle the idea of a bistro type restaurant could be a addition to village amenities, however the hours of the licence application are also a concern as the hours could have affects on children leaving school, late night noise from patrons leaving the premises, the pavement outside the premise is extremely narrow and could cause patrons to walk in the road causing a safety hazard.

The village already has two licensed public houses one of which is immediately next door to the applicants proposed venue.

The issue of the venue having a change of use in the future under the same owners could see the venue change into a full bar and music venue which will defiantly cause even more problems to the residents of the immediate locality.

If the application were to be granted it would have an environmental impact on the locality , due to lack of parking it would have a road safety impact and with the application referring to late night alcohol sales along with late night music this could result in public nuisance issues.

Licensing Section,

Civic Offices, Civic Way, Swadlincote Derbyshire DE11 0AH

01283 221000



Once the Licensing Section has received this form you will receive a written acknowledgement. Your representation will be forwarded to the applicant and/or their representative who may contact you in order to discuss your representations.

This form must be received by the Licensing Authority within the statutory representation period.

Signed: .....

Paul Pappin.....

6<sup>th</sup> January 2022.....

Please return this form to the following address:

South Derbyshire District Council  
Licensing Section  
Civic Offices  
Civic Way  
SWADLINCOTE  
DE11 0AH

Or by email [licensing@south-derbys.gov.uk](mailto:licensing@south-derbys.gov.uk)

Licensing Section,  
Civic Offices, Civic Way, Swadlincote Derbyshire DE11 0AH

01283 221000





**Faye Norman**

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**From:** Lee Dabell  
**Sent:** 07 January 2022 23:09  
**To:** Licensing  
**Subject:** The Garage, Aston On Trent, Expires: 7.1.22

**Categories:** Faye

Licensing Team,

I would like to make comment about the proposal for Live Music and Recorded Music at The Garage, Aston On Trent.

Whilst I am very supportive about the re-development of the property and it's use as a Bistro/Cafe, I am concerned about the potential noise disturbance that will be caused to the local area.

My property, along with many others are closely situated to these premises. I have children who's bedrooms both face this property and late night noise would not be welcome. I would also be concerned about all day noise as the license requests Recorded Music from 8am.

I would therefore like to request that levels of noise will be controlled in the licensing approval to ensure they do not cause unnecessary disturbance. So I am supportive of the need for 'music', but not supportive for the noise to spill out of the premises and disturb the local neighbourhood.

The example I can use would be summer time, every Friday and Saturday night loud and late night music polluting the local area because all of the windows will be open. This is not fair on those who live close to the premises.

Kind Regards,

Lee Dabell.



**Licensing Act 2003**  
**Premises Licence Application – The Garage, 7 Derby Road,**  
**Aston-on-Trent, DE72 2AE.**  
**Notification to Local Authority of agreement regarding**  
**Representations**

To: Licensing Authority Office

Date: 20<sup>th</sup> December 2021

Dear Madam,

I, Robin Bell, write in my capacity as the applicant in relation to the above matter. Discussions have taken place with Mark Lomas (South Derbyshire District Council Licensing Officer (Enforcement)) in relation to the promotion of the licensing objectives.

I would like to amend the operating schedule hours that I submitted as per the premises licence application to the hours shown. I would also like to replace the conditions that I initially offered in the premises licence application and replace them with the following conditions;

**Provision of Live Music – Monday to Saturday ; 1400hrs - 2300hrs.**  
**Sunday ; 1400hrs - 2200hrs.**  
**Christmas Eve and New Years Eve ; 0800hrs – 0030hrs.**

**Provision of Recorded Music – Monday to Thursday ; 0800hrs - 2330hrs.**  
**Friday to Sunday ; 0800hrs - 2345hrs.**  
**Christmas Eve and New Years Eve ; 0800hrs – 0030hrs.**

