

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

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We [REDACTED]

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

| |
|---------------------------------------|
| Premises licence number PL10551356 |
|---------------------------------------|

Part 1 – Premises Details

| | | | |
|---|-------|----------|---------|
| Postal address of premises or, if none, ordnance survey map reference or description 91 SITWELL STREET SPONDON DERBY | | | |
| Post town | DERBY | Postcode | DE217FH |

| | |
|---|---|
| Telephone number at premises (if any) | |
| Non-domestic rateable value of premises | £ |

Part 2 – Applicant details

| | |
|---|--|
| Daytime contact telephone number | [REDACTED] |
| E-mail address (optional) | Theoptimistspondon@gmail.com |
| Current postal address if different from premises address | [REDACTED] |
| Post town | [REDACTED] |
| Postcode | [REDACTED] |

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

☒ Yes

☐
No

If not, from what date do you want the variation to take effect?

| DD | | MM | | YYYY | | | |
|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> |

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) ☐ Yes ☒ No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

We currently have a premises licence to sell alcohol during certain hours of the day, the proposed variation is to slight increase the daily hours already permitted.

We have been operating since the 21st Dec 2021 and have had no adverse publicity in relation to the management of the premises

The premises is a small micro pub specialising in the selling of cask ales and with a capacity of approx. 60 persons

The request is to extend our opening hours to the hours specified below with a further 30 mins allowed for drinking up time

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

- | Provision of regulated entertainment (Please see guidance note 3) | Please tick all that apply |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |
| I) Provision of late night refreshment (if ticking yes, fill in box I) | <input type="checkbox"/> |
| j) Supply of alcohol (if ticking yes, fill in box J) | <input checked="" type="checkbox"/> |

