

RESTRICTED (when complete)

APPLICATION AND CERTIFICATE FOR SUMMARY REVIEW OF PREMISES LICENCES

(Section 53A Licensing Act 2003)

Derby City Council
The Licensing Team
Environment & Regulatory Services
The Council House
Corporation Street
DERBY, DE1 2FS

**Application for the review of a premises licence under section 53A of the Licensing Act
2003 (premises associated with serious crime, serious disorder or both)**

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 the 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.

**I Superintendent Sarah McAughtrie
[on behalf of] the chief officer of police for the South Division of the Derbyshire
Constabulary police area apply for the review of a premises licence under section
53A of the Licensing Act 2003.**

1. Premises details:

Postal address of premises, or if none or not known, ordnance survey map reference or description: D'Glos 17 Victoria Street
Post town: DERBY
Post code (if known): DE1 1ES

2. Premises licence details:

Name of premises licence holder (if known): Stella Elizabeth Meah 17 Victoria Street, Derby, DE1 1ES
Number of premises licence (if known): PL10550638

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read guidance note 1]:

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)



4. Details of association of the above premises with serious crime, serious disorder or both:

[Please read guidance note 2]

In the early hours of Sunday morning the 19th May 2010, the Police were made aware of a disturbance inside the premises known as D'Gios, Wardwick, Derby. It was apparent to the officers attending that a disturbance was occurring in the venue involving a large number of people. The crowd were both vocal and volatile and even with the police presence sporadic incidents of violence were breaking out. Not all the violence was serious however, the police officers responding to this incident were hindered significantly by the lack of co-operation from customers leaving the premises and becoming disorderly.

The disorder emanating from the premises and the perceived threat was so significant at this time that a large number of officers were called to the location for extra support to officers already present and actively involved in the incident.

The circumstances as so far known are as follows,

A fight broke out in the venue between three males, it seems the victim's father then also intervenes and punches are thrown causing the father to be knocked to the floor.

His son tries to make his escape but was pursued and caught by the two assailants who then continue to violently assault him when cornered.

It was at this time a member of staff alerted police that were stationed on the street outside the front doors.

Both the victims were seen by paramedics at the scene and then conveyed to the A&E at The Derby Royal Hospital.

The first male sustained a 5cm cut across the top of his head (the doctor states this could be consistent with a knife slash) he has pain to his neck and chest area, a broken jaw, a fractured eye socket and bruising around his body. He requires surgery to reconstruct his eye socket.

The other male has had a previous brain injury. He has a superficial cut to his head, possibly from hitting it when he fell after being punched. At this time he was talking to staff but is not coherent. Hospital staff are unaware at this stage if his demeanour is due to the injury sustained in this incident, or the existing brain injury or possibly just consumption of too much alcohol?

Initial reports from the officers attending this incident, would suggest that there was a lack of control within the premises; fights and disorder were allowed to take place unchecked. If earlier intervention by the door staff had challenged the people responsible, this incident may not have escalated and resulted in people sustaining serious injury.

The Premises Licence Holder and Designated Premises Supervisor of these premises are well aware that the view of the Police, has always been that Responsible Authorities will always seek to support those involved in the management of licensed premises.

The Police Licensing Team have made strenuous efforts to support the premises over a number of years and it has been made clear that should any further serious incidents occur, positive action will be considered to ensure that the public is protected and they have confidence that the four licensing objectives are being promoted.

It is the view of the Police that this most recent incident has, on its own and taken cumulatively with other incidents, triggered an application for a summary review under Section 53A of the Licensing Act 2003.

The police have now lost all confidence that the management of D'Gios, at every level are capable of operating these premises in a way that promotes the four licensing objectives. Though it is based primarily on the incident above upon which the Chief Officer of Police makes this application, there will be presented to the Licensing Sub-Committee a full bundle of documents detailing other incidents and further evidence of Police action taken.

