



**North East
Derbyshire**
District Council

Our Ref: DS/AJD
Contact: Damon Stanton
Tel: 01246 217011
Email: damon.stanton@ne-derbyshire.gov.uk
Date: Wednesday, 14 October 2020

Dear Councillor

Licensing & Gambling Acts Sub-Committee

Please attend a meeting of the Licensing & Gambling Acts Sub-Committee to be held on **Thursday, 22 October 2020 at 10.00 am**. The meeting will be held through virtual meeting software. Access credentials to the meeting will be sent to you under separate cover. This meeting will be audio-live streamed to the website via YouTube.

Virtual Attendance and Hybrid Meetings

I have provided the Leader and Deputy Leader with advice on the holding of “hybrid” meetings outlining the risks including to employees dealing with the Chamber and to Members. Hybrid meetings are those where some attendance is in person in the Council Chamber and some is virtual. I would encourage you all to attend virtually. Accordingly if you attend in person you will be deemed to have accepted the following disclaimer as applying.

Risk Assessment Disclaimer

When attending this meeting in person, I confirm that I have read and understood the contents of each of the following risk assessments and agree to act in line with its content.

- ☐ RA – Return to Work Mill Lane Covid 19 V9
- ☐ Mill Lane Coronavirus Control Measures V4

Both documents have been emailed to Members and are available on the Modern.Gov App library.

The same advice is given to officers who are also encouraged to participate in the meeting remotely.

Yours sincerely

A handwritten signature in black ink that reads "Sarah Steenberg".

Joint Head of Corporate Governance and Monitoring Officer

To: Councillors P Bone, H Liggett and S Pickering

A G E N D A

1 Appointment of Chair for the Meeting

2 Declarations of Interest

Members are requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

3 Matters of Urgency

To consider any other matter which the Chair of the Sub-Committee is of the opinion should be considered as a matter of urgency.

4 Reports of the Licensing Team Leader

a. LTL/02/20-21/KR - Longbarn, Johnnygate Lane, Barlow (Pages 6 - 41)

To Hear Representations made under the Licensing Act 2003 – Longbarn, Woodseats Hall, Johnnygate Lane, Barlow, Dronfield, S18 7SE.

b. LTL/03/20-21/KR - The Shop, 99 Main Road, Shirland (Pages 42 - 75)

To hear representations made under the Licensing Act 2003 – The Shop, 99 Main Road, Shirland, Alfreton, DE55 6BA.

- ❖ Denotes item(s) where the power to make a decision is delegated to the Sub-Committee.

Please see attached the Procedure for Hearings under The Licensing Act 2003



North East Derbyshire
District Council

We speak your language

Polish

Mówimy Twoim językiem

French

Nous parlons votre langue

Spanish

***Hablamos su
idioma***

Slovak

***Rozprávame Vaším
jazykom***

Chinese

我们会说你的语言

If you require
this agenda in
large print

or another
format
please call
us on

**01246
217753**

If you require an adjustment to enable you to participate in or access the meeting please contact the Governance Team at least 72 hours before the meeting starts.

NORTH EAST DERBYSHIRE DISTRICT COUNCIL

PROCEDURE FOR HEARINGS UNDER THE LICENSING ACT 2003 HELD BY CONFERENCE CALL

- 1 The Clerk to the Committee will explain the procedures for conducting the Licensing Sub-Committee using Conference Technology
- 2 The Chair of the Sub-Committee will remind elected Members of the Code of Conduct and request them to declare the existence and nature of any disclosable pecuniary interest or significant other interest in any matter arising from the case(s) to be considered and to withdraw from the hearing.
- 3 The Sub-Committee shall comprise five Members appointed from the Licensing Committee of the Council, the Quorum is three Members and one will act as Chair.
- 4 The Chair of the Sub-Committee will:
 - (a) Welcome everyone to the hearing and ask those present to introduce themselves.
 - (b) Indicate that the procedure for the hearing will be as required in the Licensing Act 2003 (Hearing) Regulations 2005 and will take the form of a discussion led by the licensing authority.
 - (c) Indicate that this hearing shall take place in public, except where (as defined in regulations) the Public Interest requires the public exclusion. A party or any person assisting or representing a party may be treated as a member of the public.
 - (d) Indicate that at the hearing a party shall be entitled to:
 - (i) in response to a point which the Council has given notice that it will want clarification under the Regulations, give further information in support of their application, representations or notice;
 - (ii) subject to permission by the Chair of the Sub Committee allow you to question any other party present; and
 - (iii) address the Sub-Committee.
 - (e) Indicate that in considering any representations or notice made by a party, the authority may take into account documentary or other information produced by a party in support of their application, representation or notice (as applicable) either before the hearing or, with the consent of all the other parties at the hearing.
- 5 The Sub-Committee will consider any request made by a party for permission for another person to appear at the hearing, other than the person he/she intends to represent him/her at the hearing. Such permission shall not be unreasonably withheld.

- 6** The order for submissions by each party to the hearing will be:
- (a) The Licensing Officer
 - (b) The Objectors
 - (c) The Applicants
- 7** After each of the above submissions the Members of the Sub-Committee will be entitled to ask questions of the relevant party.
- 8** Each party will be allowed the equal maximum period of time in which to exercise their rights.
- 9** The authority may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing.
- 10**
- (a) Regarding failure of parties to attend the hearing held through Conference Call; if the authority has not been notified then it may, where it considers it to be necessary in the public interest, adjourn the hearing to a specified date or continue to hold the hearing in their absence.
 - (b) Where the authority holds a hearing in a party's absence it will consider the application, representations or any notice made.
 - (c) Where the authority adjourns the hearing to a specified date it will notify each party of the date, time and place, to which the hearing has been adjourned.
- 11** The parties will be entitled to make closing submissions. The closing submission of any applicant for a licence will follow the closing submissions of the representatives of any objectors.
- 12** The Licensing Sub-Committee may, after hearing the representations ask all parties, except the legal adviser and the Governance Services representative to withdraw from the meeting in order to enable the Sub-Committee to deliberate in private. They will be contacted and asked re-join the meeting following the Sub-Committee's deliberations
- 13** In most cases the authority will make its determination at the conclusion of the hearing. In all cases specified in the Hearing Regulations, the authority will make its written determination within a period of five or ten working days as appropriate.

North East Derbyshire District Council

Licensing & Gambling Acts Sub-Committee

22 October 2020

To hear representations made under the Licensing Act 2003

Report No LTL/02/20-21/KR of the Licensing Team Leader

This report is public

Purpose of the Report

- To determine representations made against an Application for a Premises Licence for **Longbarn, Barlow Woodseats Hall, Johnnygate Lane, Barlow, Dronfield. S18 7SE**

1 Report Details

- On 26th August 2020, an Application for a Premises Licence for Longbarn, Barlow Woodseats Hall, Johnnygate Lane, Barlow, Dronfield. S18 7SE was received by North East Derbyshire District Council from **North Midland Surveys Ltd**, Barlow Woodseats Hall, Johnnygate Lane, Barlow, North Derbyshire. A copy of the application found at **Appendix 1**.
- The application states that the general description of the premises is that of a large stone built barn set within a private courtyard adjacent to Barlow Woodseats Hall.
- The applicant seeks to apply for the following licensable activities:

Licensable Activity	Proposed Times
Live Music (Indoors)	Monday to Sunday: 08:30 to 00:00 (midnight)
Recorded Music (Indoors)	Monday to Sunday: 08:30to 01:00 (following day)
Late Night Refreshment	Friday, Saturday and Sundays: 23:00 to 00:00 (midnight)
Sale of Alcohol (on sales)	Monday to Sunday: 08:30 to 23:30
Opening Times	Monday to Sunday: 08:30 to 01:00 (following day)
Non Standard Timings applied for on all the above activities and opening times as follows: 08:30 to 02:00 hours (following day) on Bank Holidays, Christmas Eve, New Year's Eve, St Patricks Day, St Georges Day.	