In all cases complete boxes K, L and M

A

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|--|-------|--------|--|----------|--------------------------|
| Plays Standard days and timings (please read guidance note 8) | | | Will the performance of a play take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 4) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | | | |
| Mon | | | <u>Please give further details here</u> (please read guidance note 5) | | |
| | | | | | |
| Tue | | | | | |
| | | | | | |
| Wed | | | <u>State any seasonal variations for performing plays</u> (please read guidance note 6) | | |
| | | | | | |
| 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 7) | | |
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|--|-------|--------|--|----------|--------------------------|
| Films Standard days and timings (please read guidance note 8) | | | Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | Please give further details here (please read guidance note 5) | | |
| Mon | | | | | |
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| Tue | | | | | |
| | | | State any seasonal variations for the exhibition of films (please read guidance note 6) | | |
| Wed | | | | | |
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| 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 7) | | |
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|---|-------|--------|---|
| Indoor sporting events Standard days and timings (please read guidance note 8) | | | Please give further details (please read guidance note 5) |
| Day | Start | Finish | |
| Mon | | | |
| Tue | | | State any seasonal variations for indoor sporting events (please read guidance note 6) |
| Wed | | | |
| Thur | | | |
| Fri | | | 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 (please read guidance note 7) |
| Sat | | | |
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|---|-------|--------|---|----------|--------------------------|
| Boxing or wrestling entertainments Standard days and timings (please read guidance note 8) | | | Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4) | 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 5) | | |
| Mon | | | | | |
| | | | | | |
| Tue | | | | | |
| | | | <u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6) | | |
| Wed | | | | | |
| | | | | | |
| Thur | | | | | |
| | | | <u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7) | | |
| Fri | | | | | |
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|---|-------|--------|--|----------|-------------------------------------|
| Live music Standard days and timings (please read guidance note 8) | | | <u>Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)</u> | Indoors | <input checked="" type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | <u>Please give further details here (please read guidance note 5)</u> We would like the opportunity to be able to have small local musicians perform within the premises for the benefit of our customers. We do not anticipate the bands to be more than three persons and predominantly be of acoustic in nature | | |
| Mon | | | | | |
| Tue | | | | | |
| Wed | | | <u>State any seasonal variations for the performance of live music (please read guidance note 6)</u> | | |
| Thur | 1800 | 2100 | | | |
| Fri | 1800 | 2100 | | | |
| Sat | 1800 | 2100 | <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 (please read guidance note 7)</u> | | |
| Sun | | | | | |
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|---|-------|--------|---|----------|--------------------------|
| Recorded music Standard days and timings (please read guidance note 8) | | | <u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 4) | 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 5) | | |
| Mon | | | | | |
| | | | | | |
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| Tue | | | <u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6) | | |
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| Wed | | | <u>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</u> (please read guidance note 7) | | |
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| Performances of dance Standard days and timings (please read guidance note 8) | | | <u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4) | 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 5) | | | | |
| Mon | | | | | | | |
| | | | | | | | |
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| Tue | | | <u>State any seasonal variations for the performance of dance</u> (please read guidance note 6) | | | | |
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| | | | | | | | |
| 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 7) | | | | |
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| Thur | | | | | | | |
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|--|-------|--------|--|-----------------------------------|
| Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8) | | | 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 4) | 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 5) | |
| | | | | |
| Wed | | | | |
| Thur | | | <u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6) | |
| | | | | |
| Fri | | | | |
| Sat | | | <u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7) | |
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| Late night refreshment Standard days and timings (please read guidance note 8) | | | Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4) | | Indoors | <input type="checkbox"/> |
| | | | | | Outdoors | <input type="checkbox"/> |
| Day | Start | Finish | | | Both | <input type="checkbox"/> |
| Mon | | | Please give further details here (please read guidance note 5) | | | |
| | | | | | | |
| Tue | | | | | | |
| | | | | | | |
| Wed | | | State any seasonal variations for the provision of late night refreshment (please read guidance note 6) | | | |
| | | | | | | |
| Thur | | | | | | |
| | | | | | | |
| Fri | | | Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 7) | | | |
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|--|-------|--------|---|---------------------|-------------------------------------|
| Supply of alcohol Standard days and timings (please read guidance note 8) | | | Will the supply of alcohol be for consumption – please tick (please read guidance note 9) | On the premises | <input type="checkbox"/> |
| | | | | Off the premises | <input type="checkbox"/> |
| | | | | Both | <input checked="" type="checkbox"/> |
| Day | Start | Finish | <u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6) | | |
| Mon | 1200 | 2400 | | | |
| | | | | | |
| Tue | 1200 | 2400 | | | |
| | | | | | |
| Wed | 1200 | 2400 | | | |
| | | | | | |
| Thur | 1200 | 2400 | <u>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</u> (please read guidance note 7) | | |
| | | | | | |
| Fri | 1200 | 2400 | | | |
| | | | | | |
| Sat | 1200 | 2400 | | | |
| | | | | | |
| Sun | 1200 | 2200 | | | |
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| <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 10).</p> <p>We operate a strict no children policy on a day to day basis, this is our decision to ensure there are no issues with parents not caring for their family likewise it's a relatively small premises and not suitable for children running around, playing</p> |
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|---|-------|--------|---|
| Hours premises are open to the public Standard days and timings (please read guidance note 8) | | | <u>State any seasonal variations</u> (please read guidance note 6) |
| Day | Start | Finish | |
| Mon | 1200 | 0030 | |
| | | | |
| Tue | 1200 | 0030 | |
| | | | |
| Wed | 1200 | 0030 | |
| | | | |
| Thur | 1200 | 0030 | |
| | | | |
| Fri | 1200 | 0030 | <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 7) |
| | | | |
| Sat | 1200 | 0030 | |
| | | | |
| Sun | 1200 | 2230 | |
| | | | |

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence



If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

All staff will be trained in licensing issues, CCTV is installed and reviewed regularly, there will be a zero tolerance in any shape of anti-social or drunken behaviour
This will be achieved by effective and responsible management of the premises at all times, crucial is the recruitment of the right staff and their subsequent training and support

b) The prevention of crime and disorder

By still limiting the opening hours, the premises will still appeal to a particular clientele who are wanting to enjoy a nice quiet drink possibly before a meal or to enjoy a quiet conversation with family or friends. We are now established within village community as is our high standards that we maintain constantly thereby ensuring that our patrons all enjoy a safe drinking environment
We will join and actively participate in the local pub watch scheme
Training will be given to staff in crime prevention and drug awareness measures and to prevent the sale of alcohol to those who are underage or appearing to be drunk
Cctv is installed and working
We will adopt the challenge 25 policy