The Chief Officer of Police requests that the Licensing Authority uses its powers to suspend the licence until such times as a full review can be taken of all issues that have occurred at the premises and until such times as the Chief Officer of Police and the Licensing Authority can be reassured that the Licensing Objectives will be fully promoted.

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At the present time therefore it is submitted that the only reasonable action upon review is one of requesting the consideration of revocation of the premises licence.

Whilst making this application I would ask the panel to consider regulation 14 of the Licensing Act 2003 (Hearings) Regulations. I would request that the authority takes the view that the public interest in excluding the public from this hearing, outweighs the public interest in the hearing, taking place in public.

I would ask that all members of the public are excluded at this time as any information disclosed may have a detrimental impact on any future court proceedings for offences being investigated.

To clarify, the police are bringing forward matters that are part of ongoing criminal investigations which could be prejudiced by public disclosure of the facts. Should information be disclosed this could jeopardise the outcome of the investigation as there may be further offenders yet to be identified.

When making this application and signing the attached certificate, I have considered the following:

The home office states that the test to determine the kinds of conduct that amounts to serious crime are set out in section 81 (2) and (3) (a) and (b) of the regulation of Investigatory Powers Act 2000. Those tests are that the conduct:

- (a) Constitutes an offence for which a person who is 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 years or more; or
- (b) Involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

The offences being considered at this time are;

Assault – used or threatened unlawful violence towards another and your conduct was such as it would cause a person of reasonable firmness present at the scene to fear for his personal safety contrary to Sect 3(1) and (7) Public Order Act 1986.

Max custodial sentence upon conviction – 3yrs imprisonment

Wound or inflict grievous bodily harm without intent

Contrary to Sect 20 Offences Against Person Act 1861

Max custodial sentence upon conviction – 5yrs imprisonment

Wound or inflict grievous bodily harm with intent

Contrary to Sect 18 Offences Against Person Act 1861

Max custodial sentence upon conviction - Life imprisonment

I have also considered alternative powers in a way of addressing the issues but have found none suitable that would address our concerns. (Section 19 or section 51 of the Licensing Act 2003)

Signature of applicant: 

Date: 21st May 2019

Capacity: Superintendent

Contact details for matters concerning this application:

Address: The Licensing Department, D Division HQ, Prime Parkway, DERBY, DE1 3AB

Telephone number(s): 0300 122 5408

Email: derby.licensing@derbyshire.pnn.police.uk

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.



DERBYSHIRE CONSTABULARY
D DIVISION HEADQUARTERS
PRIME PARKWAY
CHESTER GREEN
DERBY
DE1 3AB

CERTIFICATE UNDER SECTION 53A (1) (B) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with ~~serious crime / serious disorder~~ / both serious crime and serious disorder¹.

Premises²

D'GIOS - 17 Victoria Street, Derby, DE1 1ES

Premises licence number (if known): PL10550638

Name of premises licence holder (if known): Stella Elizabeth Meah

Name of premises supervisor (if known): Mr Phillip Meah

I am a Superintendent³ of the Derbyshire Constabulary

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because⁴; immediate action is required to prevent further serious crime and disorder and also to permit a thorough investigation with regards to serious concerns of persons involved in the management and supervision of the premises.

.....
(Signed) 

.....21.5.19.....
(Date)

¹ Delete as applicable

² Include business name and address and any other relevant identifying details

³ Insert rank of officer giving the certificate, which must be Superintendent or above

⁴ Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, eg the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.



GENERAL LICENSING SUB-COMMITTEE

NOTE OF DECISION

NAME: D'Gios

ADDRESS: 17 VICTORIA STREET, DERBY DE1 1ES

1. The Sub-Committee has considered an application for the review of a premises licence under section 53A of the Licensing Act 2003 (as amended) (premises associated with serious crime, serious disorder or both).
2. The Sub-Committee has heard evidence from: Sandra Mansell – Team Leader – Derby City Council (Licensing Team), Caroline Sellars, Solicitor & PC Mark Dunn (Derbyshire Constabulary) and Karen Cochrane, Solicitor, for the premises licence holder.