- 1.4 Subsequently, two representations were received from members of the public who are neighbours of Longbarn.
- 1.5 The representations centre around being affected by an increase in the use of the barn. Concerns are expressed with regards to the current, alleged, noise issues. Other concerns are the problems with access in the lane and the potential destruction of the local habitat. These representations are attached as **Appendix 2 and Appendix 3.**
- 1.6 These parties have a legal right to make representations.
- 1.7 Following the applicant's consultation with the Police. The applicant has agreed to additional conditions which he has now included in section M, the operating schedule, of the application. A copy of the amended operating schedule to be found at **Appendix 4.** The Police have confirmed that they do not have any representations to this application.
- 1.8 The Licensing Sub-Committee may
1. Grant the Premises Licence;
 2. Grant the Premises Licence, modified to such an extent as the Authority considers appropriate for the promotion of the licensing objectives; or
 3. Refuse the Variation to the Premises Licence.

2 Conclusions and Reasons for Recommendation

- 2.1 None

3 Consultation and Equality Impact

- 3.1 None

4 Alternative Options and Reasons for Rejection

- 4.1 None

5 Implications

5.1 Finance and Risk Implications

An appeal against this decision would incur costs in preparing a defence case and to attend Court. Costs may be recovered at the discretion of the Magistrates in the event that the application is dismissed.

Costs could be awarded against the Authority in the event that the appeal is successful.

5.2 Legal Implications including Data Protection

The aforementioned parties have the right to make an appeal to the Magistrates' Court if they are not satisfied with the outcome of the hearing

5.3 **Human Resources Implications**

None

6 **Recommendations**

6.1 That the Licensing Sub-Committee:

(a) considers the representation; and

(b) determines the application in line with the options outlined in 1.8 above.

7 **Decision Information**

Is the decision a Key Decision?	No
District Wards Affected	Barlow and Holmesfield
Links to Corporate Plan priorities or Policy Framework	Supporting our Communities to be Healthier, Safer, Cleaner and Greener

8 **Document Information**

Appendix No	Title
1	Application for a Premises Licence
2	Representation No. 1
3	Representation No. 2
4	Amended Operating Schedule
Background Papers	
Statement of Licensing Policy Revised Guidance issued under Section 182 of the Licensing Act 2003.	
Report Author	
Contact Number	
Sharon Smith, Licensing and Enforcement Officer	
Ext. 7838	

Appendix 1

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/ North Midland Surveys Ltd
We

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 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

Part 1 – Premises details

Postal address of the premises, Longbarn Johnnygate Lane Barlow Dronfield North Derbyshire			
Post town	Dronfield	Postcode	S18 7SE

Telephone number at premises (if any)	0114 2890720
Non-domestic rateable value of premises	£ 10500

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **Please tick as appropriate**

- | | |
|--|---------------------------------|
| a) an individual or individuals * | please complete section (A) |
| b) a person other than an individual * | |
| i as a limited company/limited liability partnership | please complete section (B) Yes |
| ii as a partnership (other than limited liability) | please complete section (B) |
| iii as an unincorporated association or | please complete section (B) |
| iv other (for example a statutory corporation) | please complete section (B) |
| c) a recognised club | please complete section (B) |
| d) a charity | please complete section (B) |
| e) the proprietor of an educational establishment | please complete section (B) |
| f) a health service body | please complete section (B) |

- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
-
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a

statutory function or

a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		Please tick yes	
Nationality					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

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

Name North Midland Surveys Ltd
Address Barlow Woodseats Hall Johnnygate Lane Barlow North Derbyshire
Registered number (where applicable) Company Number 03297312
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any) 0114 2890720

E-mail address (optional)

info@bwhall.com

Part 3 Operating Schedule

25/09/2020

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?

Please give a general description of the premises (please read guidance note 1)

The premises comprise a large stone built barn set within a private courtyard adjacent to Barlow Woodseats Hall. The barn is open plan inside and has a large Bar/function area which is also used as a restaurant function space, an application for regularisation of building control relating to public use is presently being implemented.

The outside area used by the public is adjacent to the barn which is next to two Holliday cottages which are also in the courtyard. A private space outside each of the cottages has been designed to provide a buffer between the area where people can consume drinks and the windows of the cottages.

There is parking at the front of the site for approximately 30 cars, a designated drop off point and ample space for delivery and refuse vehicles to turn.

The barn measures 20mx6m and has a commercial kitchen, male and female toilets and a separate unisex disabled facility. The restaurant has a full capacity of 100 for a formal function and our planning permission limits use to the public to Friday, Saturday and Sunday, with a maximum of 100 guests. The midweek use will be for private corporate residential events for up to 40 delegates.

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

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E). Yes
- f) recorded music (if ticking yes, fill in box F). Yes
- g) performances of dance (if ticking yes, fill in box G)

- h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I) Yes

Supply of alcohol (if ticking yes, fill in box J). Yes

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	
					Outdoors	
Day	Start	Finish			Both	
Mon			Please give further details here (please read guidance note 4)			
Tue						
Wed			State any seasonal variations for performing plays (please read guidance note 5)			
Thur						
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)			
Sat						
Sun						

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
				Outdoors	
Day	Start	Finish		Both	
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			
Wed			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur					
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	yes
					Outdoors	
					Both	
Day	Start	Finish				
Mon	8.30	24.00	Please give further details here (please read guidance note 4)			
Tue	8.30	24.00				
Wed	8.30	24.00	State any seasonal variations for the performance of live music (please read guidance note 5)			
Thur	8.30	24.00				
Fri	8.30	24.00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)			
Sat	8.30	24.00	Christmas Eve, New Years Eve, Bank Holidays, St Patricks Day And St Georges Day.			
Sun	8.30	24.00				

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	yes
					Outdoors	
					Both	
Day	Start	Finish	Please give further details here (please read guidance note 4)			
Mon	8.30	1.00				
Tue	8.30	1.00				
Wed	8.30	1.00	State any seasonal variations for the playing of recorded music (please read guidance note 5)			
Thur	8.30	1.00				
Fri	8.30	1.00				
Sat	8.30	1.00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6) Bank Holidays, Christmas Eve, New Years Eve, St Patricks Day, St Georges Day. 08.30 - 02.00. hours			
Sun	8.30	1.00				

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors	
					Outdoors	
					Both	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)			
Mon						
Tue						
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)			
Thur						
Fri						
Sat			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)			
Sun						

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Mon				Outdoors	
				Both	
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	yes
				Outdoors	
				Both	
Day	Start	Finish			
Mon	0		Please give further details here (please read guidance note 4)		
Tue	0				
Wed	0		State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur	0				
Fri	23.00	24.00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6) Bank Holidays, Christmas Eve, New Years Eve, St Patricks Day, St Georges Day 8.30- 02.00 Hours		
Sat	23.00	24.00			
Sun	23.00	24.00			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	yes
				Off the premises	
				Both	
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	8.30	23.30			
Tue	8.30	23.30			
Wed	8.30	23.30			
Thur	8.30	23.30			
Fri	8.30	23.30			
Sat	8.30	23.30			
Sun	8.30	23.30			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	Nicholas davy Todd
Date of birth	24/04/1958
Address	Barlow Woodseats Hall Johnnygate Lane Barlow North Derbyshire
Postcode	S18 7SE

Personal licence number (if known). N/A
Issuing licensing authority (if known) I have enrolled on a training course and will apply for a personal licence in due course.

