

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** Darwin LTD

*(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**

PL 10550745

**Part 1 – Premises Details**

Postal address of premises or, if none, Ordnance Survey map reference or description

House of Darwin  
221 Chellaston road  
Shelton Lock

Post town

Derby

Postcode

DE24 9EE

Telephone number at premises (if any)

01332 747472

Non-domestic rateable value of premises

£ Currently under review

**Part 2 – Applicant details**

Daytime contact  
telephone number

07875 145749

E-mail address (optional)

iain@houseofdarwin.co.uk

Current postal address if different  
from premises address

Post town

Postcode

### Part3-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)

Local village pub wanting to change licencing hours and licensable activities to the full boundary of our property to include the garden, decking and carpark.

We wish to have the option to serve breakfast daily from 8am and add one hour to our weekend closing time to allow for a more relaxed drinking up time on a Friday & Saturday night.

We feel this is still fully honouring the licensing objectives and respect for the community and our neighbours.

We have also considered the boundary changes to be able to use our outside bar areas fully to support social distancing measures and trade as safely as possible everyday

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(iftickingyes,fillinboxA) ☐
- b) films(iftickingyes,fillinboxB) ☐
- c) indoorsportingevents(iftickingyes,fillinboxC) ☐
- d) boxingorwrestlingentertainment(iftickingyes,fillinboxD) ☐
- e) livemusic(iftickingyes,fillinboxE) ☒
- f) recordedmusic(iftickingyes,fillinboxF) ☒
- g) performancesofdance(iftickingyes,fillinboxG) ☐
- h) anythingofasimilardescriptiontothatfallingwithin(e),(f)or(g)  
(iftickingyes,fillinboxH) ☐
- I)Provision of late night refreshment(iftickingyes,fillinboxI) ☐
- j) Supply of alcohol(iftickingyes,fillinboxJ) ☒

**In all cases complete boxes K, L and M**

A

Plays Standard days and timings (please read guidance note 8)			<u>Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here (please read guidance note 5)</u>		
Tue					
Wed			<u>State any seasonal variations for performing plays (please read guidance note 6)</u>		
Thur					
Fri			<u>Nonstandard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)</u>		
Sat					
Sun					

## B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of film take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further detail here (please read guidance note 5)</u>		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films (please read guidance note 6)</u>		
Thur					
Fri			<u>Nonstandard 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)</u>		
Sat					
Sun					

# C

Indoorsporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoorsporting events</u> (please read guidance note 6)
Wed			
Thur			
Fri			<u>Non standard timings. Where you intend to use the premises for indoorsporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Sat			
Sun			

# D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further detail here (please read guidance note 5)</u>		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)</u>		
Thur					
Fri			<u>Nonstandard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 7)</u>		
Sat					
Sun					

# E

Livemusic Standarddaysandtimings (pleasereadguidancenote 8)			<u>Will the performance of live 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 checked="" type="checkbox"/>
Day	Start	Finish			
Mon	12.00	24.00	<u>Pleasegivefurtherdetailshere(pleasereadguidancenote5)</u>  We would like to be able to host outdoor music events in our garden as well as inside. We are happy to restrict the outside performance to earlier timings of 22.00 in respect of our neighbours.		
Tue	12.00	24.00			
Wed	12.00	24.00	<u>State any seasonal variations for the performance of live music(pleasereadguidancenote6)</u>		
Thur	12.00	24.00			
Fri	12.00	24.00	<u>Non standard timings.Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left,please list (please read guidance note7)</u>		
Sat	12.00	24.00			
Sun	12.00	22.00			



# F

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 (please read guidance note 4)</u>	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	07.00	24.30	<u>Please give further detail here (please read guidance note 5)</u>  We are considering a breakfast service and want to be able to have our music on for those guests dining with us during that time. The later timings are to reflect drinking up time and in line with our requests for a later opening duration. Outside music above conversational sound levels between the hours of 11am and 9pm daily please.		
Tue	07.00	24.30			
Wed	07.00	24.30	<u>State any seasonal variations for the playing of recorded music (please read guidance note 6)</u>		
Thur	07.00	24.30			
Fri	07.00	01.00	<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 (please read guidance note 7)</u>		
Sat	08.00	01.00			
Sun	08.00	24.30			

