

Application for a Provisional Statement at: St James' Yard, St James' Street, Derby DE1 1RN

SUMMARY

- 1.1 An application for a Provisional Statement at: St James's Yard, St James' Street, Derby DE1 1RN has been received by Derby City Council's Licensing Team.
- 1.2 The sale by retail of alcohol; the supply of alcohol by or on behalf of a club to A member of the club; the provision of regulated entertainment; and the provision of late night refreshment must be licensed under the Licensing Act 2003.
- 1.3 Application for a Provisional Statement is a mechanism whereby a person who would in the future be applying for a Premises Licence can obtain a Provisional Statement which indicates the prospects of success when there is an application for a Premises Licence is made.
- 1.4 The issuing of a Provisional Statement does not automatic convert to a Premises Licence and an application for a Premises Licence will need to be submitted, however the ability to make representations is restricted.
- 1.5 Officers have delegated powers to deal with applications for Provisional Statements where there are no Relevant Representations received; however this is not the case with this application and hence attendance at committee today.
- 1.6 The General Licensing Sub Committee must:
 - Determine whether, on the basis of those representations and the Provisional Statement application , it would consider it appropriate to take any steps under section 18 (3)(b) if, on the works being satisfactorily completed, it had to decide whether to grant a Premises Licence in the form described in the Provisional Statement application
 - and
 - Issue a statement which gives details of:
 - The determination
 - and

- The authority's reason for its decision as to the steps (if any) that would be appropriate to take under section 18 (3)(b).

RECOMMENDATION

- 2.1 To consider the information in the report, consider the application and any Relevant Representations to determine the application for a Provisional Statement at: St James' Yard, St James' Street, Derby DE1 1RN.

REASONS FOR RECOMMENDATION

- 3.1 To ensure that the four licensing objectives are upheld in relation to the application for a Provisional Statement at: St James' Yard, St James' Street, Derby DE1 1RN.

SUPPORTING INFORMATION

- 4.1 An application for a Provisional Statement was received by Derby City Council's Licensing Team from Clowes Developments (UK) Ltd, Brailsford Hall, Hall Lane, Brailsford, Derbyshire DE6 3BU on 9 April 2018.

A copy is attached at **Appendix 1**.

- 4.2 The Licensing Team has received two Relevant Representations, from Responsible Authorities: Derbyshire Constabulary and Derby City Council's Licensing Authority. There is one representation supporting the application. The Environmental Protection and Trading Standards Teams have agreed conditions with the applicant.

These are all attached at **Appendix 2**.

4.3 The responses from all Responsible Authorities are detailed in the table below;

RESPONSIBLE AUTHORITY	REPRESENTATION	REPRESENTATION WITHDRAWN	NO REPRESENTATION	NO RESPONSE
Derbyshire Constabulary	✓			
Derbyshire Fire & Rescue			✓	
Planning Department				✓
Safeguarding Children				✓
Food and Safety Team			✓	
Environmental Protection Team			Conditions agreed	
Trading Standards Team			Conditions agreed	
Local Authority	✓			
Primary Care Trust				✓

4.4 The licensable activities applied for are:

- the supply of by retail of alcohol (off/on the premises)
- Regulated Entertainment ; a performance of live music (indoors) and any playing of recorded music (Indoors).
- The provision of late night refreshment.

4.5 The days and times of the licensable activities applied for are:

10.00hrs to 00.00hrs Sunday – Thursday & 10.00hrs – 01.00hrs Friday & Saturday for all activities with the exception of Late Night Refreshment which is 11.00hrs to 00:00hrs Sunday – Thursday & 10.00hrs – 01.00hrs Friday & Saturday.

Non-standard times: For all licensable activities applied for:

New Year's Eve - From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

4.6 The days and times the premises are open to the public are:

09:00hrs to 00:30hrs Sunday – Thursday & 09.00hrs – 01.30hrs Friday & Saturday.

Non-standard times:

New Year's Eve - From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

4.7 The Proposed Premises Licence Holder is:

Clowes Developments (UK) Ltd

- 4.8 **The Proposed Designated Premises Supervisor is:**
Unnamed
- 4.9 A location plan of the premises is attached at **Appendix 3**.
- 4.10 The Committee is obliged to determine this application with a view to promoting the licensing objectives which are:
- the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance;
 - the protection of children from harm.
- 4.11 In making its decision, the Committee is also obliged to have regard to national Guidance issued under Section 182 of the Licensing Act 2003 and the Council's own Licensing Policy.
- 4.12 The Council recognises the importance of securing proper integration with and attaching relevant conditions that reflect local strategies.
- 4.13 The Council has a duty to act in a manner which is compatible with the Human Rights Act 1998.
- 4.14 A Licence is regarded as property for the purposes of the Human Rights Act 1998. Article 1 of the First Protocol states that:
- "Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
- The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties."
- 4.15 The Committee must also take into account the effect on local residents. Article 8 states:
- Everyone has the right to respect for his private and family life, his home and his correspondence.
 - There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

4.16 Three stage test to be applied:

- Is the interference in accordance with the law?
- Is the interference necessary in a democratic society in pursuit of one of the legitimate aims set out above?

Is the decision proportionate ie. Striking a fair balance between the demands of the general interests of the community and the requirement to protect the individual's fundamental rights?