DECISION

3. In making its decision, the Sub-Committee has had regard to the Derby City Council Licensing Policy, the guidance issued under section 182 of the Licensing Act 2003 and the Human Rights Act 1998, and has carefully considered all the evidence presented to it.
4. The Sub-Committee has made this decision to promote the 4 licensing objectives namely:
 - (a) Prevention of crime and disorder;
 - (b) Public Safety;
 - (c) Prevention of Public Nuisance; and
 - (d) Protection of Children from harm.
5. **Findings**
 - 5.1 There was a valid application made by Derbyshire Constabulary by virtue of section 53A of the Licensing Act 2003, which was accompanied by a certificate issued by a superintendent of the constabulary in accordance with section 53A(1)(b) of the Licensing Act 2003, served within the correct time period to consider an expedited review.
 - 5.2 The sub-committee has considered what constitutes serious crime under section 53A(4) of the Licensing Act 2003. The Sub-Committee is satisfied that taken together, the alleged offences under section 3(1) & (7) of the Public Order Act 1986 and sections 18 & 20 of the Offences Against the Person Act 1861 that have been identified by Derbyshire Constabulary, could reasonably be expected to attract a sentence of imprisonment for a term of three years or more.

- 5.3 There was no dispute between those representing Derbyshire Constabulary and those representing the premises licence holder that the events that took place (details of which next follow) were 'serious'.
- 5.4 In the early hours of Sunday, 19 May 2019, serious crime and serious disorder took place at D'Gios, licensed premises within the city centre of Derby, one male was knocked to the floor suffering a superficial cut to his head sustained either from having been punched or upon hitting his head on floor. A second male, who had attempted to escape from the premises was also allegedly violently assaulted, sustaining a 5cm cut across the head which the sub-committee was told a doctor indicated was consistent with a knife slash. He also sustained a broken jaw, a fractured eye socket which will require reconstructive surgery, bruising around his body and with pain to his neck and chest areas. Both victims were attended at the premises by paramedics and were subsequently conveyed to the A & E department at Derby Royal Hospital.
- 5.4 Derbyshire Constabulary submits that effective management at the premises was lacking at the material time in that there was no effective control evident within the premises, that fights and disorder were allowed to take place unchecked and that effective earlier intervention by door supervisors would have averted the situation that eventually ensued as it would have deescalated the incident in which event the injuries sustained by the victims could have been avoided. Reference is made to previous incidents on a number of earlier occasions which the sub-committee notes but makes no particular findings on at this time.
- 5.5 The representations from PC Dunn indicated that although the need for routine searches form a condition of the licence, the CCTV footage (which will be viewed on June 17th) suggests that the perpetrators on the night were known to the doorstaff, with fist-bumps exchanged as the perpetrators arrived. This was to be contrasted to those seeking admission who followed, who appeared to be properly searched. The record will reflect that Mrs. Cochrane, for the premises licence holder, indicated that her recollection of the CCTV footage she had seen does not accord with the police representation.
- 5.6 The constabulary's representations conclude by saying that it now has no confidence in the ability of the collective management of the premises to promote the licensing objectives and that the incident on 19 May 2019 justifies the summary review of the premises licence today. The premises licence holder had proposed some conditions, which were discussed. They say that having agreed modifications to the premises licence in 2018 aimed at allaying concerns at the time, they have no confidence that further modifications now would be appropriate. Those earlier modifications included a change in the Designated Premises Supervisor (DPS) at the time, whose management of the premises had come under scrutiny. That it was the same person removed last year who appeared to be in charge on the night in question raises significant concerns about the judgment of the premises licence holder. This also challenges the merit in removal of the current DPS as an appropriate interim step today. Nor is it immediately apparent to the sub-committee that exclusion of

licensable activities would avert the sort of situation that unfolded on the night in question.