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).</p> <p>None and no gaming machines.</p>

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	8.30	1.00	
Tue	08.30	01.00	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6) Bank Holidays, Christmas Eve, New Years Eve, St Patricks Day and St Georges Day. 08.30 - 02.00 hours
Wed	08.30	01.00	
Thur	08.30	01.00	
Fri	08.30	01.00	
Sat	08.30	01.00	
Sun	08.30	01.00	

M

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

The sale of alcohol will only take place when the designated supervisor is in attendance and they or another person hold a current personal licence.

b) The prevention of crime and disorder

There will be a zero tolerance policy in relation to drugs at the premises and there shall be regular checks by management to prevent the use of drugs by patrons. Drugs seized will be stored securely and handed to the police.

There is a zero tolerance of violence towards staff or customers any person presenting signs of violence will be requested to leave, refusal to do so will instigate the staff to call the police.

c) Public safety

The use of door staff will be risk assessed by the premises supervisor or personal licence holder on a regular basis.

When it is felt necessary to engage door staff they will be licensed by the Security Industry Authority.

The premises will be maintained to prevent the presence of trip hazards and falls. External lighting is installed to light the exit, drop off area and car parks.

d) The prevention of public nuisance

Amplified sound or live music will only be played within the building in such a way that noise breakout does not exceed the prevailing ambient noise level by more than 2db when measured 1m from the facade of the nearest noise sensitive property.

No speakers will be fixed to the exterior of the building.

e) The protection of children from harm

There will be no 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.

Persons under the age of 18 years will not be permitted into the premises after 21.00 hours unless accompanied by a responsible adult and attending a per booked family function or dining.

All staff will be trained in matters concerning under age sales and the challenge 25 scheme will be operating. A bound and sequential paginated refusal book or electronic record shall be kept to record all instances where admission or service is refused . Such records shall show the basis for refusal . The person making the refusal . The date and time of the refusal. Such records shall be retained at the premises for at least 12 months and shall be made available for inspection and copying by the Police or any other authorised person on request.

Checklist:

Please tick to indicate agreement

I have made or enclosed payment of the fee. Yes

I have enclosed the plan of the premises. Yes

I have sent copies of this application and the plan to responsible authorities and others where applicable. Emailed an application for you to forward.

I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. Yes

I understand that I must now advertise my application. Yes

I understand that if I do not comply with the above requirements my application will be rejected.

[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15). Copy passport.

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

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.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> [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, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	N D Todd
Date	21/07/2020
Capacity	director

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Nicholas Todd			
Barlow Woodseats Hall			
Johnnygate Lane			
Barlow			
North derbyshire			
Post town	Dronfield	Postcode	S18 7SE
Telephone number (if any)	0114 2890720		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) info@bwhall.com			

Notes for Guidance

1. Describe 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.
2. 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:
 - a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
 - 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.
 - 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.
 - 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.
 - 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:
 - 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.
 - 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.

- 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.
- 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:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - 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;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - 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.
- 3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
- 4. For example the 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.
- 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
- 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
- 7. Please 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.
- 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
- 9. Please 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 or the presence of gaming machines.
- 10. Please list here steps you will take to promote all four licensing objectives together.
- 11. The application form must be signed.
- 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- 13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
- 14. This is the address which we shall use to correspond with you about this application.
- 15. 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.
-
- 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.

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.