OTHER OPTIONS CONSIDERED

5.1 No other options available.

This report has been approved by the following officers:

Legal officer Financial officer Estates/Property officer Human Resources officer Service Director(s) Other(s)	Not Applicable for Sub Committee Not Applicable for Sub Committee Not Applicable for Sub Committee Not Applicable for Sub Committee Not Applicable for Sub Committee Not Applicable for Sub Committee
For more information contact: Background papers: List of appendices:	Name: Sandra Mansell Telephone:01332 641931 e-mail: Sandra.mansell@derby.gov.uk None Appendix 1 – Application Appendix 2 – Relevant Representations Appendix 3 – Location Plan

**The Licensing Team Communities Environment and Regulatory Services
Derby City Council The Council House Corporation Street Derby DE1 2FS**

**Application for a provisional statement 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.

We Clowes Developments (UK) Ltd
(Insert name(s) of applicant)

apply for a provisional statement under section 29 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 premises or, if none, ordnance survey map reference or description St James' Yard St James' Street			
Post town	Derby	Postcode	DE1 1RN

Telephone number at premises (if any)	N/A
Non-domestic rateable value of premises	N/A – Under construction

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as	Please tick all that apply
a) an individual or individuals *	<input type="checkbox"/> please complete section (A)
b) a person other than an individual *	
i as a limited company/limited liability partnership	<input checked="" type="checkbox"/> please complete section (B)
ii as a partnership (other than limited liability)	<input type="checkbox"/> please complete section (B)
iii as an unincorporated association or	<input type="checkbox"/> please complete section (B)
iv other (for example a statutory corporation)	<input type="checkbox"/> please complete section (B)
c) a recognised club	<input type="checkbox"/> 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 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 <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal 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 Clowes Developments (UK) Limited
Address Ednaston Park Painters Lane Ednaston Ashbourne Derbyshire DE6 3FA
Registered number (where applicable) 00819793
Description of applicant (for example, partnership, company, unincorporated association) Private limited company
Telephone number (if any)
E-mail address (optional)

What is the nature of your interest in the premises?

Freeholder

Part 3 – Schedule of works

Is the premises

Please tick as appropriate

about to be constructed

☐

being extended or altered

☒

Please give details of the work and please attach plans of the work being done or about to be done at the premises

The works which are being carried out are costing in excess of £1 million and include the following:-

- New roof/roof lights/lantern lights throughout including insulation.
- Previous floors removed and new floors re-laid in concrete to a finished floor level approved by Derby City Council/Environment Agency. This is to include new drainage for foul and surface water.
- Enhancement to structural steelwork including replacement of the steel / timber beams where they failed or are inadequate.
- Re-pointing/cleaning of all brick elevations including substantial repairs to damaged brickwork.
- New glazed roofs connecting the separate buildings.
- Restoration of timber windows/doors where appropriate and renewal and replacement where not capable of not being restored.
- New external seating areas.

The works have started and are provisionally scheduled to complete this summer. The restoration and refurbishment of the former stables building for the St James Hotel will provide approximately 1250 m2 floor space. This includes frontage properties to 2-4 The Strand and 8 The Strand. All works being carried out are in conjunction with Derby City Council and relate to buildings that are either listed or within a conservation area.

We enclose a layout plan for the site which shows the work being done and about to be done at the premises as part of the application.

Please give particulars of the premises to which the application relates (please read guidance note 1)

Clowes Developments (UK) Limited has owned these buildings for in excess of 20 years. The buildings have never been accessible to the public and therefore the restoration will provide access to historic buildings that have never been seen. The restoration is sympathetic to the previous use of the building with a modern twist that includes glazing roofs to connect buildings. A Provisional Statement will give the confidence to occupiers to pursue their interest. Previous similar schemes undertaken by Clowes Developments (UK) Limited within the city centre include, Revolucion de Cuba and the Cosy Club. Both properties continue to be owned by Clowes Developments (UK) Limited and both have been restored to a very high standard providing a unique bar/entertainment/eating venue within a historic setting. The same is anticipated within St James Yard.

Which licensable activities will the premises be used for?

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- | | |
|---|-------------------------------------|
| a) plays (optional, fill in box A) | <input type="checkbox"/> |
| b) films (optional, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (optional, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (optional, fill in box D) | <input type="checkbox"/> |
| e) live music (optional, fill in box E) | <input checked="" type="checkbox"/> |
| f) recorded music (optional, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (optional, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (optional, fill in box H) | <input type="checkbox"/> |
| i) Provision of late night refreshment (optional, fill in box I) | <input checked="" type="checkbox"/> |
| J) Supply of alcohol (optional, fill in box J) | <input checked="" type="checkbox"/> |

Complete boxes K, L and M (optional)

Part 4 – OPTIONAL – you may fill in this section if you choose to

General description of premises (please read guidance note 1)

The site is currently split into three units but will be merged into one unit.

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur					
Fri			<u>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</u> (please read guidance note 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)			
Mon						
Tue						
			State any seasonal variations for the exhibition of films (please read guidance note 5)			
Wed						
Thur						
			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 (please read guidance note 6)			
Fri						
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			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
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 (please read guidance note 3)</u>		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here (please read guidance note 4)</u>		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)</u>		
Thur					
Fri			<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 (please read guidance note 6)</u>		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors <input checked="" type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon	10:00	00:00	Unamplified/amplified music will be via artists singing, DJ, bands and other music of a similar nature		
Tue	10:00	00:00			
Wed	10:00	00:00	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Thur	10:00	00:00			
Fri	10:00	01:00	<u>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</u> (please read guidance note 6)		
Sat	10:00	01:00	New Year's Eve – From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day		
Sun	10:00	00:00	An additional hour to the terminal hour on all Bank Holidays Fridays, Saturdays, Sundays and Mondays		

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	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	10:00	00:00	Please give further details here (please read guidance note 4) Music via a recorded source (CD, download, etc.)		
Tue	10:00	00:00			
Wed	10:00	00:00	State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur	10:00	00:00			
Fri	10:00	01:00	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)		
Sat	10:00	01:00	New Year's Eve – From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day		
Sun	10:00	00:00	An additional hour to the terminal hour on all Bank Holidays Fridays, Saturdays, Sundays and Mondays		