- 5.7 The sub-committee finds that based on the representations made by Derbyshire Constabulary today, there has been a failure to promote the licensing objectives. This is due to the premises being concerned in serious crime and serious disorder and also due to a lack of effective control over the management of the premises.
6. The Sub-Committee has **RESOLVED** to take the following interim step pending the hearing of a full review:
 - 6.1 **Suspend** the Premises Licence for D'Gios, 17 Victoria Street, Derby DE1 1ES. This interim step will remain in force until the full review is determined or until an appeal is disposed of resulting from the full review determination, whichever is later.
7. The reasons for this decision are as follows:
 - 7.1 Having taken into account the 4 licensing objectives, the guidance issued under section 182 of the Licensing Act 2003, the Council's licensing policy and the Human Rights Act, the Sub-Committee was satisfied that one or more of the licensing objectives have been, and in the future will be, undermined without this interim step being taken.
8. The date set for a full review of the Premises Licence, which shall take place at Derby City Council, The Council House, Corporation Street, Derby, DE1 2FS, is Monday, 17 June 2019 at 10.00am.

Date of Decision: 23 May 2019

Members of the General Licensing Sub-Committee: Councillors Paul Pegg (Chair), Alison Holmes & Ruth Skelton

Signed: _____

Chair





BY EMAIL AND FIRST CLASS POST
Licensing Team Derby City Council
Council House
Corporation Street
Derby
DE1 2FS

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: RJT / MJM / 098454.25868
#GS2609881
Your ref:
Date: 5th June 2019

Dear Sirs,

Re: Licensing Act 2003 – Review Proceedings
D’Gios, 17 Victoria Street, Derby DE1 1ES

We act on behalf of Ei Group Plc. Our client is the freeholder owner of these premises and has received a copy of the decision notice following the expedited review on 23rd May 2019.

We would be grateful if you would accept this letter as a formal representation to the review on behalf of our client.

Ei Group Plc owns around 4000 public houses in England and Wales. Around 90% of these premises are the subject of lease/tenancy agreements by which the tenant operates his/her/its own business out of our client’s premises. The lease/tenancy agreement makes it clear that all operational responsibility for the premises lies with the tenant. D’Gios is the subject of a 30 year lease agreement which expires in 2031. Our client’s tenant is Mr P Meah and Mrs S Meah.

Our client has serious concerns about the operation of these premises under the current management. Following receipt of the decision notice, our client’s regional manager met with its tenants with a view to arranging a surrender of the lease. In the event that the lease is surrendered, when our client recovers possession of the premises, the premises licence will be transferred to our client.

It is clear from the decision notice that the causes of the concerns that led to the review was ineffective management of the premises. Our client is attempting to remove that management from the premises and if it is able to do so and transfer the licence to itself by the time of the review hearing, it is hoped that no further action will be necessary.

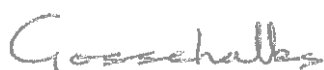
In the event that our client is unable to recover possession of the premises before the review hearing, we submit that the licensing objectives could be promoted by the removal of the current DPS and a suspension of the premises licence whilst the current tenants remain in occupation.

We expect, however that our client will recover possession of these premise and the premises licence will be transferred to our client prior to the review hearing on 17th June. In those circumstances Ei Group Plc will be the premises licence holder and will appear before the Licensing Committee to deal with the review.