c) Public safety

Public safety is obviously paramount to all concerned. All safety procedures will be constantly reviewed to ensure that, there is no crowding, consumption of alcohol will be monitored ensuring that there are no drinks served to persons who are intoxicated. There will be a zero tolerance in relation to these aspects
Emergency lighting will be functioning in addition to signposted additional escape routes.
There will be a capacity limit which is adhered to at all times
First aid provision on site

d) The prevention of public nuisance

Noise created will be at a minimum
The hours of opening are restricted to the time of 1200-2300 to limit any risk of excessive noise emitting from the premises
There will be no permitted access to premises 45 minutes prior to closure
The occupancy maximum will never be exceeded thereby reducing the risk of crime and disorder, public nuisance
Effective and responsible management of the premises is key to ensuring all the four keys areas are adhered to, this again includes adequate training to all employed within the business ensuring all customers leave quietly at all times, effective signage is also key leaving all customers under no illusion of the expectations that we have for all person attending and leaving the venue
Bulk buying of alcohol will not be permitted

e) The protection of children from harm

Children ie anyone under the age of 18 if present will not be allowed to remain on the premises after 1900 hrs . Whilst on premises they will be under the control of the appropriate adult at all times, any deviation from this and they will all be asked to leave.
No one under the age of 18 will be allowed to enter without being accompanied by an adult at any time

Checklist:

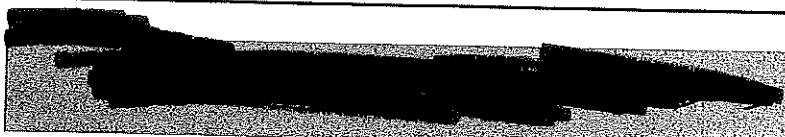
Please tick to indicate agreement

- I have made or enclosed payment of the fee; or ☒
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. ☐
- 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 have enclosed the premises licence or relevant part of it or explanation. ☒
- 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 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

| | |
|-----------|---|
| Signature |  |
| Date | 11 th May 2022 |
| Capacity | Applicant |

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). If signing on behalf of the applicant, please state in what capacity.

| | |
|-----------|--|
| Signature | |
| Date | |
| Capacity | |

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

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

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. 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.

4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
8. 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.
9. 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'.
10. 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.
11. Please list here steps you will take to promote all four licensing objectives together.
12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.

Licensing – Privacy Notice

How is your information used?

We may use your information to: process applications, investigate and prosecute relevant illegal activities, investigate and prosecute Corporate Fraud; send you communications that you have requested or that may be of interest; ask agencies, government departments or other public bodies to give us information they have about you; check information you have provided, or information about you that someone else has provided, with other information we hold; get information about you from certain third parties, or give information to them to check the accuracy of information, prevent or detect fraud or protect public funds. These third parties include Government Departments, other Local Authorities and private sector companies, as allowed by law.

Who has access to your information?

We may share your information with:

- Other Council Departments – to ensure we meet our statutory duties; or to collect debt, and prevent fraud and the misuse of public funds.

- External organisations, for example, HM Revenues & Customs, the Department of Work and Pensions, the Police, the Audit Commission and other enforcement agencies and third parties, for other purposes allowed by law, including, to prevent fraud and the misuse of public funds.

For further information about how your personal information will be used, please visit www.derby.gov.uk/privacy-notice/ where you can see a full copy of our privacy notice. Alternatively you can request a hard copy from - licensing@derby.gov.uk

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

7 June 2022

The Licensing Team
Derby City Council
The Council House
Corporation Street
Derby
DE1 2FS

**Objection to an Application re a variant in Licence for The Hoptimist, 91 Sitwell Street,
Spondon, Derby, DE21 7FH**

I wish to object strongly to the above application on the grounds of prevention of public nuisance through the generation of noise.

I reside at [REDACTED] and have done so happily for the last 10 years and 7 months. I have loved living in such a prime location in Spondon Village and being part of the community.

I live here with my husband, his son and his partner. We have a large family who regularly visit us along with our four Grandchildren who are all under 8 years of age. We have both the space inside and outside in the large garden to accommodate wonderful family gatherings. It is also a regular occurrence for the Grandchildren to sleep over with us.