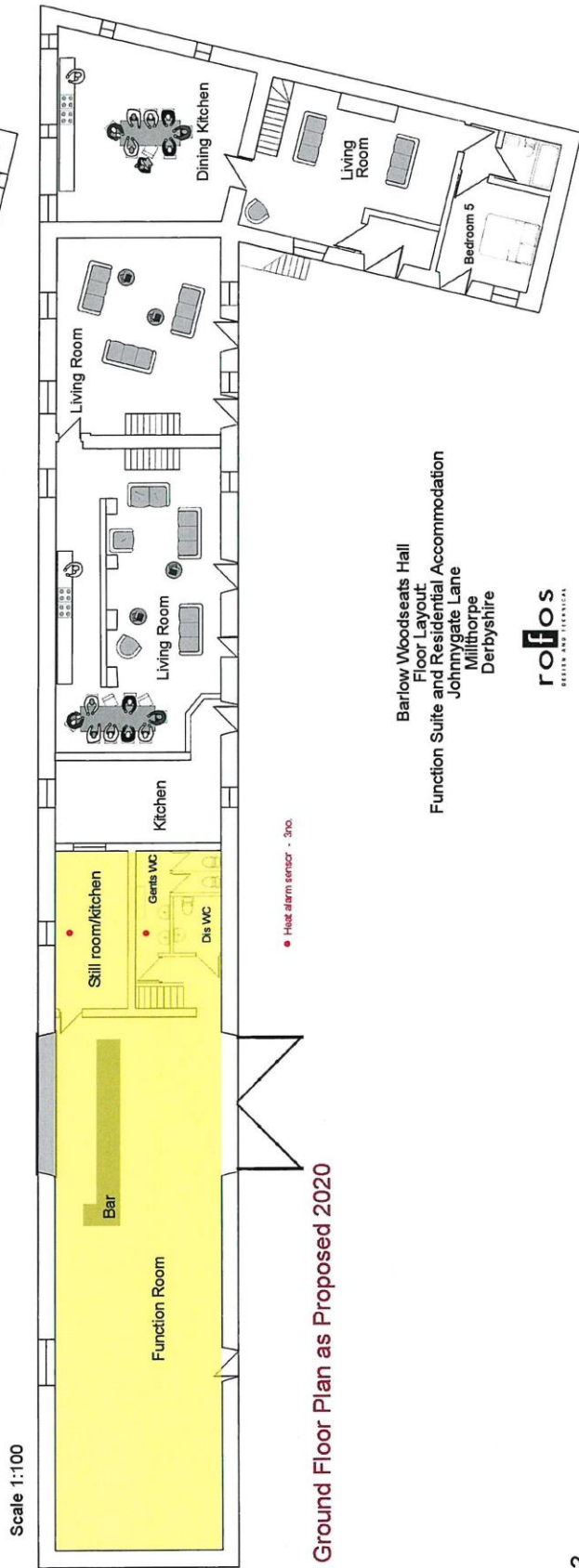
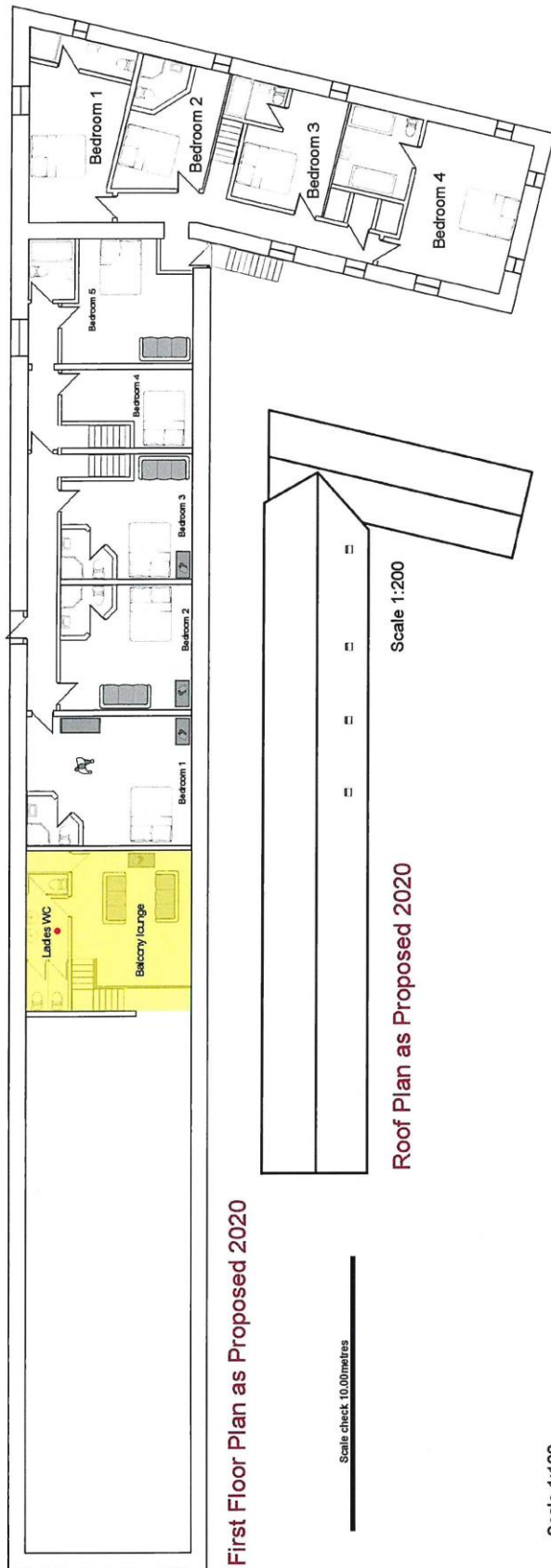
Home Office online right to work checking service

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.



Barlow Woodseats Hall
 Floor Layout
 Function Suite and Residential Accommodation
 Johnnygate Lane
 Millthorpe
 Derbyshire



A2

Longbarn Barlow

Woodseats Hall Farm,
Barlow,
Dronfield,
Derbyshire. S18 7SE.
Telephone (0114)2890725.

To. Licensing Section,

Regarding application for premises licence/club premises certificate-

We being the nearest neighbours to Nick Todd at Barlow Woodseats Hall will be affected by any increase in the use of the premises LongBarn Woodseats Hall.

Until about five years ago this was a very quiet area.
We now live next door to- two soon to be three Holiday lets with up to twenty people staying.
The Longbarn-Used for Weddings & Parties etc- Restaurant at the weekends.

Our HOME is just twenty metres away from the Longbarn (see photo)
LIVE Music- CAN BE HEARD inside the house, EVEN with the TV ON!

Also parties can get very Noisy with Talking/Laughing/Singing/Shouting!
We Do NOT Want to Endure ANYMORE than we Do NOW!

Johnnygate Lane is a SINGLETRACK Country Lane, with very few PASSING Places.
We sometimes find it difficult to get IN & OUT when up to thirty cars attend various events.

We have tolerated alot up to now & don't wish to be bad neighbours, but it is affecting our lives & business-farming.

Hope you take into account our concerns when considering this application.

Yours sincerely

John, Julia & Daniel Botham
Woodseats Hall Farm.

18th September 2020.



Appendix 2



View of Long Barn from Living Room Window
18th September 2020.

Appendix 3

Licensing Section,
North East Derbyshire District Council,
District Council Offices,
2013 Mill Lane,
Wingerworth,
Chesterfield,
S42 6NG

Johnnygate
Johnnygate Lane
Barlow
DRONFIELD S18 7SE

Derbyshire,

e-mail to: Environmentalhealthadmin@ne-derbyshire.gov.uk

20 September 2020

Sirs,

Licence Application 20/00844/LAP01 by North Midland Surveys Ltd.

I refer to the above application as copy attached and wish to make a formal objection as follows:

- 1] The local environment is peaceful and very much agricultural and as such should remain that way – the likely incidence of loud music blaring out until 1.00 and 2.00 in the morning will be detrimental to that environment.
- 2] The property at which the License is being sought is no doubt listed and a barn which is home to much in the way of wildlife, in particular bats – once again loud music and crowds of people will destroy that habitat.
- 3] The road leading to the property is a narrow single lane track with no formal passing places, and being a dead end with thus only one way in and one way out, will not be able to cope with the likely increased traffic flow from 08:30 to 02:00, 7 days a week. The verges are all high, soft, grass verges which cannot take the punishment of vehicles travelling in opposite directions trying to pass each other.
- 4] My residence, being only one of three residences in Johnnygate Lane, is the only one that will be affected by the increase in the **moving** traffic, likely to be at speeds in excess of the capabilities of the lane and road surface, which is in a very poor state.
- 5] As Johnnygate Lane is popular with Walkers, Cyclists and Horse riders, sometimes in numbers, with numerous public footpaths and bridle ways feeding into it, the increased traffic flow will be hazardous to those enjoying the peace and tranquillity that this rural lane provides.

Yours,

Pamela Doncaster [Mrs].

Appendix 4

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

The sale of alcohol will only take place when the designated supervisor is in attendance and they or another person hold a current personal licence

An incident log will be kept on the premises providing details of ,

- Event risk assessment.
- Refusal of sale to an individual
- Drug use or confiscation of items
- Violence either verbal or physical.
- Accidents and any situation where the emergency services have been called to attend the property.

The log will be available for inspection by the Police or any relevant authorised person.

b) The prevention of crime and disorder

- The Company will install and maintain a closed circuit television system to a standard required by Police Licensing.

This system will be operational and will record during continually whilst the premise is open for licensable activities as specified within the premises licence. The system will cover the inside and immediately outside the premises.

This system will keep all recorded images for a period as specified within police licensing recommendations, or for a period of no less than twenty eight days.

There will be a person trained in the use of the system either at the premises or available to retrieve any recorded images or data immediately upon request of a police officer or authorised person acting on behalf of a responsible authority as detailed within Section 13 of the Licensing Act 2003.