**Supply of Alcohol – Monday to Thursday ; 1100hrs - 2330hrs.**  
**Friday to Sunday ; 1100hrs – 2345hrs.**  
**Christmas Eve and New Years Eve ; 0800hrs – 0030hrs.**

**Hours Premises are open to the Public – Monday to Sunday ; 0800hrs - 0000hrs.**  
**Christmas Eve and New Years Eve ; 0800hrs – 0100hrs.**

1. Full training shall be provided to all staff on commencement of employment relating to the sale of alcohol and any system or procedures they are expected to follow in the course of dealing with these goods.
2. Refresher training shall be provided at regular intervals – at least every 6 months.
3. Records detailing the training provided shall be kept on the premises for production upon request by the Police or other Responsible Authority.
4. All records must be written and shall be retained on the premises for a minimum of 12 months.

5. A challenge 25 Proof of age scheme shall be operated at all times.
6. Anyone attempting to purchase alcohol (or other age restricted product) that appears under the age of 25 years shall be asked to produce a proof of age.
7. The only acceptable forms of identification shall be:
  - PASS – accreditation proof of age card.
    - Photo Driving Licence.
    - Current Passport.
    - HM Forces Identity Card
8. Clear, prominent and unobstructed signage informing customers of the proof of age scheme in operation shall be displayed at all entry points to the premises and at the point of sale.
9. A system of recording sales challenged under the proof of age scheme shall be operated at all times.
10. The refusal book / log shall be kept on the premises for production upon request by the Police or other Responsible Authority.
11. The records relating to the refusal book / log shall be retained on the premises for a minimum of 12 months.
12. The Premises Licence Holder shall ensure that a written incident log is maintained within the premises and details of all relevant incidents are recorded within the log. This log shall be kept on the premises for a period of not less than 12 months and shall be produced upon request by the Police or other Responsible Authority.
13. A CCTV system shall be installed at all times and the recording system must be maintained in good working order and any faults repaired as soon as possible. (It is recommended that all maintenance paperwork be kept to show that the retailer has shown all due diligence in maintaining the system).
14. The CCTV recording system shall operate at all times when the premises are open for licensable activities and whilst they are open to the public.
15. All CCTV recordings shall be retained for a minimum of 28 days. These images must be available for viewing at any reasonable time upon request of a Police Officer or another authorised person as detailed within Section 13 of the Licensing Act 2003.
16. The Premises Licence Holder, Designated Premises Supervisor or

designated members of staff shall be able to retrieve and copy any recording/images at the time of asking or within 48 hours if so required. (The police will not meet the cost for a recording or materials used for a reproduction of the image in respect of any crime and disorder; all costs are to be met by the owner of the system. If the incident was unrelated to the premises, the retrieval, if a cost incurred, would be met between the agencies requiring the image).

17. The CCTV recording unit shall be kept secure, to be opened only by the premises licence holder or authorised, designated member of staff.
18. Installed CCTV cameras shall be positioned so as to ensure that all parts of the premises to which the public have access are covered including any external areas (save for any toilet areas).
19. All digital recordings shall be made in real time and they shall be fit for purpose recording clear images permitting the identification of individuals in particular enabling facial recognition images at the point of entry and exit.
20. No customer shall remove any alcoholic and/or non-alcoholic beverage in an open container from the internal licensed area of the premises except to an external area set aside for consumption as indicated on the premises licence plan.
21. Notices shall be affixed in a prominent position at or near the exit doors requesting customers to leave the premises and local area quietly.

**Please accept this notice as formal request to amend my application/operating schedule in accordance with the above and note that I agree to these conditions being attached to the premises licence. Furthermore, I confirm that I do not consider a hearing to be necessary.**

Signed : 

Name in block : ROBIN BELL

Date : 21 December 2021



**Licensing Act 2003**  
**Premises Licence Application – The Garage, 7 Derby Road,**  
**Aston-on-Trent, DE72 2AE.**  
**Notification to Local Authority of agreement regarding**  
**Representations**

To: Licensing Authority Office

Date: 21<sup>st</sup> December 2021

Dear Madam,

I write in my capacity as the Licensing Officer (Enforcement) for the Licensing Authority of South Derbyshire District Council.