Since the Hoptimist opened last year, we have suffered with having to listen to loud conversations, drunkenness, foul language, music, having to sleep with our windows shut due to the loud noises and many early deliveries of stock. When The Hoptimist first applied for the change of premises and a licence they stated it would be a place for the community to gather for board games, cards, etc. They also stated smoking would not be tolerated but they currently allow smoking in an area in the premises, and we often find customers standing smoking outside of our entrance to our premises and cigarette debris discarded. They also specified they did not wish to have any music of any kind and we now find they are wishing to stay open until Midnight 6 days a week with live music and recorded music (which they already do, as we have heard music playing!!). We feel this will cause us even more disturbance than we are already struggling to cope with.

I work for the NHS in the largest GP Practice in Derby with a start time of 7.00am 5 days a week and also suffer with my mental health with sleep being a major part of my illness. The longer opening times will not help my mental health and I fear my work will suffer.

We are unsure if you know the layout of both our buildings, so we have attached a sketch with measurements for you to see. The building at the back of the brick building is made from corrugated sheeting and the roof is made from a thin fibre glass, which we know is not insulated... hence all the noise. They are also in the process of building a further extension to the back of the corrugated unit along with a decking area which backs on to our garden and has easy access to look into our lounge area.

We had a request from our Landlord Mr Hind to remove a camera from the side of our building as this overlooks the new extension as per the owners of The Hoptimists request. This camera has been in situ for the last 5 years since having a break in. We have not removed this but lowered it as we feel our premises can be accessed from The Hoptimist.

Whilst we understand we are not the only dwelling who will suffer with the application as there are also families who live to the right of the property and towards the rear, they too have been suffering from the noise.

Regards

[REDACTED]

[REDACTED]

(Flat above Housley)
Pharmacy

The Hoptunist
(main Building)

GATE

Window

Window

Bedroom

Bedroom

Bedroom

107 cm

Bedroom

135 cm

Window

Window

Bathroom

Window

Hoptunist
extension

Corrugated Roof
Not insulated

Fence

Window

Kitchen

Window

Front Room

Window

viewing area

Outside
Cover
Corrugated
Roof
Not insulated

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
06/06/2022

The Licensing Team
Derby City Council
The Council House
Corporation Street
Derby DE1 2FS

Objection to an Application to vary a premises licence.

Application made by The Hoptimist, 91 Sitwell Street, Spondon,
Derby DE21 7FH.

I wish to strongly object on the grounds of prevention of public nuisance through generation of noise.

I own the property at [REDACTED]. The flat at [REDACTED] has three bedrooms and a large garden ideal for a family. The current tenants have happily lived here for several years.

One of the tenants works for the NHS in a GP surgery with a start time of 7am Monday to Friday. The tenants also have four young grandchildren, under eight years of age, who often stay with their grandparents to assist with parenting.

The tenants have told me that the current licensing hours do cause some disturbance due to noise levels. That is without the granting of a music licence and extending the hours to midnight on six days each week.

There are other families living in the flats above 83-89 Sitwell Street and to the rear are bungalows on South Avenue whose residents are all retired.

Granting of this variation to their current licence will obviously intrude into normal family life for several families.

For any customers who feel the need to drink alcohol beyond the Hoptimist's current licensed hours there are four other licensed premises within 100m.

Why didn't the applicant apply for these hours and a music performance licence when they opened for business at the end of 2021?

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

PETITION

Proposed change of Licence at: The Hoptimist Spondon 91 Sitwell St
Spondon Derby DE21 7FH

We the undersigned object to the application to the extension of hours for the sale of alcohol until midnight with 30mins drinking up time Monday to Saturday under The Prevention of Public Nuisance. This area contains families in residential properties and retail units.