# G

<b>Performances of dance</b> Standard days and timings (please read guidance note 8)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
Day	Start	Finish			Both <input type="checkbox"/>
Mon			<b><u>Please give further detail here</u></b> (please read guidance note 5)		
Tue					
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 6)		
Thur					
Fri			<b><u>Nonstandard 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></b> (please read guidance note 7)		
Sat					
Sun					

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> 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	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further detail here</u></b> (please read guidance note 5)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 6)		
Fri					
Sat			<b><u>Nonstandard 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></b> (please read guidance note 7)		
Sun					

# I

<b>Latenightrefreshment</b> Standarddaysandtimings (pleasereadguidancenote 8)			<b><u>Willtheprovisionoflatenightrefreshmenttakepl          aceindoorsoroutdoorsorboth–          pleasetick</u></b> (pleasereadguidancenote4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b><u>Pleasegivefurtherdetailshere</u></b> (pleasereadguidancenote5)		
Tue					
Wed			<b><u>Stateanyseasonalvariationsforthevisionoflatenightrefreshment</u></b> ( pleasereadguidancenote6)		
Thur	23.00	24.00			
Fri	23.00	01.00	<b><u>Nonstandardtimings.Whereyouintendtousethepremisesforthe prov          isionoflatenightrefreshmentatdifferenttimes,tothoselistedinthe colu          mnonthelleft,pleaselist</u></b> (pleasereadguidancenote7)		
Sat	23.00	01.00			
Sun					

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 8)			<b>Will the supply of alcohol be for consumption – please tick</b> (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	<b><u>State any seasonal variations for the supply of alcohol</u></b> (please read guidance note 6)			
Mon	07.00	24.00				
Tue	07.00	24.00				
Wed	07.00	24.00				
Thur	07.00	24.00				<b><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></b> (please read guidance note 7)
Fri	07.00	01.00				
Sat	08.00	01.00				
Sun	08.00	24.00				

K

<p><b>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</b> (please read guidance note 10).</p>
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L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 8)			<b><u>State any seasonal variations</u></b> (please read guidance note 6)
Day	Start	Finish	
Mon	07.00	24.30	
Tue	07.00	24.30	
Wed	07.00	24.30	
Thur	07.00	24.30	<b><u>Nonstandard 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></b> (please read guidance note 7)
Fri	07.00	01.30	
Sat	08.00	01.30	
Sun	08.00	24.30	

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.

- Annex 3, point 2 regarding maximum number of people should now relate to the fire risk assessment and can be removed?
- Annex 3, point 3: regarding the performance of music indoors only. With restricted timings we would like to be able to have live performances outside as required
- Annex 3, Point 5: we would like this to be 22.00 if possible
- Annex 3, point 9: we would like to clarify that the children in the bar area be specifically highlighting the area directly within standing room of the bar and children be allowed with their parents at the casual tables in the more secluded areas.

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)**

- We will have regular monitoring of noise levels throughout the evening by the managers and ensure all dining/drinking areas are kept clear & tidy, deterring any anti-social behaviour and respecting the neighbours in our vicinity.
- Our signage is clear, we have CCTV and a good reputation for being a respectable business that cares for the guests that we serve.
- We have taken consultation from licensing & the police before requesting this change to our licence.

**b) The prevention of crime and disorder**

We have a good relationship with the police and always support them in anything they need. We report anything suspicious and co-operate with anything they need.

We deal with diners & drinkers before anything becomes an issue and refuse to serve anyone that doesn't behave in an appropriate manner.

**c) Public safety**

Regular checks of our public areas and maintenance checks to ensure our property remains safe, even during busy periods. Staff are all trained to ensure this.

**d) The prevention of public nuisance**

We are very strict on excessive alcohol consumption and exercise the right to refuse comfortably.

We have never had to call the police out to the property and pride ourselves on managing the behaviour of our guests and ensuring their experience and others is a positive one.

We have a good relationship with our neighbours and respect their wishes where possible. We notify them of any events in our gardens in advance and invite them

**e) The protection of children from harm**

- We operate challenge 25 as a standard. Guests are asked to keep their children seated and well behaved in the bar & restaurant. Failure to do so results in us asking them to politely retire for the night.
- We regularly police our public areas (garden, deck & bar) to ensure any children are being treated properly and no consumption of alcohol by a child (under 18) is happening.

Checklist:

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee; (please call us to pay by card) ☒
- 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 for 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	Iain MacPherson
Date	05/06/2020
Capacity	General Manager



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		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) iain@houseofdarwin.co.uk			

### 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.

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