Discussions have taken place with the applicant in relation to the promotion of the licensing objectives.

I understand that the applicant has formally amended their application to include the following hours and conditions:

**Provision of Live Music – Monday to Saturday ; 1400hrs - 2300hrs.**  
**Sunday ; 1400hrs - 2200hrs.**  
**Christmas Eve and New Years Eve ; 0800hrs – 0030hrs.**

**Provision of Recorded Music – Monday to Thursday ; 0800hrs - 2330hrs.**  
**Friday to Sunday ; 0800hrs - 2345hrs.**  
**Christmas Eve and New Years Eve ; 0800hrs – 0030hrs.**

**Supply of Alcohol – Monday to Thursday ; 1100hrs - 2330hrs.**  
**Friday to Sunday ; 1100hrs – 2345hrs.**  
**Christmas Eve and New Years Eve ; 0800hrs – 0030hrs.**

**Hours Premises are open to the Public – Monday to Sunday ; 0800hrs - 0000hrs.**  
**Christmas Eve and New Years Eve ; 0800hrs – 0100hrs.**

1. Full training shall be provided to all staff on commencement of employment relating to the sale of alcohol and any system or procedures they are expected to follow in the course of dealing with these goods.
2. Refresher training shall be provided at regular intervals – at least every 6 months.
3. Records detailing the training provided shall be kept on the premises for production upon request by the Police or other Responsible Authority.
4. All records must be written and shall be retained on the premises for a minimum of 12 months.
5. A challenge 25 Proof of age scheme shall be operated at all times.
6. Anyone attempting to purchase alcohol (or other age restricted product) that appears under the age of 25 years shall be asked to produce a proof of age.
7. The only acceptable forms of identification shall be:



- PASS – accreditation proof of age card.
  - Photo Driving Licence.
  - Current Passport.
  - HM Forces Identity Card
8. Clear, prominent and unobstructed signage informing customers of the proof of age scheme in operation shall be displayed at all entry points to the premises and at the point of sale.
  9. A system of recording sales challenged under the proof of age scheme shall be operated at all times.
  10. The refusal book / log shall be kept on the premises for production upon request by the Police or other Responsible Authority.
  11. The records relating to the refusal book / log shall be retained on the premises for a minimum of 12 months.
  12. The Premises Licence Holder shall ensure that a written incident log is maintained within the premises and details of all relevant incidents are recorded within the log. This log shall be kept on the premises for a period of not less than 12 months and shall be produced upon request by the Police or other Responsible Authority.
  13. A CCTV system shall be installed at all times and the recording system must be maintained in good working order and any faults repaired as soon as possible. (It is recommended that all maintenance paperwork be kept to show that the retailer has shown all due diligence in maintaining the system).
  14. The CCTV recording system shall operate at all times when the premises are open for licensable activities and whilst they are open to the public.
  15. All CCTV recordings shall be retained for a minimum of 28 days. These images must be available for viewing at any reasonable time upon request of a Police Officer or another authorised person as detailed within Section 13 of the Licensing Act 2003.
  16. The Premises Licence Holder, Designated Premises Supervisor or designated members of staff shall be able to retrieve and copy any recording/images at the time of asking or within 48 hours if so required. (The police will not meet the cost for a recording or materials used for a reproduction of the image in respect of any crime and disorder; all costs are to be met by the owner of the system. If the incident was unrelated to the premises, the retrieval, if a cost incurred, would be met between the agencies requiring the image).
  17. The CCTV recording unit shall be kept secure, to be opened only by the premises licence holder or authorised, designated member of staff.
  18. Installed CCTV cameras shall be positioned so as to ensure that all parts of the premises to which the public have access are covered including any external areas (save for any toilet areas).
  19. All digital recordings shall be made in real time and they shall be fit for purpose recording clear images permitting the identification of individuals in particular enabling facial recognition images at the point of entry and exit.
  20. No customer shall remove any alcoholic and/or non-alcoholic beverage in an open container from the internal licensed area of the premises except to an external area set

aside for consumption as indicated on the premises licence plan.