Submission date for close of proposed alterations 11.6.22

[illegible]

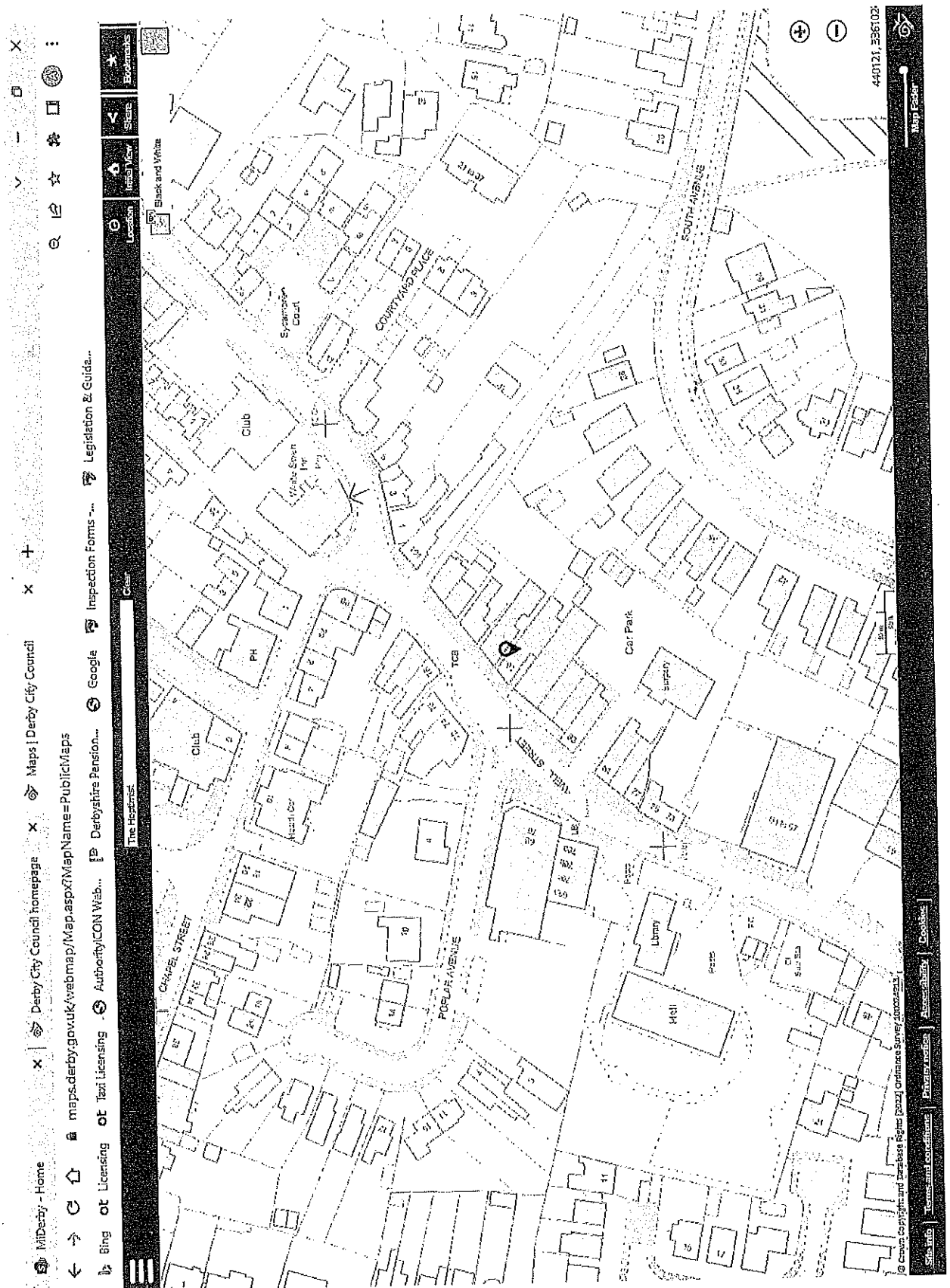
PETITION

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[illegible]





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DE1 2FS

Licensing Act 2003

PL10551356**Premises Licence****Part 1 – Premises Details****POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION****The Hoptimist**

91 Sitwell Street Spondon Derby DE21 7FW

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- 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 |
|---|-------------|-----------|---------|
| J. The sale by retail of alcohol for consumption ON AND OFF the premises | | | |
| | Sunday | 12:00 | 20:00 |
| | Monday | 14:00 | 22:00 |
| | Tuesday | 14:00 | 22:00 |
| | Wednesday | 14:00 | 22:00 |
| | Thursday | 14:00 | 22:00 |
| | Friday | 14:00 | 23:00 |
| | Saturday | 14:00 | 23:00 |

THE OPENING HOURS OF THE PREMISES

| Description | Time From | Time To |
|-------------|-----------|---------|
| Sunday | 12:00 | 20:00 |
| Monday | 14:00 | 22:00 |
| Tuesday | 14:00 | 22:00 |
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Premises Licence

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

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

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: PA10553289

Issued by: Derby City Council



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Premises Licence

ANNEXES

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 —
 - (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;



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(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 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



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- (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 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.