The licensee will produce and implement a suitable and sufficient written drugs policy in consultation with Derbyshire Constabulary.

The policy will include the following details;

A Statement

A statement that sets out the purpose and scope of the policy, including reference to the need for;

Measures to address the incidence, supply and consumption of drugs on the premises;

Adequate facilities, arrangements and procedures to minimise the harmful effects of drugs;

Responsibilities of personnel;

Identification of those personnel having a responsibility for the implementation of the Drug Policy

and a description of their duties and responsibilities;

Arrangements to achieve the objectives of the Drugs Policy

<ul style="list-style-type: none"> • <u>These will include:</u> <p>Premises and any surveillance equipment designed to maximise the detection of Drugs;</p> <ul style="list-style-type: none"> • Drug dealing; • Drug use; <p>The provision of competent personnel by appropriate training and refresher training; Comprehensive procedures for normal and emergency situations, including; Arrangements for the overt and covert supervision of the premises and customers; Searches of the premises, personnel and customers; First aid; CCTV provision, use and maintenance of data; Drug amnesty container emptying arrangements; Seizing and preservation of drugs and other arrangements; Action to be taken against those found to be in possession of/administering or supplying drugs; Referrals to the police in relation to individuals, drugs, paraphernalia and other evidence; The safe disposal of paraphernalia and other evidence; Records to be maintained in the event of drug incidents; Complaints procedure; Liaison arrangements with the local authority, Derbyshire Constabulary and other consultees identified in the policy; Identification and provision of appropriate facilities, including first aid areas & equipment and where necessary, a 'chill out' rest facility; The provision of appropriate drug awareness information to customers including relevant parts of the drug policy, the law, drug dangers & harm minimisation and access to drug support services; The drug Policy and all revisions must be drawn to the attention of and explained to all personnel. The Drug Policy will be reviewed and revised at appropriate times. This must take place at least annually.</p>
--

c) Public safety

<p>The use of door staff will be risk assessed by the premises supervisor or personal licence holder for each event or time the premises are open to the public.</p> <p>If door staff are required for a specific event they will be licensed by the Security Industry Authority.</p> <p>The premises will be maintained to prevent trips and hazards and falls. External lighting is installed to light the exits, drop off area and car park.</p>

d) The prevention of public nuisance

<p>Amplified sound or live music will only be played within the building in such a way that noise breakout does not exceed the prevailing ambient noise level by more than 2db when measured 1m from the farad of the nearer sensitive property.</p> <p>No speakers will be fixed to the exterior of the building.</p>
--

e) The protection of children from harm

- Full training is provided to staff on commencement of employment on the law 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. Refresher training should be provided at regular intervals (at least 6 monthly).
- Records detailing the training provided will be kept on the premises for production, on request, to an officer of a Responsible Authority. Records shall be retained on the premises for a minimum of 2 years.
- The age verification policy applying to the premises is 'Challenge 25'. Anyone attempting to purchase alcohol (or other min. 18 restricted product) that appears under the age of 25 years will be asked for proof of age. Acceptable forms of identification will be a PASS-accredited proof of age card, photo driving licence or passport. Failure to produce satisfactory proof of age will result in a refused sale.

Clear, prominent and unobstructed signage informing customers of the age verification policy in operation and the age restrictions on products, will be clearly displayed at:

- all entry points to the premises,
- adjacent to the products, where displayed, and
- all points of sale.

A system of recording sales refused under the age verification policy will be operated at all times.

At least weekly, the Designated Premises Supervisor (or authorised deputy) will:

examine the record and compare it against the normal operating pattern for the premise

indicate any action taken in relation to that examination

sign off/endorse the record to indicate the above points have been carried out

The refusal record will be kept on the premises for production, on request, to an officer of a Responsible Authority. Records shall be retained on the premises for a **minimum of 2 years**.

There will be no 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

Checklist:

Please tick to indicate agreement

I have made or enclosed payment of the fee.

I have enclosed the plan of the premises.

I have sent copies of this application and the plan to responsible authorities and others where applicable.

I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.

I understand that I must now advertise my application.

I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

End

North East Derbyshire District Council

Licensing Sub- Committee

22 October 2020

To hear representations made under the Licensing Act 2003

Report No LTL/03/20-21/KR of the Licensing Team Leader

This report is public

Purpose of the Report

- To determine the premises licence application for **The Shop, 99 Main Road, Shirland, Alfreton, Derbyshire, DE55 6BA** following receipt of a number of representations.

1 Report Details

- 1.1 On 3rd September 2020, an application for a Premises Licence for **99 Main Road, Shirland, Alfreton, Derbyshire** was received by North East Derbyshire District Council from **Javed Asghar of 99 Main Road, Shirland, Alfreton, Derbyshire** a copy of the application found at **Appendix 1**.
- 1.2 The application states that the general description of the premises is to be a convenience store , with local produced craft products, with the ability to sample and taste the cask ale/cider/spirits/alcohol that are available for off-sale whilst on the premises, an ever evolving range of locally produced artisan products.
- 1.3 The applicant seeks to apply for the following licensable activities and opening times:

Licensable Activity	Proposed Times
Sale of Alcohol (on & off sales)	Monday to Sunday: 08:00 to :00:00 (midnight)
Other	
Opening Times	Monday to Sunday: 08:00 to 00:00 (midnight)

- 1.4 Subsequently, FIVE representations were received from members of the public. Two were rejected by the Team Leader because they do not relate to the licensing objectives and do not form part of this report, the remaining three were accepted as valid. These representations are attached as **Appendix 2.3 and 4**
- 1.5 Officers have confirmed that the two parties making valid representations have a legal right to make representations.

- 1.6 Following the applicant's consultation with Trading Standards, during the application process, the applicant has agreed to additional conditions. A copy of those additional agreed conditions that Members may wish to incorporate into section 18 / E within the Licensing Objectives (Protection of Children from Harm) within the Operating Schedule as part of the application (Appendix 1) can be found at **Appendix 5**.
- 1.7 The Police have confirmed that they do not have any representations to this application.
- 1.8 It is the understanding of the Licensing Section that there have been discussions between the applicant and at least one party who has submitted a valid representation, however no changes to the application have been requested by the either party at this time.

2 Conclusions and Reasons for Recommendation

- 2.1 The Licensing Sub-Committee may
- a) Grant the Premises Licence;
 - b) Grant the Premises Licence, modified to such an extent as the Authority considers appropriate for the promotion of the licensing objectives; or
 - c) Refuse the application for a Premise Licence.

3 Consultation and Equality Impact

- 3.1 None

4 Alternative Options and Reasons for Rejection

- 4.1 None

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 An appeal against this decision would incur costs in preparing a defence case and to attend Court. Costs may be recovered at the discretion of the Magistrates in the event that the application is dismissed.
- 5.1.2 Costs could be awarded against the Authority in the event that the appeal is successful.

5.2 Legal Implications including Data Protection

- 5.2.1 The aforementioned parties have the right to make an appeal to the Magistrates' Court if they are not satisfied with the outcome of the hearing

5.3 Human Resources Implications

- 5.3.1 None

6 Recommendations

6.1 That the Licensing Sub-Committee:

(a) considers the representation; and

(b) determines the application in line with the options outlined in 2.1 above.


