



SOUTH DERBYSHIRE DISTRICT COUNCIL

Licensing Act 2003

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

Note: Please be aware that this form may 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
- 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:	JAN SMITH	
Address:	THE FLAT 61, DERBY ROAD MELBOURNE	PLEASE REMOVE ADDRESS DETAILS IF STATEMENT TO BE READ IN PUBLIC
Postcode:	DE73 8FE	
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:	ELIZABETH DEVEY SMITH
Address of Premises:	AMALFI WHITE 50 DERBY ROAD MELBOURNE DE73 8FE
Application Details:	EXTEND OPENING HOURS TO BE IN LINE WITH ALMA INN. EXTEND TIME IN WHICH GARDEN OPEN FOR DINING

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:

- **The Prevention of Crime and Disorder**
- **Public Safety**
- **Prevention of Public Nuisance**
- **The Protection of Children from Harm**

Details of representation (please use additional sheets where necessary)

1. The provision of late night refreshment until 1am and 1.30am on Friday and Saturday to be in line with the Alma Inn.

Amalfi White cannot be compared to the Alma Inn for the following reasons:-

- Not aware of any noise or disturbance from patrons leaving the Alma in the early hours of the morning, there are numerous disturbances at Amalfi.
- The Alma has an off road car park making noise from cars and taxis minimal. Amalfi has no car park, does not have the capacity to accommodate large numbers of vehicles. All vehicles park on the street and taxis sit revving their engines in the early hours parked outside residential properties.
- The entrance to the Alma is off road again minimising noise and disturbance on the street. The entrance to Amalfi is on the street with patrons leaving causing noise disturbance with loud drunken behaviour until well after 1am.
- The smoking area at the Alma is off road, at Amalfi patrons smoke and drink at the front of the building causing noise disturbance into the early morning hours.
- The Alma has clear notices outside stating no drinks outside after 10.30pm and a large notice in the car park requesting that patrons consider neighbours.
- The numbers of people leaving the Amalfi in the early hours is far greater than those leaving the Alma.

2. The provision of live music 10.00 – 23.00

- Live music never ends at 11pm and goes on much later.
- It is played with the doors open. The sound limiter is obviously not working as music can clearly be heard on the street and surrounding properties therefore having an impact on local residents.

3. Other Points

- The business is not run in a manner considerate to the needs of local residents. Melbourne is a quiet village not a party town, there should not be a need for such late opening hours.
- There is no police presence at the end of events so would question if police are informed.
- There does not appear to be a dispersal policy as have on occasions have seen between 10 and 20 people spilling out onto the street at the same time.
- Not aware of any member of staff acting as noise control officer, have never heard anyone creating a disturbance being told to be quiet.
- Patrons do not leave in an orderly manner and do not appear to be monitored on how much they are drinking as have seen people staggering from the building.
- Many events do not benefit the community of Melbourne as a high percentage of patrons are shipped in and out by taxi causing noise disturbance in front of the building while waiting for taxis.
- There is often disturbance sometimes after 1am from men removing equipment when events have ended. It would be more considerate if equipment was collected the following morning.

Details of representation continued.

- If the licensing hours are extended and the building remains open 30 minutes past the terminal licensing hour this would mean that patrons would not be leaving until 1.30 – 2am meaning the street would not be quiet until well after 2.30 am this is totally unfair to residents who have work the following day and are wanting to sleep. In some areas of the country bars and restaurants located in residential areas close at 11pm out of consideration for neighbours.

4. Recent examples of noise disturbance.

There are many more as this is an ongoing problem.

- Saturday 27 August – Amplified loud music played with doors open could clearly be heard in street and surrounding properties. Patrons smoking/drinking outside front door, street noise until early hours of morning.
- Sunday 28 August – Wedding party – Loud music, shouting, screaming and loud drunken behaviour from guests outside front door all evening and into the early hours. Double decker bus arrived at 12 am to collect guests, parked at front of building with engine revving until 12.45am when guests left causing noise disturbance.
- Friday 9 September – Wedding party – Loud music and loud drunken behaviour from guests. Guests smoking and drinking in street. Street noise until after 1.15am. Car horns sounding into the early hours. Door banged constantly from 12.am.

If possible suggest alterations to the application that would resolve the problem mentioned above, again paying attention to the licensing objectives.

- Run the business with consideration to the local residents.
- Contain all noise both music and from patrons within the building.
- Stop patrons from smoking and drinking on the street and provide a smoking area at the rear of the building.

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: *J Smith*

PRINT NAME: *JAN SMITH*

Date: *13/9/16*

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