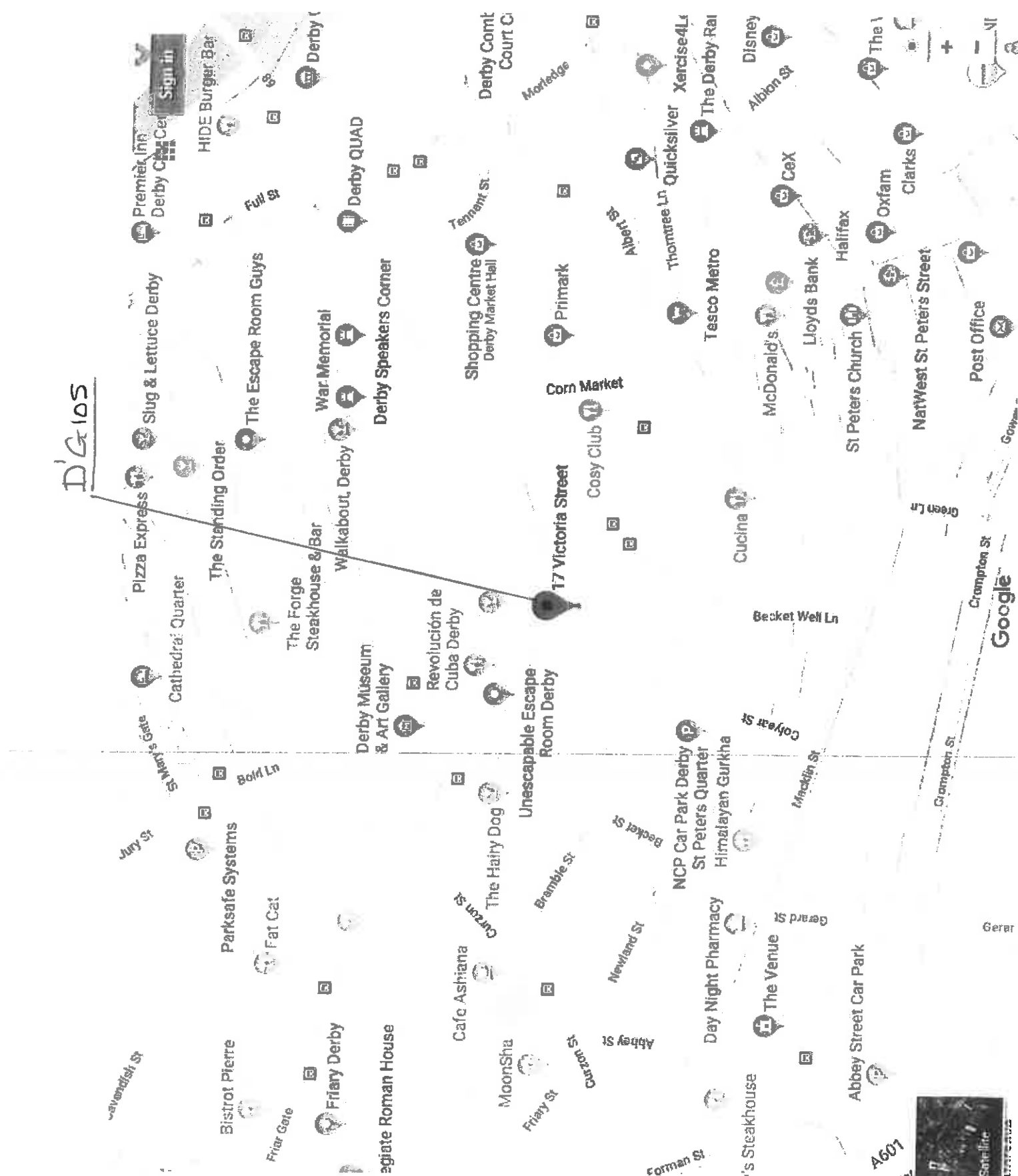
At this stage, we would be grateful if you could acknowledge receipt of this representation and confirm the date of the hearing.

We look forward to hearing from you.

Yours faithfully



GOSSCHALKS





Derby City Council

APPENDIX 5

Licensing Team
Public Protection and Streetpride
Council House
Corporation Street
Derby
DE1 2FS

Licensing Act 2003

PL10550638

Premises Licence

Part 1 – Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

D'Gios

17 Victoria Street, Derby, DE1 1ES.

Telephone: 01332 224252

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- an exhibition of a film
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORIZES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
B. Exhibition of films (Indoors)	Sunday	10:00	03:00
	Monday	10:00	03:00
	Tuesday	10:00	03:00
	Wednesday	10:00	03:00
	Thursday	10:00	03:00
	Friday	10:00	03:00
	Saturday	10:00	03:00