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	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Wed			<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)		
Thur					
Fri					
Sat					
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	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed			<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)		
Thur			<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)		
Fri					
Sat					
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4) The provision for the sale of hot food and hot drink		
Mon	23:00	00:00			
Tue	23:00	00:00			
Wed	23:00	00:00			
			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur	23:00	00:00			
Fri	23:00	01:00			
			<u>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</u> (please read guidance note 6)		
Sat	23:00	01:00			
			New Year's Eve – From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day		
Sun	23:00	00:00			
			An additional hour to the terminal hour on all Bank Holidays Fridays, Saturdays, Sundays and Mondays		

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	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon	10:00	00:00	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Tue	10:00	00:00			
Wed	10:00	00:00			
Thur	10:00	00:00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri	10:00	01:00			
Sat	10:00	01:00			
Sun	10:00	00:00	New Year's Eve – From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day		
			An additional hour to the terminal hour on all Bank Holidays Fridays, Saturdays, Sundays and Mondays		

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>N/A</p>

L

Hours premises are open to the public Standard timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	09:00	00:30	
Tue	09:00	00:30	
Wed	09:00	00:30	
Thur	09:00	00:30	
Fri	09:00	01:30	
Sat	09:00	01:30	
Sun	09:00	00:30	

<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)
New Year's Eve – From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day
An additional hour to the terminal hour on all Bank Holidays Fridays, Saturdays, Sundays and Mondays

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 information provided in this box is solely for information only and not intended to be converted into conditions on the Provisional Statement]

The applicant is fully aware of the cumulative impact policy zone which is in place in the city centre and this has been taken into consideration along with promoting the four licensing objectives in preparing this application. The proposed conditions contained in the operating schedule are both extensive and enforceable and go beyond those required by law or regulation and have specifically been proposed to address the cumulative impact policy and to uphold the licensing objectives.

The proposed condition to have 70% of the existing floor space of the premises to be allocated for the use of customers eating at the premises, along with the other proposed conditions, demonstrates the measures put in place in order to control the operation of the premises and to prevent adding to the existing cumulative impact. Furthermore, with this condition proposed it shows that any potential operator could not initially once the application is granted turn the premises into a solely vertical drinking establishment.

Considering the above, we believe that the granting of the application would not have an adverse impact on the licensing objectives and we believe that the measures proposed will ensure the premises promote the licensing objectives, and that these measures are adequate and further conditions are not required.

b) The prevention of crime and disorder

1. From 22:00 hours on Friday and Saturday a minimum of 1 SIA licensed door supervisor shall be on duty at the premises and shall remain on duty until close. At all other times the need for door supervisors will be assessed by way of a risk assessment carried out by the Designated Premises Supervisor and cognisance will be taken of any Police advice.
2. All door supervisors engaged outside the entrance/exit of the premises will wear high visibility clothing at all times
3. A register of those Door Supervisors employed and on duty at the premise shall be maintained and shall include;
 - a. The number of Door Supervisors on duty
 - b. The identity and badge number of each Door Supervisor on duty
 - c. The time each Door Supervisor books on and off duty
 - d. A signature of each Door Supervisor on duty
4. An incident log shall be kept at the premises and made available on request to an authorised officer of the Police, which will record the following:
 - a) All crimes reported to the venue
 - b) All ejections of patrons
 - c) Any complaints received concerning crime and disorder
 - d) Any incidents of disorder
 - e) All seizures of drugs or offensive weapons
 - f) Any faults in the CCTV system or searching equipment or scanning equipment
 - g) Any refusal of sale of alcohol
 - h) Any visit by a relevant authority or emergency service
5. The Door Supervisors register shall be kept on the premises for a period of not less than 12 months and shall be produced upon request of a Police Officer or other authorised person
6. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be made available for inspection at the premises by the Police at all times whilst the premises are open
7. The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for minimum period of 31 days with date and time stamping.

Viewing of recordings shall be made available immediately upon the request of Police or authorised council officer through the entire 31 day period.

8. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
9. The DPS or nominated representative shall be an active member of the local Pub Watch Scheme where such a scheme exists

c) Public safety

10. The premises licence holder shall ensure that an adequate and appropriate supply of first aid equipment and materials is available on the premises and at least one suitably trained first aider shall be on duty when the public are present.
11. A minimum of 70% of the existing floor space of the premises shall be allocated for the use of customers eating at the premises.

d) The prevention of public nuisance

12. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers to respect the needs of local residents and leave the premises and area quietly.
13. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance
14. Open containers of alcohol shall not be removed from the premises, save for consumption in any delineated external area as shown on the plan attached
15. Empty glasses shall be regularly collected and any spillage dealt with as soon as practicable
16. No speakers for amplification of music shall be placed on the outside of the premises, or on the outside of the building forming part of the premises
17. Doors and windows at the premises are to remain closed after 23:00 save for access and egress.
18. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 07.00 hours on the following day
19. A Dispersal and Smoking Policy will be implemented and adhered to.
20. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter arising or accumulating from customers in the area immediately outside the premises

e) The protection of children from harm

21. A challenge 21 or similar Proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram
22. Full training shall be provided to all staff on commencement of employment relating to all age-restricted products sold and any system or procedures they are expected to follow in the course of dealing with these goods. Refresher training shall be provided at regular intervals – at least every 6 months. All records detailing the training provided must be written and kept on the premises for a minimum of 12 months and for production upon request of a Police Officer or other authorised person
23. Clear, prominent and unobstructed signage informing customers of the proof of age scheme in operation, along with the age restrictions on products shall be displayed at all entry points to the premises.
24. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be made available for inspection at the premises by the Police at all times whilst the premises are open. This should be retained on the premises for a minimum of 12 months.