21. Notices shall be affixed in a prominent position at or near the exit doors requesting customers to leave the premises and local area quietly.

**On this basis, please accept this notice as formal notification to withdraw my representation to the above premises licence application. Furthermore, I confirm that I do not consider a hearing to be necessary.**

Signed : *M.Lomas*

Name in block : MARK LOMAS

Date : 21<sup>st</sup> December 2021



## **REPORT TO LICENSING & APPEALS SUB-COMMITTEE**

**Agenda Item: 4**

**Hearing Date: 27<sup>th</sup> January 2021**

Contact Officer: Faye Norman

### **HEARING FOR AN APPLICATION FOR A PREMISES LICENCE TO BE REVIEWED UNDER THE LICENSING ACT 2003**

<b>Applicant's Name</b>	Chief Officer of Police
<b>Premises Name</b>	Royal Oak
<b>Address</b>	163-167 High Street Newhall Swadlincote Derbyshire DE11 0HP

#### **1. PURPOSE**

- 1.1 To determine an application for the review of a premises licence received by this Authority on the 13<sup>th</sup> December 2021 from The Chief Officer of Police.

#### **2. BACKGROUND**

- 2.1 The premises is currently a pub selling alcohol for the consumption of alcohol on and off the premises and providing regulated entertainment. A premises licence issued under the Licensing Act 2003 is currently in place and a copy of the licence is attached as **Appendix 1**.

#### **3. APPLICATION DETAILS**

- 3.1 An application to review the premises licence was received from the Chief Officer of Police on 13<sup>th</sup> December 2021 on the grounds of the prevention of crime and disorder. A copy of the application form detailing the full grounds for review and supporting documents can be found at **Appendix 2**.

#### **4. CONSULTATION RESPONSES**

- 4.1 A representation was received from the Licensing Authority at South Derbyshire District Council. This representation was received during the 28-day consultation period. A copy of the representation and supporting report can be found at **Appendix 3**.

#### **5. OTHER RELEVANT CONSIDERATIONS**

- 5.1 The Authority should consider its responsibilities under the Crime and Disorder Act 1998, and the Human Rights Act 1998 when considering the fair balance between the interests of the Responsible Authorities, other persons and the premises licence holder.
- 5.2 Any decision taken by the Sub-Committee must be appropriate and proportionate to the objective being pursued.

- 5.3 Members are reminded that whenever they make a decision under the Licensing Act 2003, they have a duty to act with a view to promoting the licensing objectives.
- 5.4 When considering any representations, only those issues relating to the four licensing objectives should be considered and appropriate weight given to the importance and relevance to the application of each representation.
- 5.5 In making its decision, Members must also have regard to the Statutory Guidance issued under section 182 of the Licensing Act 2003 and the Council's own Licensing Policy. If Members depart from either, they must specify their reasons for doing so.

## **6. DETERMINATION**

- 6.1 The Sub-Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:
- the modification of the conditions of the premises licence;
  - the exclusion of the sale of alcohol by retail from the scope of the licence;
  - the removal of the designated premises supervisor from the licence;
  - the suspension of the licence not exceeding 3 months;
  - the revocation of the licence.

## **7. RIGHT OF APPEAL**

- 7.1 An appeal may be made to the Magistrates Court within 21 days of the licence holder being notified of the Licensing Authority's determination on the review. An appeal may be made by the premises licence holder, the Chief Officers of Police and/or any other person who have made relevant representations
- 7.2 The decision of the Licensing Authority, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the disposal of the appeal.

## **8. APPENDICES**

1. Royal Oak Premises Licence
2. Application for the review of a premises licence from The Chief Officer of Police.
3. Representation received – Licensing Authority at South Derbyshire District Council.