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THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued			
Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)			
	Sunday	10:00	03:00
	Monday	10:00	03:00
	Tuesday	10:00	03:00
	Wednesday	10:00	03:00
	Thursday	10:00	03:00
	Friday	10:00	03:00
	Saturday	10:00	03:00
F. Playing of recorded music (Indoors)			
	Sunday	10:00	03:00
	Monday	10:00	03:00
	Tuesday	10:00	03:00
	Wednesday	10:00	03:00
	Thursday	10:00	03:00
	Friday	10:00	03:00
	Saturday	10:00	03:00
G. Performances of dance (Indoors)			
	Sunday	10:00	03:00
	Monday	10:00	03:00
	Tuesday	10:00	03:00
	Wednesday	10:00	03:00
	Thursday	10:00	03:00
	Friday	10:00	03:00
	Saturday	10:00	03:00
H. Entertainment of a similar description to that falling within E,F or G (Indoors)			
	Sunday	10:00	03:00
	Monday	10:00	03:00
	Tuesday	10:00	03:00
	Wednesday	10:00	03:00
	Thursday	10:00	03:00
	Friday	10:00	03:00
	Saturday	10:00	03:00
I. Late night refreshment (Indoors)			
	Sunday	23:00	03:00
	Monday	23:00	03:00
	Tuesday	23:00	03:00
	Wednesday	23:00	03:00
	Thursday	23:00	03:00
	Friday	23:00	03:00
	Saturday	23:00	03:00



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J. The sale by retail of alcohol for consumption ON and OFF the premises

Sunday	10:00	03:00
Monday	10:00	03:00
Tuesday	10:00	03:00
Wednesday	10:00	03:00
Thursday	10:00	03:00
Friday	10:00	03:00
Saturday	10:00	03:00

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Sunday	10:00	03:30
Monday	10:00	03:30
Tuesday	10:00	03:30
Wednesday	10:00	03:30
Thursday	10:00	03:30
Friday	10:00	03:30
Saturday	10:00	03:30

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES

- J The sale by retail of alcohol for consumption ON and OFF the premises.

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Stella Elizabeth Meah

17 Victoria Street, Derby, DE1 1ES

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES AUTHORISES THE SUPPLY OF ALCOHOL

Phillip Meah

27 Richmond Avenue Littleover Derby DE23 1DL



Derby City Council

Licensing Team
Public Protection and Streetpride
Council House
Corporation Street
Derby
DE1 2FS

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PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY THE
DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY
OF ALCOHOL

Licence No: PA10550638

Issued by: Derby City Council



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Premises Licence

ANNEXES

NON STANDARD TIMINGS

12:00 - 00:00 Sunday & 10:00 - 00:00 Saturday for the supply of alcohol outside the premises.

Start of permitted hours New Years Eve until terminal hour New Years Day.

When the clocks go forward under British Summer Time, the permitted hours for that night only will move forward by one hour.

Extensions to the permitted hours for supply of liquor during televised Football, Rugby League and Union World Cup Final matches of any nation. The extensions would be one hour before the start of the match and one hour after its conclusion.

ANNEX 1 - MANDATORY CONDITIONS

MANDATORY CONDITIONS - SUPPLY OF ALCOHOL

1. No supply of alcohol may be made under the premises licence—
 - a. at any time when there is no designated premises supervisor in respect of the premises licence; or
 - b. at any time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

MANDATORY CONDITIONS – DOOR SUPERVISION

3. Each individual required to be at the premises to carry out a security activity must be licensed by the Security Industries Authority.

MANDATORY CONDITION IMPLEMENTED ON 28 MAY 2014.

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 —



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- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula — $P = D + (D \times V)$
Where — P is the permitted price,
- (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence—
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994

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

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

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

MANDATORY CONDITIONS IMPLEMENTED 1 OCTOBER 2014

1. (1). The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises."
- (2) An irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of



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alcohol for consumption on the premises –

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective.