Checklist:**Please tick to indicate agreement**

- I have made or enclosed payment of the fee. ☒
- I have enclosed the plans of the works to be done at the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where 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, 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.

Part 5 – 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.

Signature	
Date	9 th April 2018
Capacity	Flint Bishop LLP – Solicitor for and on behalf of applicant

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	

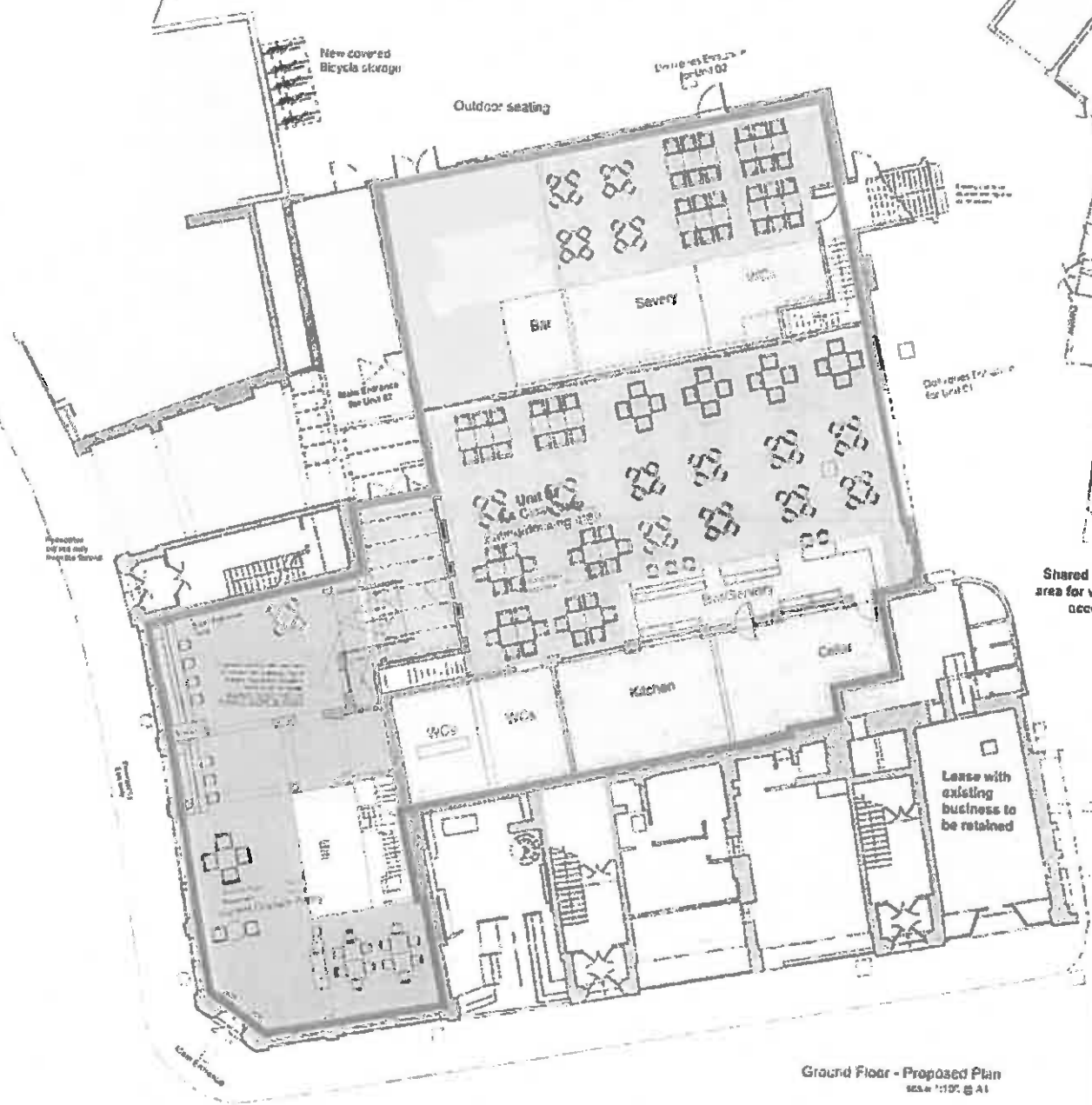
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14).

Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional).			

Notes for Guidance

1. Describe the premises, for example the type of premises, their general situation and layout and any other information which could be relevant to the licensing objectives. Where you are completing Part 4 and 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 agents must sign the application form.
 14. This is the address which we shall use to correspond with you about this application.



Ground Floor - Proposed Plan
Scale: 1:100 @ A1

ISSUED FOR COMMENT

St James' Yard Refurbishment

Drawn

Reference Boundary plan

The Licensing Manager
Derby City Council
The Council House
Corporation Street
DERBY,
DE1 2FS

0300 122 5408
Mark Dunn

24th April 2018

Dear Sir/Madam

**Application for a Provisional Statement to be granted
under the Licensing Act 2003:
St James Yard – St James Street, DE1 1RN**

With reference to the above application received on Monday 9th April 2018 at the Licensing Department of South Division, please take this letter as formal notification that it is the intention of the Chief Officer of Police to make representation against this application on the grounds that:

In its current form it undermines the key Licensing objectives as indicated below:

- | | | |
|----|--------------------------------------|-------------------------------------|
| 1. | The Prevention of Crime & Disorder | <input checked="" type="checkbox"/> |
| 2. | Public Safety | <input checked="" type="checkbox"/> |
| 3. | The prevention of Public Nuisance | <input checked="" type="checkbox"/> |
| 4. | The protection of children from harm | <input checked="" type="checkbox"/> |

Further explanation is given at appendix A attached

Yours faithfully



Mark Dunn
PC2013
Licensing Enforcement officer

E-mail: mark.dunn.2013@derbyshire.pnn.police.uk

Web: <http://www.derbyshire.police.uk>

PLEASE NOTE:

THE INFORMATION CONTAINED IN APPENDIX A IS FOR THE ATTENTION OF THE LICENSING AUTHORITY / POLICE AND APPLICANT ONLY AT THIS STAGE.