# Premises Licence

## Part A

Premises Licence Number **LAPRE/0158**

### Part 1 – Premises Details

Postal Address of premises, or if none Ordnance Survey map reference of description

**Royal Oak  
163-167 High Street  
Newhall  
Swadlincote, Derbyshire  
DE11 0HP**

Telephone Number **01283 22371**

Where the Licence is time limited the dates

Licensable Activities authorised by the licence

**Live music – Indoors**

**Recorded music – Indoors**

**Anything similar to live music, recorded music or performances of dance – Indoors**

**Sale by retail of alcohol for consumption on and off the premises**

The times the licence authorises the carrying out of licensable activities

**Sunday – Thursday**

**11.00hrs – 23.30hrs**

**Friday & Saturday**

**11.00hrs – 00.00hrs**

**For Bank Holiday Sunday,  
Christmas Eve & Boxing Day**

**11.00hrs – 00.30hrs**

**New Year's Eve from the end of permitted hours to the start of permitted hours on New Year's Day**

The opening hours of the premises

**Sunday – Thursday**

**11.00hrs – 00.00hrs**

**Friday & Saturday**

**11.00hrs – 00.30hrs**

**For Bank Holiday Sunday,  
Christmas Eve & Boxing Day**

**11.00hrs – 01.00hrs**

**New Year's Eve from the end of permitted hours to the start of permitted hours on New Year's Day**

Where the licence authorises supplies of alcohol whether there are on and or off supplies

**Sale by retail of alcohol for consumption on and off the premises**

Date Issued: 16 January 2006

Date Last Amended: 19 June 2018

**Part 2**

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

**Mr Robert A Young**  
**Royal Oak**  
**163-167 High Street**  
**Newhall**  
**Swadlincote**  
**Derbyshire**  
**DE11 0HP**

Registered number of holder, for example company number, charity number (where applicable)

Name address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

**Mr Matthew Newbold**

Personal licence number and Issuing Authority of personal licence held by designated premises supervisor where the premises authorises for the supply of alcohol

Reference:

Issued by:

## Annex 1 – Mandatory Conditions

1. No supply of alcohol may be made under the premises licence:
  - (a) At a time when there is no designated premises supervisor in respect of the premises licence or
  - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
  
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
  - (a) Games or other activities which require or encourage, or are designed to require or encourage, individuals to—
    - (i) Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) Drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) Dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).



4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.  
  
 (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.  
  
 (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—  
  
 (a) A holographic mark, or  
 (b) An ultraviolet feature.
6. The responsible person must ensure that—  
  
 (a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—  
  
     (i) Beer or cider: ½ pint;  
     (ii) Gin, rum, vodka or whisky: 25 ml or 35 ml; and  
     (iii) Still wine in a glass: 125 ml;  
  
 (b) These measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and  
  
 (c) Where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
7. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
8. For the purposes of the condition set out in paragraph 1—  
  
 (a) “Duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);  
  
 (b) “Permitted price” is the price found by applying the formula—  
     
$$P = D + (D \times V)$$

Where—

- (i) P is the permitted price,
- (i) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “Relevant person” means, in relation to premises in respect of which there is in force a premises licence—

- (i) The holder of the premises licence,
- (ii) The designated premises supervisor (if any) in respect of such a licence, or
- (ii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “Relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “Valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(7).

9. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

10. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **Annex 2 – Conditions consistent with operating schedule**

1. Full training shall be provided to all staff on commencement of employment relating to all age-restricted products sold and any system or procedures they are expected to follow in the course of dealing with these goods.
2. Refresher training shall be provided at regular intervals – at least every 6 months.