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective.;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner).

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The Designated Premises Supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either

(a) holographic mark or

(b) an ultraviolet feature

4. The responsible person must ensure that –

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following



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measures –

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

MANDATORY CONDITIONS – EXHIBITION OF FILMS

EXHIBITION OF FILMS

- 1 No film shall be exhibited unless:
 - a. it has received a “U”, “PG”, “12A”, “15”, or “18” certificate of the British Board of Film Classification; or
 - b. it is a current newsreel, which has not been submitted to the British Board of Film Classification.
- 2 “18” Films
No person apparently under the age of eighteen years shall be admitted to any exhibition at which there is to be shown any film which has received an “18” certificate from the British Board of Film Classification.
- 3 “15” Films
No person apparently under the age of fifteen years shall be admitted to any exhibition at which there is to be shown any film which has received an “15” certificate from the British Board of Film Classification.
- 4 “12A” Films
No person apparently under the age of twelve years shall be admitted to any exhibition unless accompanied by an adult at which there is to be shown any film, which has received a “12A” certificate from the British Board of Film Classification.
- 5 “PG” Films
Some scenes contained at which there is to be shown any film, which has received a “PG” certificate from the British Board of Film Classification, may be unsuitable for young children.



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- 6 "U" Films
Films suitable for all is any film, which has received a "U", certificate from the British Board of Film Classification.
- 7 Permission of Licensing Authority
Notwithstanding the above, a film may be exhibited, or persons, or any class of person, may be admitted thereto if the permission of the licensing authority is first obtained and any conditions of such permission are complied with.

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

- 1) You will not allow the number of people on the premises or any part of the premises to exceed **150**.
- 2) You must display prominent, clear and legible notices at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- 3) No Children are to be allowed to remain on the premises after 20:00
- 4) 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.
- 5) Refresher training shall be provided at regular intervals – at least every 6 months. Records detailing the training provided shall be kept on the premises for a period of 12 months and be made available upon a request by a Police Officer or an authorised officer as detailed within Section 13 of the Licensing Act 2003.
- 6) A written Proof of Age Scheme shall be operated at all times the premises are open to the public. Anyone attempting to purchase alcohol (or other age restricted product) that appears under the age of 25 years shall be asked to produce proof of age.
- 7) Clear, prominent and unobstructed signage informing customers of the proof of age scheme, and CCTV in operation shall be displayed at:
 - All entry points
 - Points of sale



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- 8) A refusal book/log shall be maintained with records kept on the premises for a period of 12 months. The refusal book/log shall be made available upon a request by a Police Officer or an authorised officer as detailed within Section 13 of the Licensing Act 2003.
- 9) The DPS shall ensure that a written incident log is maintained within the premises and details of all relevant incidents are recorded within the log. This log shall be kept on the premises for a period of not less than 12 months and be made available upon request by a Police Officer or an authorised officer as detailed within Section 13 of the Licensing Act 2003.
- 10) The premises will have and adopt a drugs policy. All staff working at the premises will be made aware of what this policy entails and any systems or procedures they are expected to follow. The drugs policy will be in written form and shall be made available upon a request by a Police Officer or another authorised person as detailed within Section 13 of the Licensing Act 2003.
- 11) CCTV will record at times whilst the premises are open for licensable activities, the system will cover the interior of the premises save for any toilet area and the area immediately to the rear of the premises, the CCTV system will be capable of clear identification of persons entering the premises.
- 12) All CCTV recordings must be retained for a minimum of 28 days unless negotiated otherwise with police due to unforeseen circumstances. These images must be available for viewing at any reasonable time upon request of a Police Officer or another authorised person as detailed within Section 13 of the Licensing Act 2003.
- 13) The DPS and designated members of staff must be able to retrieve and copy any recordings/images at the time of asking or within 48 hours if so required.
- 14) The CCTV recording unit shall be restricted in use to the Premises Licence Holder, DPS or nominated responsible member of staff and kept in a location on the premises only accessible by those persons.
- 15) All digital CCTV recordings to be made in real time, time lapse not to be used; the recordings will be of clear quality and of identification standard.