DISCLOSURE TO OTHER PARTIES PRIOR TO HEARING MAY PREJUDICE ANY ALTERNATIVE DISPUTE RESOLUTION PROCESS AND ANY SUBSEQUENT COMMITTEE HEARING / COURT

APPENDIX A RE:

Dear Sir/Madam,

St James Yard – St James Street, Derby

Please take this correspondence as notification of a formal representation to an application for a Provisional Statement for premises situated at St James Yard, St James Street, Derby. The applicant is a limited company namely Clowes Developments (UK) Limited.

The Police are aware that these premises are currently undergoing extensive reconstruction work and a buyer or tenant is yet to be found.

The Licensing Authority will be aware that the application sets out a request for the licensable activities of the provision of regulated entertainment, the provision of late night refreshment and the supply of alcohol. The hours that the premises are open to the public are requested as Monday to Sunday 09:00 am – 01:30 am.

The regulated entertainment requested within the application is as follows;

Live Music: Sunday – Thursday 10:00 – 00:00

Friday – Saturday 10:00 – 01:00

Recorded Music: Sunday – Thursday 10:00 – 00:00

Friday – Saturday 10:00 – 01:00

The Late night refreshment requested within the application is as follows;

Sunday – Thursday 23:00 – 00:00

Friday – Saturday 23:00 – 01:00

The supply of alcohol requested within the application is as follows;

Sunday – Thursday 10:00 – 00:00

Friday – Saturday 10:00 – 01:00

And the hours open to the public requested within the application is as follows;

Sunday – Thursday 09:00 – 00:30

Friday – Saturday 09:00 – 01:30

The Police have examined the proposed operating schedule included in the application and have contrasted the requested licensable activities and proposed hours with the steps to be taken at Section "M" of the schedule.

The Licensing Authority will be aware that in October 2011, and after representations from the Derbyshire Constabulary on 3rd November 2010, a Special Policy of Cumulative Impact (also known as a Cumulative Impact Zone) was adopted. This policy was reviewed by the Licensing Authority in December 2015 with further evidence being submitted by the police to support its continued necessity.

The Cumulative Impact Policy is included in the current Statement of Licensing Policy which is given a footing in statute at Section 5 of The Licensing Act 2003. The Special Policy is contained within Appendix 3 of the Statement of Licensing Policy produced by Derby City Council.

The representation from the Derbyshire Constabulary that gave rise to the adoption of such a policy included concerns and evidence relating to a high level of recorded incidents and crimes occurring in the area of the city inside the 'inner ring road' and particularly between the hours of midnight and 04:00. This problem is particularly exacerbated on Fridays and Saturdays.

The statement of Licensing Policy states at paragraph 6.8 "A special policy would not prevent the Council considering future applications as each application is considered on its own merits. *However, where a special policy has been agreed, applications for a licence will normally be refused where relevant representations have been made. The applicant will need to demonstrate how the premises would not add to the cumulative impact on the area concerned.*"

Having regard to the Special Policy, the four licensing objectives (but particularly the prevention of crime and disorder), it is the opinion of the Chief Officer of Police that this application does not sufficiently demonstrate that the premises, if it were to benefit from a premises licence, would not add to the existing and cumulative impact. Although, the Special Policy is mentioned in the application it is not specific when demonstrating how the venue will not add to the cumulative impact already experienced within the City.

The applicant at this time has shown a lack of understanding of the Night Time Economy specific to Derby City Centre, they have requested hours that have a high probability of causing an adverse impact at a very busy time, at an intersection which is a renowned "hot spot" for alcohol related crime and disorder. The applicant has failed at this time to provide sufficient additional steps to ensure that no further cumulative impact is likely to occur. I would argue that the conditions offered have not been "specifically" proposed to address the cumulative impact policy, as stated within the application. The steps proposed in the application although extensive, very rarely extend further than those expected from any competent operator for a venue of this size and type in a City Centre location, they do not provide the Police with any additional confidence that proper regard has been taken of the four licensing objectives and basis upon which the Special Policy was adopted.

The applicant has previously submitted a Premises Licence application for these premises which was described in the application as "*A public house in Derby City Centre*". The application that was submitted in February of this year was subject to an objection by the police and the Licensing Authority after due consideration it was subsequently withdrawn by the applicant.

The plan attached to the application has been varied in an effort to be a little more transparent. Although there is a kitchen and seating area allocated, I would suggest that the areas indicated as "Bars" give concern that "vertical" drinking is intended to play a large part of this venue's operation. Indeed the police have concerns that within this provisional statement the applicant makes comment "that any operator could not *initially* once the application is granted turn the premises into a solely vertical drinking establishment". This comment in its self would suggest that once granted the intention of any operator may be to apply for a variation to convert the premises into a vertical drinking establishment and this initial application may be a way to circumvent the existing "Cumulative Impact Policy"?