7 Decision Information

Is the decision a Key Decision?	No
District Wards Affected	Shirland and Higham
Links to Corporate Plan priorities or Policy Framework	Supporting our Communities to be Healthier, Safer, Cleaner and Greener

8 Document Information

Appendix No	Title
1	Application for a Premises Licence
2	Representation No. 1
3	Representation No. 2
4	Representation No. 3
5	Agreement with Trading Standards
Background Papers	
Statement of Licensing Policy Revised Guidance issued under Section 182 of the Licensing Act 2003.	
Report Author	Contact Number
Darren Rowley , Licensing and Enforcement Officer	Ext. 7615

Appendix 1

	North East Derbyshire Application for a premises licence Licensing Act 2003	For help contact licensing@ne-derbyshire.gov.uk Telephone: 01246 271216
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* 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 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?

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

Applicant Details

* First name

* Family name

* E-mail

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.

Continued from previous page...

Your Address

Address official correspondence should be sent to.

* Building number or name	<input type="text" value="99"/>
* Street	<input type="text" value="main road"/>
District	<input type="text" value="shirland"/>
* City or town	<input type="text" value="alfreton"/>
County or administrative area	<input type="text" value="derbyshire"/>
* Postcode	<input type="text" value="de556ba"/>
* Country	<input type="text" value="United Kingdom"/>

Enter the postal code

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	<input type="text" value="99"/>
Street	<input type="text" value="main road"/>
District	<input type="text" value="shirland"/>
City or town	<input type="text" value="alfreton"/>
County or administrative area	<input type="text" value="derbyshire"/>
Postcode	<input type="text" value="de5 56ba"/>
Country	<input type="text" value="United Kingdom"/>

Further Details

Telephone number	<input type="text" value="07970241735"/>
Non-domestic rateable value of premises (£)	<input type="text" value="2,700"/>

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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		
INDIVIDUAL APPLICANT DETAILS		
Applicant Name		
Is the name the same as (or similar to) the details given in section one?		If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.
<input checked="" type="radio"/> Yes	<input type="radio"/> No	
First name	<input type="text" value="javed"/>	
Family name	<input type="text" value="asghar"/>	
Is the applicant 18 years of age or older?		
<input checked="" type="radio"/> Yes	<input type="radio"/> No	
Current Residential Address		
Is the address the same as (or similar to) the address given in section one?		If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.
<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Building number or name	<input type="text" value="94"/>	
Street	<input type="text" value="main road"/>	
District	<input type="text" value="pye bridge"/>	
City or town	<input type="text" value="alfreton"/>	
County or administrative area	<input type="text" value="derbyshire"/>	
Postcode	<input type="text" value="de554ny"/>	
Country	<input type="text" value="United Kingdom"/>	
Applicant Contact Details		
Are the contact details the same as (or similar to) those given in section one?		If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.
<input checked="" type="radio"/> Yes	<input type="radio"/> No	
E-mail	<input type="text" value="ottlum247@gmail.com"/>	
Telephone number	<input type="text" value="07970241735"/>	
Other telephone number	<input type="text" value="07812837539"/>	
• Date of birth	<input type="text" value="01"/> / <input type="text" value="02"/> / <input type="text" value="1971"/> dd mm yyyy	

Continued from previous page...

* Nationality

british

Documents that demonstrate entitlement to work in the UK

Right to work share code

Right to work share code if not submitting scanned documents

Add another applicant

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North East Derbyshire
Application for a premises licence
Licensing Act 2003

For help contact
licensing@ne-derbyshire.gov.uk
Telephone: 01246 271216

* required information

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OPERATING SCHEDULE

When do you want the premises licence to start?

07 / 10 / 2020
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.

convenience store , with local produced craft products , the ability to sample and taste the cask ale / cider / spirits / alcohol that are available for off-sale whilst on the premises , an ever evolving range of locally produced artisan products .

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

0

Section 6 of 21
PROVISION OF PLAYS
See guidance on regulated entertainment Will you be providing plays? <input type="radio"/> Yes <input checked="" type="radio"/> No
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PROVISION OF FILMS
See guidance on regulated entertainment Will you be providing films? <input type="radio"/> Yes <input checked="" type="radio"/> No
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Section 8 of 21
PROVISION OF INDOOR SPORTING EVENTS
See guidance on regulated entertainment Will you be providing indoor sporting events? <input type="radio"/> Yes <input checked="" type="radio"/> No
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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< Previous [1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) **9** [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) [20](#) [21](#) Next >**Section 10 of 21****PROVISION OF LIVE MUSIC**[See guidance on regulated entertainment](#)

Will you be providing live music?

☐ Yes ☒ No< Previous [1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) **10** [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) [20](#) [21](#) Next >**Section 11 of 21****PROVISION OF RECORDED MUSIC**[See guidance on regulated entertainment](#)

Will you be providing recorded music?

☐ Yes ☒ No< Previous [1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) **11** [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) [20](#) [21](#) Next >**Section 12 of 21****PROVISION OF PERFORMANCES OF DANCE**[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

☐ Yes ☒ No< Previous [1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) **12** [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) [20](#) [21](#) Next >

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

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Section 14 of 21**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

☐ Yes

☒ No

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start 08:00

End 24:00

Start

End

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

TUESDAY

Start 08:00

End 24:00

Start

End

WEDNESDAY

Start 08:00

End 24:00

Start

End

THURSDAY

Start 08:00

End 24:00

Start

End

FRIDAY

Start 08:00

End 24:00

Start

End

SATURDAY

Start 08:00

End 24:00

Start

End

SUNDAY

Start 08:00

End 24:00

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.

Continued from previous page...

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.

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

Name

First name

lorraine dawn

Family name

froggatt

Date of birth

12 / 02 / 1977
dd mm yyyy

Enter the contact's address

Building number or name

213

Street

park road

District

heage

City or town

belper

County or administrative area

derbyshire

Postcode

de562ab

Country

United Kingdom

Personal Licence number
(if known)

05/00966/pecon

Issuing licensing authority
(if known)

amber valley council

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

Continued from previous page...

- ☒ 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'.

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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.

none

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start 08:00

End 24:00

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.

Start

End

TUESDAY

Start 08:00

End 24:00

Start

End

WEDNESDAY

Start 08:00

End 24:00

Start

End

THURSDAY

Start 08:00

End 24:00

Start

End

FRIDAY

Start 08:00

End 24:00

Start

End

SATURDAY

Start 08:00

End 24:00

Start

End

SUNDAY

Start 08:00

End 24:00

Start

End

State any seasonal variations

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

none

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.

none

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.

As Premises Licence Holders, we understand that we have a duty to our local community and to our customers and that we continue to protect our staff and customers from danger and harm.

We are eager to work in partnership with all responsible authorities to ensure the promotion of the four licensing objectives and to achieve a successful cohesion between our business operations and our neighbours.

b) The prevention of crime and disorder

CCTV installed at the premises will be in complete and full working order at all times and is operating internally & externally and will cover all public entrances/exits and public areas where licensable activities take place whilst the premises is open to the public.

The time and date on the CCTV will be set correctly and checked daily .