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- 16) The premises will have two SIA approved Door Supervisors every Friday from 22:00 hrs until close.
- 17) The premises will have two SIA approved Door Supervisors every Saturday from 22:00 hrs until close, with a third SIA approved Door Supervisor commencing no later than Midnight until close.
- 18) The Designated Premises Supervisor will regularly assess the need for the provision of additional door supervision and provide sufficient staff as deemed necessary. This shall include Bank Holidays and other dates of celebration within a calendar year.
- 19) The Premises will adopt a condition of entry policy with proportionate and unobstructed signage displayed.
- 20) A written 'wind down' period policy will be maintained and operated to cover the final hour of opening. Staff shall be made aware of their role and responsibilities during this period.

ANNEX 3 - CONDITIONS SET BY LICENSING SUB-COMMITTEE

None

ANNEX 4 – PLANS

As per application



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Premises Licence Summary

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

D'Gios

17 Victoria Street Derby, DE1 1ES

Telephone: 01332 224252

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- an exhibition of a film
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
B. Exhibition of films (Indoors)	Sunday	10:00	03:00
	Monday	10:00	03:00
	Tuesday	10:00	03:00
	Wednesday	10:00	03:00
	Thursday	10:00	03:00
	Friday	10:00	03:00
	Saturday	10:00	03:00



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~~THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES~~ continued...

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)			
	Sunday	10:00	03:00
	Monday	10:00	03:00
	Tuesday	10:00	03:00
	Wednesday	10:00	03:00
	Thursday	10:00	03:00
	Friday	10:00	03:00
	Saturday	10:00	03:00
F. Playing of recorded music (Indoors)			
	Sunday	10:00	03:00
	Monday	10:00	03:00
	Tuesday	10:00	03:00
	Wednesday	10:00	03:00
	Thursday	10:00	03:00
	Friday	10:00	03:00
	Saturday	10:00	03:00
G. Performances of dance (Indoors)			
	Sunday	10:00	03:00
	Monday	10:00	03:00
	Tuesday	10:00	03:00
	Wednesday	10:00	03:00
	Thursday	10:00	03:00
	Friday	10:00	03:00
	Saturday	10:00	03:00
H. Entertainment of a similar description to that falling within E,F or G (Indoors)			
	Sunday	10:00	03:00
	Monday	10:00	03:00
	Tuesday	10:00	03:00
	Wednesday	10:00	03:00
	Thursday	10:00	03:00
	Friday	10:00	03:00
	Saturday	10:00	03:00
I. Late night refreshment (Indoors)			
	Sunday	23:00	03:00
	Monday	23:00	03:00
	Tuesday	23:00	03:00
	Wednesday	23:00	03:00
	Thursday	23:00	03:00
	Friday	23:00	03:00
	Saturday	23:00	03:00



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J. The sale by retail of alcohol for consumption ON and OFF the premises

Sunday	10:00	03:00
Monday	10:00	03:00
Tuesday	10:00	03:00
Wednesday	10:00	03:00
Thursday	10:00	03:00
Friday	10:00	03:00
Saturday	10:00	03:00

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Sunday	10:00	03:30
Monday	10:00	03:30
Tuesday	10:00	03:30
Wednesday	10:00	03:30
Thursday	10:00	03:30
Friday	10:00	03:30
Saturday	10:00	03:30

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES

- J The sale by retail of alcohol for consumption ON and OFF the premises

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Stella Elizabeth Meah

17 Victoria Street Derby DE1 1ES

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES AUTHORISES THE SUPPLY OF ALCOHOL

Phillip Meah



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STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

No Children are to be allowed to remain on the premises after 20:00

Premises Licence issued 27 June 2018

A handwritten signature in black ink, appearing to be 'R. Smith'.

Signature of Authorised Officer