It has been confirmed by the applicant that this premises licence application is to cover one single unit, this seems to conflict with the planning application where it is suggested that two units are proposed. One of which is for A3 use - "Restaurants and cafes" and the other for A4 use - "Drinking establishments". Again this throws further doubt as to what the intended use of the building is for?

The Chief Officer of Police is aware of the case of *Brewdog Bars Limited v Leeds City Council*, Leeds Magistrates' Court, 6th September 2012, where an appeal against the decision of a Licensing Authority to refuse an application in an area of Cumulative Impact was heard. The applicant, Brewdog Bars Limited, persuaded District Judge Anderson to overturn the decision and the District Judge reiterated that the effect of such a policy was not to "bring down the iron curtain" on allowing a new premises licence to be granted. The Police are aware that this decision is persuasive and not binding.

It is the position of the Chief Officer of Police that there is no "iron curtain" approach in the City of Derby. Each application will be and is assessed on its own merits and against the perceived impact on the four licensing objectives. Those premises that propose to operate in such a way so as to actively demonstrate a commitment to promoting the licensing objectives will be supported where the operation of the premises, including the proposed activities carried on, the proposed operating hours, and the target clientele, are such that it cannot be considered that an impact on those objectives could reasonably be observed.

This premise is situated on The Strand, with the main entrance on the junction of St James Street; the area is saturated with other late night time venues, clubs, pubs, restaurants and take-a ways that already attract an unacceptable amount of disorder issues. It is the opinion of the Chief Officer of Police that if granted at this location, open until the times applied for, would cause an additional burden on the emergency services and other agencies working in and around the City Centre. Additional drunken people will leave the proposed venue at 01:30 and possibly congregate at this very busy junction, this would contribute to what already has become a flash point for crime and disorder in the area.

The evidence submitted to the Licensing Authority by the Derbyshire Constabulary for the current Licensing Policy regarding the "CIZ" remains valid. The concerns of the Police in relation to new premises and variations to premises licences also remain valid. It is the opinion of the Chief of Police that this application should not be granted in light of the above information, the perceived impact on the four licensing objectives and when having additional regard to the effect of the Special Policy of Cumulative Impact.

A further bundle containing representations will be submitted, if required, in due course. However, please take this as formal notification of a representation under Section 18(3) of the Licensing Act 2003.

Regards,



Mark Dunn

Pc 2013

Licensing Enforcement Officer

**Licensing Team
South Division Headquarters
Prime Parkway
Chester Green
Derby DE1 3AB**

**Tel (760) 3254
Tel 01332 613254
Mobile 07734 396969
Mobex 737 0164**

E-mail; mark.dunn.2013@derbyshire.pnn.police.uk

Mansell, Sandra

From: Walker, Ann
Sent: 03 May 2018 12:24
To: Licensing
Cc: george.domleo@flintbishop.co.uk
Subject: Provisional Statement Application - St James' Yard

Dear Sir/Madam,

Applicant: Clowes Development (UK) Ltd

Premises: St James' Yard, St James Street, Derby

In regards to the application for a provisional statement for St James' Yard, Derby DE1 1RN received on 9 April 2018, please accept this as formal notification that is my intention, acting on behalf of the Local Authority (a Responsible Authority), to make representation against this application on the grounds that to grant the provisional statement would be inconsistent with the local authority's duty to promote the licensing objectives.

The premises is located with the Council's cumulative impact area, as stipulated in their Cumulative Impact Policy, last revised and adopted in December 2015, as part of the Council's Licensing Policy. The Licensing Policy is a legal requirement as stipulated in section 5 of the Licensing Act 2003.

The Cumulative Impact Policy was adopted following concerns and sufficient evidence from Derbyshire Constabulary, suggesting a high level of incidents and crimes recorded within the city centre between the hours of midnight and 4am.

The Council's Licensing Policy states that a special policy would not prevent the Council considering future applications as each application is considered on its own merits. However, where a special policy exists, there will a presumption to refuse an application, unless the applicant can demonstrate their operation would not add to the cumulative impact. I believe this demonstration has not been forthcoming.

Therefore, in keeping with the Council's own Licensing Policy and Cumulative Impact Policy, I would be asking the Licensing Committee to refuse the application for a Provisional Statement for St James' Yard, St James Street, Derby.

Regards

Ann



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Mansell, Sandra

From: Rawson, Martin
Sent: 16 April 2018 17:29
To: Vardey, Roger
Subject: RE: Weekly List

Hi Roger

I would like to register my support of the application for premises licence for the St James Yard redevelopment, applied for by Clowes Developments.

Best wishes

Cllr Martin Rawson | Deputy Leader of the Council and Cabinet Member for Regeneration & the Economy | Labour Councillor for Derwent ward | 28 Keyhaven Close | Derwent Heights | Derby | DE21 4SQ | 07812 301445 or Member Services | The Council House| Corporation Street | Derby | DE1 2FS | Telephone 01332 643641 | Minicom 01332 640666 | www.derby.gov.uk

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Help feed Derby's school children by donating to our Breakfast of Champions project here:
<https://www.justgiving.com/campaigns/charity/derbycounty/itc/breakfastofchampions>