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Premises Licence

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

- 1) Full training shall be provided to all staff on commencement of employment relating to all age-restricted products sold and any system or procedures they are expected to follow in the course of dealing with these goods.

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 production upon request of a Police Officer or other authorised person.

All records must be written and shall be retained on the premise for a minimum of 12 months.

A challenge 25 Proof of age scheme shall be operated at all times.

Anyone attempting to purchase alcohol (or other age restricted product) that appears under the age of 25 years shall be asked to produce a proof of age.

- 2) The only acceptable forms of identification shall be:

- PASS – accreditation proof of age card.
- Photo Driving Licence.
- Current Passport.

- 3) Clear, prominent and unobstructed signage informing customers of the proof of age scheme in operation, shall be displayed within the premises.

- 4) A system of recording sales refused under the proof of age scheme shall be operated at all times.

- 5) The refusal book/log shall be kept on the premises for production upon request of a Police Officer or other authorised person as detailed within Section 13 of the Licensing Act 2003.

- 6) The records relating to the refusal book/log shall be retained on the premises for a minimum of 12 months.



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Premises Licence

- 7) The DPS shall ensure that a written incident log is maintained within the premises and details of all incidents are recorded within the log. This log shall be kept on the premises for a period of not less than 12 months and shall be produced upon request of a Police Officer or other authorised person.
- 8) The DPS shall ensure that a written Refusals log is maintained within the premises and details of all challenges and refusals are recorded within the log. This log shall be kept on the premises for a period of not less than 12 months and shall be produced upon request of a Police Officer or other authorised person.
- 9) The Premises Licence Holder shall devise and adhere to a drugs policy when the premises are open for licensable activities.
- 10) Training in this policy shall be given to all staff working at the Premises and records shall be kept for a period not less than 12 months.
- 11) The Premises Licence Holder or nominated person shall ensure that clear, prominent and legible notices are displayed internally at all exits, requesting customers and other users to leave the premises and the area local to the premises, quietly and in an orderly manner respecting the needs of local residents.
- 12) The Premises Licence Holder, Designated Premises Supervisor 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 the purpose. The logbook shall be made available for inspection by an authorised officer under the Licensing Act 2003 upon their request.
- 13) Expect for access and egress, all external doors and window must be kept closed.
- 14) No Waste shall be collected from or deliveries made to the premises between 11pm and 7 am, including the removal or disposal outside of empty bottles or kegs.
- 15) A CCTV system shall be installed at all times and the recording system must be maintained in good working order and any faults repaired as soon as possible. (It is recommended that all maintenance paperwork be kept to show that the retailer has shown



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all due diligence in maintaining the system).

The CCTV recording system must be operating at all times when the premises are open for licensable activities.

All CCTV recordings must be retained for a minimum of 28 days. These images must be available for viewing at any reasonable time upon request of a Police Officer or other authorised person as detailed within Section 13 of the Licensing Act 2003.

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

The CCTV recording unit is to be kept secure, to be opened only by the Premises Licence holder, Designated Premises Supervisor, or authorised, designated member of staff.

Installed CCTV cameras are to be positioned so as to ensure that all parts of the premises to which the public has access are sufficiently covered (save for any toilet areas).

All cameras installed will be of a standard that will offer optimum image quality in low light.

All digital recordings to be made in real time (time lapse not to be used).

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

16) Anyone under the age of 18 must be off the Premises by 1900hrs. Unless at a pre-arranged function. No one under the age of 18 will be allowed to enter without being accompanied by an adult at any time.

17) Participate in the Pubwatch scheme.



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18) There will be no permitted access to premises 45 minutes prior to closure.