The duty manager will be trained in the use of and operation of the CCTV and will be able to fully operate the CCTV system irrespective of any security measures and or access codes in place and will be able to provide images for inspection at any reasonable time to a relevant responsible authority and provide if required images onto a suitable media storage device .

All CCTV images will be retained for a period of not less than 31 days.

Clear signage will be displayed at all entrances and exits indicating that CCTV is in operation.

All trading areas will be closely monitored by the CCTV cameras and to try and create a complete surveillance area without blind spots or loss of vision .

An incident register in a none erasable format i.e a page a day diary will be maintained at the premises and any details of all incidents of but not limited to crime or disorder or misuse of drugs offences will be recorded. The register will be kept on site for two years produced and made available at any reasonable time to any relevant responsible authority. The register will be kept on site for two years checked weekly and signed off by the DPS.

Staff training will be provided prior to any member of staff being employed and refresher training every 6 months thereafter and all training records and their details such as, but not limited to licensing act 2003 and challenge 25 will be kept on site for two years and made available for inspection at any reasonable time to a relevant responsible authority .

The Dps will actively participate whilst ever there is such an active group in place in the locality for either ' pub watch ' or 'shop watch'

c) Public safety

No vessel or container that cannot be sealed or closed by staff or sealed at source and containing alcohol will be allowed to leave the premises .

d) The prevention of public nuisance

No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the building.

There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public notices requiring customers to leave the premises and the area quietly.

Refuse such as bottles shall be disposed of from the premises at a time when it is not likely to cause a disturbance to residents in the vicinity of the premises.

e) The protection of children from harm

The only acceptable forms of identification are a government issued document with photograph, such documents include photo card driving license, passport or a PASS (accredited document)

Challenge 25 posters will be displayed at all entrances to the premises, all areas where alcohol is displayed and at the cash till payment area.

A refusals register in a none erasable format, i.e page a day diary or via Epos till system with details of all refusals will be maintained at the premises. The register may be contained on the till but will contain details of the staff member refusing the sale and will be checked on a weekly basis and printed off and signed and retained off where appropriate by the Designated Premises Supervisor . The refusal records and their detail will be kept on site for two years and made available for inspection at any reasonable time to a relevant authority .

The duty manager shall be able to access and print a refusals report at any reasonable time for a relevant responsible authority from the previous seven days .

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NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

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.

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- 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 relating 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 of 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.

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NOTES ON REGULATED ENTERTAINMENT

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.

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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.

Fee is dependent upon rateable value Band A - £100.00 - No rateable value to £4300.00 Band B - £190.00 - £4301.00 - £33000.00 Band C - £315.00 - £33001.00 - £87000.00 Band D - £450.00 - £87001.00 - £125000.00 Band E - £635.00 - £125001 and above Premises in bands D and E attract a multiplier where the use of the premises is exclusively or primarily in the business of selling alcohol for consumption on the premises Band D - X2 = £900.00 Band E = X3 = 1905.00

* Fee amount (£)

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/north-east-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

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Appendix 2

Re: Notice of an application for premises licence.

Premises: The Shop

Address: 99 Main Road, Shirland, Alfreton DE55 6BA

We wish to make a representation regarding the application for a premises licence relating to the sale or supply of alcohol for on and off sales at the above address.

We live at 2 Park Lane, Shirland, Alfreton DE55 6BH which is located next door to the shop on the right separated by a small passageway.

We would like to object on the following grounds:

Prevention of Public Nuisance.

The hours proposed of 8:00am until midnight, Monday to Sunday are not compatible with this residential location and any late-night noise from customers travelling by car or on foot to the shop will have the effect of disturbing the neighbours whose bedrooms are mostly located on the Main Road side of the houses. These houses are mainly 19th century brick terraces which are directly up to the pavement.

These hours also increase the possibility of nuisance from customers who want to purchase alcohol on their way home from the local pubs after closing time.

We already experience problems of disturbance from people walking home and talking loudly and even urinating in passageways next to the houses and we believe if the shop is serving alcohol until midnight this would increase these problems.

We are also concerned at the wording of the application when it comes to consumption of alcohol on the premises. The intention in the application is for customers to sample produce before they purchase but we would not want this to constitute permission for on-premises drinking for other purposes in the future. There are already 4 public houses within a short distance of the shop.

S Goodwin & A Smith

2 Park Lane

Shirland

Alfreton

Derbyshire DE55 6BH

Appendix 3



Shirland Primary School

Park Lane

Shirland

Alfreton

Derbyshire

DE55 6BH

Head Teacher: Mrs L Needham

Telephone 01773 832426

enquiries@shirland.derbyshire.sch.uk

1st October 2020

North East Derbyshire District Council

By email

Application Reference: 20/00896/LAPL01
Application Type: Premises Licence
Premises Address: The Shop, 99 Main Road, Shirland, Alfreton, DE55 6BA.
Applicant Name: Javed Asghar

This submission is made on behalf of the Governing Body of Shirland Primary School in respect of the licensing application quoted above. This application was discussed in some detail by Governors at their Governing Board meeting on 29th September 2020.

The premises are immediately adjacent to residential properties, giving rise to the possible occurrence of public nuisance when considering that the proposed opening times for the sale of alcohol are from 8.00am till midnight, every day of the week. This would coincide with the school being open to children arriving and leaving the school site. Governors felt that such an approval at this time would be counter to the current Covid 19 regulations, and could lead to anti-social behaviour, littering etc. in the vicinity of the

premises. There is an issue with this currently, with litter and other items being dumped into the landscaping on the boundary of the school as well as the Church/School boundary. Governors felt that this would be exacerbated by the availability of alcohol across such an extended time period.

Shirland Primary School is close to the premises, and the section of Main Road which is the location of these premises gets very busy and congested when parents are dropping off and picking up children from school. The rear of the proposed licensed premises is directly opposite the school gate and zig-zag lines and this could lead to difficulties when deliveries are being made. There would inevitably be safety issues with both children, parents, and the general public.

Governors work hard to make safety paramount in the area outside our school. The main objective is to protect the children from harm of **any** type, a responsibility which Governors discharge diligently and one that does not stop at the school gate.

For these reasons, we would suggest respectfully that this is not an ideal site or area for licensed premises.


Yours faithfully

Dee Hill, Mrs.

Clerk to Governors

Shirland Primary School

Appendix 4

ENVIRONMENTAL HEALTH 01 OCT 2020 BDC - NEDDC	 <div style="display: inline-block; vertical-align: middle;"> <h3 style="margin: 0;">North East Derbyshire</h3> <h4 style="margin: 0;">District Council</h4> </div>
LICENSING AUTHORITY Environmental Health Service, North East Derbyshire District Council, District Council Offices, 2013 Mill Lane, Wingerworth, Chesterfield, S42 6NG	
Representation Form	
PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST	
<p>Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.</p>	
<p>We <u>MR + MRS HOWARTH, 95, MAIN RD, SHIRLAND</u> wish to make representation in relation to an application that has been made in respect of the premises described in Part 1 below</p>	
Part 1 – Premises or club premises details	
Postal address of premises or club premises, or if none, ordnance survey map reference or description <u>99, MAIN ROAD</u> <u>SHIRLAND.</u>	
Post town <u>SHIRLAND.</u>	Post code (if known) <u>DE55 6BA</u>
Name of Premises Licence holder or Club holding Club Premises Certificate (if known) <u>JAVED ASGHAR.</u>	
Number of Premises Licence or Club Premises Certificate (if known)	

Part 2 – Representer details

(A) DETAILS OF INDIVIDUAL REPRESENTOR (fill in as applicable)

Mr ☒ Mrs ☒ Miss ☐ Ms ☐ Rev) ☐ Other title (for example, ☐

Surname

First names

HOWARTH.