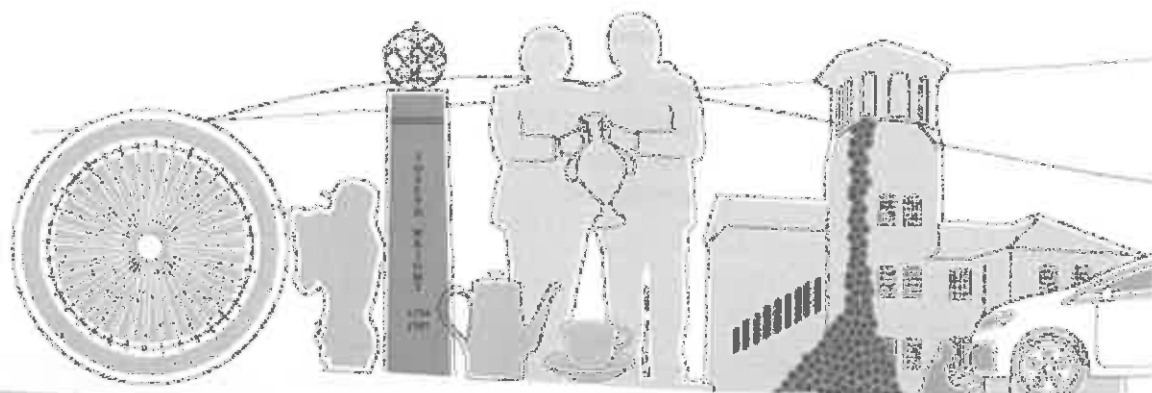


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From: Vardey, Roger
Sent: 16 April 2018 08:08
To: Basford, Dave; COA Councillors; CYPSafeguarding; Derbyshire Constabulary; Derbyshire Fire and Rescue; Duty, Food and Safety; EPTeam; Hodges, Kerry; Home Office; Kay, Michael; Macdonald, Mandy; Mansell, Sandra; Martin, Richard; Payne, Janet; Duty, Tradstan; Walker, Ann; Williams, Stacy
Subject: Weekly List

See attached

Roger Vardey | Licensing Officer - Licensing | Communities, Environment & Regulatory Services | Communities and Place | Council House, Corporation Street, Derby DE1 2FS | Telephone 01332 641951 | Minicom 01332 640666 | www.derby.gov.uk



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Mansell, Sandra

From: Page, Sarah
Sent: 20 April 2018 11:30
To: George Domleo; Licensing
Cc: Andrew Cochrane
Subject: RE: St James Yard, St James Street, Derby, DE1 1RN - Provisional Statement Application

FYI

Happy with EP conditions.

Kind regards

Sarah

Sarah Page | Environmental Health Officer - Environmental Protection | Communities, Environment and Regulatory Services Department | Communities and Place Directorate | Derby City Council, Council House, Corporation Street, Derby DE1 2FS | Telephone 01332 641928 | Minicom 01332 640666 | email to: environmental.services@derby.gov.uk



DERBY...300 YEARS OF THINKING. MAKING AND DOING

From: George Domleo [mailto:George.Domleo@flintbishop.co.uk]
Sent: 19 April 2018 16:56
To: Page, Sarah
Cc: Andrew Cochrane
Subject: RE: St James Yard, St James Street, Derby, DE1 1RN - Provisional Statement Application

Dear Sarah

In addition to what we have already proposed in the operating schedule of our attached Provisional Statement application, please find below our comments to your proposals:-

1. All external doors and windows must be kept closed, other than for access and egress, when activities involving live music or amplified music/speech are taking place.

We would agree to the following wording *"All external doors and windows must be kept closed when regulated entertainment in the form of live or recorded music are taking place and in any event after 23:00 hours save for access and egress and in the case of an emergency"*

This would replace proposed condition 17

2. No amplified music or speech shall be relayed externally via loudspeakers.

This has already been proposed at condition 16

3. Prominent, clear and legible notices shall be displayed at all exits from the premises, requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

This is a duplication of proposed condition 12

4. Refuse, such as bottles, shall not be placed into receptacles outside the premises between 11pm and 8am, in order to minimise the disturbance to nearby properties.

We would agree to the following wording *"No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day."*

This would replace proposed condition 18

5. The licence holder, Designated Premises Supervisor (DPS) or a suitably trained nominated representative, shall receive and respond to complaints throughout the duration of all noise generating events. A record of all complaints and of any action taken as a result, shall be maintained in a 'complaints logbook' kept specifically for that purpose. The logbook shall be made available for inspection by a Police Constable, or any other authorised person (as detailed within Section 13 of The Licensing Act 2003), upon their request.

Agree

6. Noise shall be inaudible outside noise sensitive premises after 11:00pm. A record of these checks and of any action taken as a result shall be maintained in a logbook kept specifically for that purpose. The logbook shall be made available for inspection by a Police Constable, or any other authorised person (as detailed within Section 13 of The Licensing Act 2003), upon their request.

We do not agree to this inaudibility condition as it is not proportionate and can create too much of an issue for licensed premises. We have proposed condition 13 which states *"No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance"* and we consider this to be both effective and proportionate

7. The licence holder, Designated Premises Supervisor (DPS) or a suitably trained nominated representative, shall monitor the effect of patrons leaving the premises from time to time and at least once a week. A record of the monitoring and of any matters giving rise to concern shall be maintained in a logbook. The logbook shall be made available for inspection by a Police Constable, or any other authorised person (as detailed within Section 13 of The Licensing Act 2003), upon their request.

We do not agree to this condition as we are already proposing to have door staff in place during key times when the premises are open and an incident log shall be kept at the premises which will record all ejections of patrons and any incidents of disorder. With these measures in place we submit that the premises will be able to monitor customers without the need to add the further condition requested above. Furthermore, condition 7 in our application proposes that the premises will have CCTV in place which will cover all entry and exit points.

Once you have reviewed our proposals could you please confirm that you are happy with it all. I will then forward it to the Licensing Department for them to amend the application.

I look forward to hearing from you.