3. Records detailing the training provided shall be kept on the premises for production upon request by the Police or other Responsible Authority.
4. All records must be written and shall be retained on the premises for a minimum of 12 months.
5. A challenge 25 or similar Proof of age scheme shall be operated at all times.
6. Anyone attempting to purchase alcohol (or other age restricted product) that appears under the age of 25 years shall be asked to produce a proof of age.
7. The only acceptable forms of identification shall be:
  - PASS – accreditation proof of age card.
  - Photo Driving Licence.
  - Current Passport.
  - HM Forces Identity Card
8. Clear, prominent and unobstructed signage informing customers of the proof of age scheme in operation shall be displayed at all entry points to the premises.
9. A system of recording sales challenged under the proof of age scheme shall be operated at all times.
10. The refusal book / log shall be kept on the premises for production upon request by the Police or other Responsible Authority.
11. The records relating to the refusal book / log shall be retained on the premises for a minimum of 12 months.
12. The Premises Licence Holder shall ensure that a written incident log is maintained within the premises and details of all relevant incidents are recorded within the log. This log shall be kept on the premises for a period of not less than 12 months and shall be produced upon request by the Police or other Responsible Authority.
13. The Premises Licence Holder or nominated person shall ensure that clear, prominent and legible notices are displayed internally at all exits, requesting customers and other users to leave the premises and the area local to the premises quietly and in an orderly manner respecting the needs of local residents.
14. The Designated Premises Supervisor or nominated representative shall be a member of the local Pub Watch Scheme where such a scheme exists.
15. A CCTV system shall be installed at all times and the recording system must be maintained in good working order and any faults repaired as soon as possible. (It is recommended that all maintenance paperwork be kept to show that the retailer has shown all due diligence in maintaining the system).

16. The CCTV recording system shall operate at all times when the premises are open for licensable activities.
17. All CCTV recordings shall be retained for a minimum of 28 days. These images must be available for viewing at any reasonable time upon request by the Police or other Responsible Authority.
18. The Premises Licence Holder, Designated Premises Supervisor or designated members of staff shall be able to retrieve and copy any recording/images at the time of asking or within 48 hours if so required. (The police will not meet the cost for a recording or materials used for a reproduction of the image in respect of any crime and disorder; all costs are to be met by the owner of the system. If the incident was unrelated to the premises, the retrieval, if a cost incurred, would be met between the agencies requiring the image).
19. The CCTV recording unit shall be kept secure, to be opened only by the premises licence holder or authorised, designated member of staff.
20. Installed CCTV cameras shall be positioned so as to ensure that all parts of the premises to which the public has access are covered (except for any toilet areas).
21. All cameras installed shall be of a standard that will offer optimum image quality and operate if required in low light.
22. All digital recordings shall be made in real time (time lapse not to be used).
23. No customer shall be allowed to remove any alcoholic or other drink from the licensed area of the premises in an open container (e.g. glasses and open bottles) unless to an external area set aside for consumption indicated on a plan.
24. No person under the age of 18 shall be allowed on the premise at anytime except in accordance with one of the following provisions;
25. No person under 18 shall be on the premises after 2130 hours unless attending a pre-booked function or event.  
A pre-booked function or event means any bona fide function when the premises are used for other than normal everyday operation.
26. A written record shall be made and shall include the full name, age, and address of the person that has booked the function, the anticipated number of persons that will attend the event, the anticipated number of those under the age of 18 that will attend the event, and the start and end time of the pre-booked function or event.
27. A written Risk Assessment for each pre booked function or event to take place at the premises shall be carried out by the Premises Licence Holder or nominated representative. This shall be available for inspection by the Police or other Responsible Authority.

28. The only other exception for an individual aged under 18 to be on the premises after 2130 hours is;

If an individual is under 18 and is a playing member of a team participating in an affiliated league or cup competition being held at the premises on that date, then that individual may be in the licensed area during the duration of the competition on that date. All underage individuals will have their details registered in a log book held at the premises with the name of the competition, date of the competition and the hours that the competition was played between.

### **Annex 3 – Conditions attached after Hearing**

## Annex 4 – Plans