AUDREY + IAN.

Please tick ✓ yes

I am over 18 years old or over



Current postal address if different from premises address

95, MAIN RD
SHIRLAND.

Post town

Postcode

DESS 6BA

Daytime contact telephone number

07746 538858.

Email address (optional)

ajj1972@hotmail.co.uk.

(B) DETAILS OF OTHER REPRESENTOR (Business, Residents Association etc)

Name and address

Telephone number (if any)

E-mail address (optional)

This Representation relates to the following licensing objective(s)

Please tick one or more boxes ✓

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>

Please state the ground(s) for making the Representation (please read guidance note 1)

The Prevention of Crime and Disorder DRUNKEN PEOPLE COMING OUT OF THE PREMISES THROWING BOTTLES AND BEING GENERALLY ROUDY, VEHICLES ARE PARKED IN THE STREET AS THIS IS A RESIDENTIAL AREA.

Public Safety MYSELF + MY NEIGHBOURS TAKE OUR DOGS OUT AT 10AM AND THE THOUGHT OF ADDITIONAL INTOXICATED PEOPLE LOITERING IN THE AREA AT THIS TIME DOES NOT MAKE ME FEEL SAFE.

The Prevention of Public Nuisance

LOUD NOISE, BOTTLES, CRISP PACKETS + WASTE BEING DISCARDED IN THE STREET,

The Protection of Children from Harm

THERE IS A PRIMARY SCHOOL OVER THE ROAD FROM THE INTENDED VENUE - ALCOHOL + CHILDREN DO NOT MIX ,

Please use this box if you wish to provide further details, additional sheets can be used if necessary.

THERE IS THE MINERS WELFARE + THE HAY HOTEL APPROX 200 YARDS FROM THIS VENUE AND THE RED LION P.H . APPROX 500 YDS IN THE OTHER DIRECTION, AS IT IS WE GET SOME NOISE / PARKING DISRUPTION (IF THERE IS AN EVENT ON AT THE HAY OR WELFARE). WE CAN LIVE WITHOUT AN ADDITIONAL DRINKING ESTABLISHMENT IN WHAT IS OTHERWISE A QUIET VILLAGE .

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 3 – Signatures (please read guidance note 2)

Signature of Representor or Representor's Solicitor or other duly authorised agent (please read guidance note 3). If signing on behalf of the Representor please state in what capacity.

Signature attendant

Date 23 SEPT. 2020

Capacity

Please Note – Your address will be a matter of public record, if the application to which this Representation relates is referred to the Licensing Committee to determine at a Hearing.

Contact name (where not previously given) and postal address for correspondence associated with this Representation (please read guidance note 4)

Post town

Post code

Telephone number (if any)

If you would prefer us to correspond with you by e-mail your e-mail address (optional)

COUNCIL'S PRIVACY STATEMENT.

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also, and on occasions will be required to, share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information see the privacy notice on the council website, www.nedde.gov.uk or contact the council's data protection officer.

North East Derbyshire District Council collects personal information when you contact us for any services we provide. We will use this information to provide these services. We may need to share your information with service providers and other departments within NEDDC to ensure that you receive the best possible service. If so, this will be made clear in our privacy notice. We will not share your information with third parties for marketing purposes or any other reason unless required to do so by law.

For more information explaining how we protect and use your information please see our privacy policy at www.neddc.gov.uk

Notes for Guidance

1. The Representation must be based on one or more of the licensing objectives. Please list any additional information or details for example dates of problems if available.
2. The Representation form must be signed.
3. A Representor's agent (for example Solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. This is the address and contact details which we shall use to correspond with you about this Representation.

Appendix 5

Good Morning Licensing (Wednesday September 16th)

Reference: **The Shop, 99 Main Road, Shirland, DE55 6BA**

Please find this email as confirmation that we have agreed with the applicant for the above premises licence the following wording to be added as conditions on the premises licence for the protection of children from harm:

1. A 'Challenge 25' proof of age scheme will be operated at all times. Anyone attempting to purchase alcohol that appears to be under 25 years of age will be asked for proof of their age.
2. The only forms of acceptable identification shall be either a valid photographic driving licence, a valid passport, military identification or any other recognised form of photographic identification incorporating the PASS logo. Failure to produce satisfactory proof of age when purchasing alcohol will result in a refused sale.
3. Clear, prominent signage informing customers of the age verification policy in operation will be clearly displayed at all entrances to the premises, at the point of sale and in close proximity to the alcohol displayed.
4. A system of recording sales refused under the age verification policy will be operated at all times in a non-erasable format.

At least monthly, the Designated Premises Supervisor (or deputy, authorised in writing) will:

- examine the record and compare it against the normal operating pattern for the premises
- indicate any action required following that examination
- sign off/endorse the record to indicate the above points have been carried out

The refusal record will be kept on the premises for production, on request, to an officer of a Responsible Authority. Records shall be retained on the premises for a minimum of 2 years.

Please see the email thread.

We would therefore like to withdraw our objection to the licence on this basis.

Please acknowledge receipt of this email

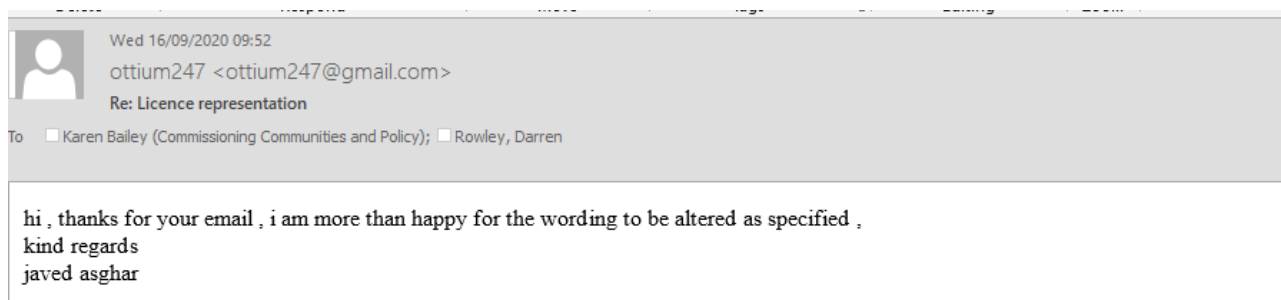
Many thanks

Kind Regards

Karen

Karen Bailey | Trading Standards Officer | Commissioning, Communities and Policy | Derbyshire County Council | County Offices, Matlock, Derbyshire DE4 3AG | Direct dial: 01629 539851

Visit us at www.derbyshire.gov.uk | Follow us on [Twitter](#) | Find us on [Facebook](#) |



END