Kind regards

George Domleo
Solicitor

Flint Bishop LLP St. Michael's Court, St. Michael's Lane, Derby, DE1 3HQ
George.Domleo@flintbishop.co.uk
01332 226192 ext: 258



DX: 729320 DERBY 24
Fax: 01332 207 601



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From: Page, Sarah [mailto:Sarah.Page@derby.gov.uk]
Sent: 17 April 2018 10:46
To: George Domleo
Subject: RE: St James Yard, St James Street, Derby, DE1 1RN - Provisional Statement Application

Thank you.

Once I have your confirmation I will let the Licensing Department know.

Kind regards

Sarah

Sarah Page | Environmental Health Officer - Environmental Protection | Communities, Environment and Regulatory Services Department | Communities and Place Directorate | Derby City Council, Council House, Corporation Street, Derby DE1 2FS | Telephone 01332 641928 | Minicom 01332 640666 | email to: environmental.services@derby.gov.uk



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From: George Domleo [<mailto:George.Domleo@flintbishop.co.uk>]
Sent: 16 April 2018 15:53
To: Page, Sarah
Subject: RE: St James Yard, St James Street, Derby, DE1 1RN - Provisional Statement Application

Dear Sarah

Thanks for your email and the attached document.

I will review the proposed conditions, take our client's instructions and come back to you shortly.

Kind regards

George

George Domleo
Solicitor

🏠 **Flint Bishop LLP** St. Michael's Court, St. Michael's Lane, Derby, DE1 3HQ
✉ George.Domleo@flintbishop.co.uk
☎ 01332 226192 ext: 258



DX: 729320 DERBY 24
Fax: 01332 207 601



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From: Page, Sarah [<mailto:Sarah.Page@derby.gov.uk>]
Sent: 16 April 2018 12:42
To: George Domleo
Subject: RE: St James Yard, St James Street, Derby, DE1 1RN - Provisional Statement Application

Please see attached document for Environmental Protection issues only.

Please verify you have received this email and agree with the conditions.

Kind regards

Sarah

From: George Domleo [<mailto:George.Domleo@flintbishop.co.uk>]

Sent: 09 April 2018 09:28

To: Licensing; derby.licensing@derbyshire.pnn.police.uk; enquiries@derbys-fire.gov.uk; DevelopmentControl; Services, Environmental; CYPsSafeguarding

Subject: St James Yard, St James Street, Derby, DE1 1RN - Provisional Statement Application

Dear Sir/Madam

Please find attached our Provisional Statement application for the above site.

Please also find the receipt of payment attached.

Regards

George

George Domleo
Solicitor

🏠 **Flint Bishop LLP** St. Michael's Court, St. Michael's Lane, Derby, DE1 3HQ

📧 George.Domleo@flintbishop.co.uk

☎ 01332 226192 ext: 258



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Mansell, Sandra

From: George Domleo <George.Domleo@flintbishop.co.uk>
Sent: 16 April 2018 16:46
To: Licensing; Dowse, Donna
Cc: Andrew Cochrane
Subject: RE: Your Ref: AX/G/St James Yard Derby

Thanks Donna.

Licensing, following my correspondence with Donna we wish to amend condition 24 to the following:-

- A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be made available for inspection at the premises by the Police and Trading Standards at all times whilst the premises are open. This should be retained on the premises for a minimum of 12 months

Could you kindly acknowledge receipt.

Kind regards

George

George Domleo
Solicitor

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From: Dowse, Donna [mailto:Donna.Dowse@derby.gcsx.gov.uk]
Sent: 16 April 2018 16:14

To: George Domleo
Subject: RE: Your Ref: AX/G/St James Yard Derby

That's great George thank you, I can confirm I am happy with the change on the proposed condition.

Kind regards, Donna.

Donna Dowse | Principal Trading Standards Officer | Communities, Environment and Regulatory Services
|
Communities and Place | Derby City Council, The Council House, Corporation Street, Derby, DE1 2FS |
Telephone 01332 641974 | Minicom 01332 640666 | www.derby.gov.uk



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From: George Domleo [mailto:George.Domleo@flintbishop.co.uk]

Sent: 16 April 2018 15:36

To: Dowse, Donna

Subject: RE: Your Ref: AX/G/St James Yard Derby

Dear Donna

Thank you for your email and it was good speaking with you earlier.

In terms of condition 24, please find below the amended wording:-

- A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be made available for inspection at the premises by the Police and Trading Standards at all times whilst the premises are open. This should be retained on the premises for a minimum of 12 months

Could you please confirm that you are now happy with this proposed condition and I will then notify Licensing of the amendment.

I will also advise our client that a Challenge 25 Policy is the preferred policy.

I look forward to hearing from you.

Kind regards

George

George Domleo

Solicitor

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From: Dowse, Donna [<mailto:Donna.Dowse@derby.gcsx.gov.uk>]
Sent: 16 April 2018 12:38
To: George Domleo
Subject: Your Ref: AX/G/St James Yard Derby

Our Reference: C059760

Dear Mr Domleo, please note that we are in receipt of the Application for a Provisional Statement in respect of St James's Yard.

As per our conversation earlier, Trading Standards would request that we are added to the list of personnel available to view the refusals register mentioned in Part M(e) point 24 of the application referring to the protection of children from harm.

You may also wish to advise your clients that a Challenge 25 Policy is the preferred policy in relation to the prevention of sales of alcohol to children under the age of 18 (part M(e)21).

If you or your client have any queries, in respect of the above, please feel free to get in touch.

Kind regards, Donna.

Donna Dowse | Principal Trading Standards Officer | Communities, Environment and Regulatory Services
|
Communities and Place | Derby City Council, The Council House, Corporation Street, Derby, DE1 2FS |
Telephone 01332 641974 | Minicom 01332 640666 | www.derby.gov.uk



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