ANNEX 3 - CONDITIONS SET BY LICENSING SUB-COMMITTEE

None

ANNEX 4 – PLANS

As per application



Derby City Council

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Premises Licence Summary

Premises Details

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

The Hoptimist

91 Sitwell Street Spondon Derby DE21 7FW

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- 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 |
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| J. The sale by retail of alcohol for consumption ON AND OFF the premises | | | |
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THE OPENING HOURS OF THE PREMISES

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Premises Licence Summary

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

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

Derek Chambers

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

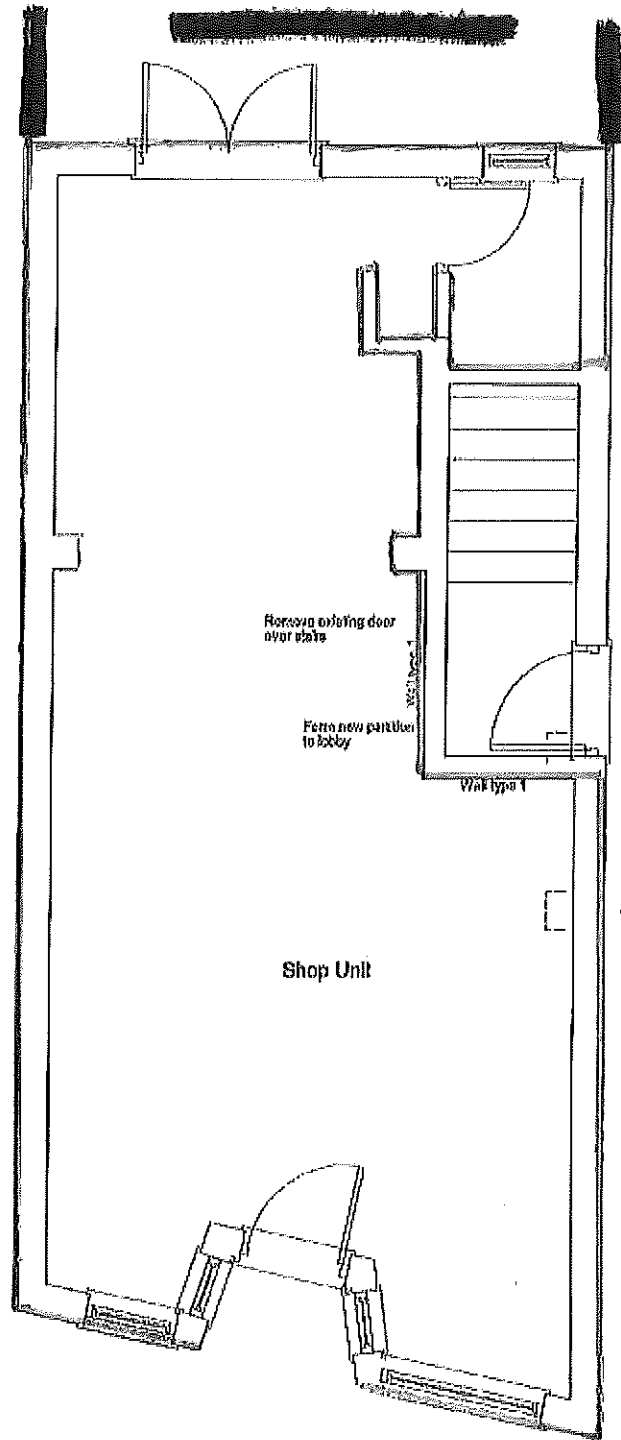
Anyone under the age of 18 must be off the Premises by 1900hrs. Unless at a pre-arranged function. No one under the age of 18 will be allowed to enter without being accompanied by an adult at any time.

Premises Licence Issued 15 July 2021

Signature of Authorised Officer

1. *Pharmaceutical industry*—United States—History—20th century—Congresses. I. *Pharmaceutical industry*—United States—History—20th century—Congresses. II. *Pharmaceutical industry*—United States—History—20th century—Congresses.

• • • • •



Remove existing door
over stairs

Form new partition
to lobby

Stairs

Door type 1

Minimum 400mm clear to
bottom step from landing
edge of floor

Form new opening and fit
new entrance door

Shop Unit

The Optimist
Indonesian licensed
only