



Application for a minor variation to a premises licence or club premises certificate 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, especially Note 1.

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 in black ink. Use additional sheets if necessary.

Once completed please send your application to the relevant licensing authority. You may wish to keep a copy of the completed form for your records.

KAMALJIT SANDHU

(Insert name(s) of applicant)

being the premises licence holder(s)/club holding a club premises certificate, apply to vary a premises licence under section 41A/club premises certificate under section 86A of the Licensing Act 2003 for the premises described in Part 1 below.

Part 1 – Premises details

Postal address of premises (or, if none, ordnance survey map reference, or description) PEAR-TREE-HOTEL 4 DERBY ROAD RIPLEY DERBYSHIRE	
Post town RIPLEY	Postcode DES3HR

Telephone number at premises (if any)

01773-748203

Premises licence number/club premises certificate number

20/00588/RSUPV

Brief description of premises (Please see Guidance Note 2)

PUBLIC HOUSE

Part 2 – Applicant Details

I am/we are the premises licence holder/club premises certificate holder. (Please delete as appropriate)

Contact phone number in working hours (if any)

Applicant Postal address IF DIFFERENT FROM PREMISES ADDRESS

Post town

Postcode

Please provide email address if you would prefer us to contact you by email (optional)

Part 3 – Proposed variation(s)

Do you want the proposed variation to have effect as soon as possible? Yes No Please tick

DDMMYYYY

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

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see Guidance Note 3)

Yes No

Please describe the proposed variation(s) in detail in the box below and explain why you consider that they could not have an adverse effect on the promotion of any of the licensing objectives (See Guidance Note 1). This should include whether new or increased levels of licensable activities will be taking place indoors or outdoors (indoors may include a tent):

Details of proposed variation(s) (Please see Guidance Note 4)

replacing existing operating schedule.
for the attached agreed conditions.

Details of proposed variation(s) (Continued)

Part 4 – Operating Schedule

Please tick those parts of the Operating Schedule which would be subject to change if this application to vary were successful.

Provision of regulated entertainment (please read guidance note 5)

- a. plays
- b. films
- c. indoor sporting events
- d. boxing or wrestling entertainment
- e. live music
- f. recorded music
- g. performances of dance
- h. anything of a similar description to that falling within (e), (f) or (g)

Please tick all that apply

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

Provision of late night refreshment

Supply of alcohol

(Note that this can only relate to reducing licensed hours, or moving them without any overall increase between 7am and 11pm)

Please tick to indicate you have enclosed the following:

I have enclosed the premises licence/club premises certificate

I have enclosed the relevant part of the premises licence/ club premises certificate

I have included a copy of the plan (this is necessary if the proposed variation will affect the layout)

If you have not ticked one of the previous three boxes, please explain why in the box below.

Reasons why you have not enclosed the premises licence/club premises certificate or relevant parts.

Any further information to support your application. (See Guidance Note 6)

This variation is made following a meeting with the licensing authority.

CHECKLIST:

Please tick to indicate agreement

- I have made or enclose payment of the fee.
- 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 enclosed the plan, if appropriate, of the premises in scale [1mm to 100mm], unless otherwise agreed with the licensing authority.
- I have enclosed the premises licence/club premises certificate or relevant part of it or provided an explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

I understand that I must now advertise my application for a continuous period beginning on the first working day after the day on which the application was given to the relevant licensing authority and ending at the expiry of the ninth consecutive working day after that day.

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.

Amber Valley Borough Council collects personal information when you contact us for any licensing service we provide. We will use this information to provide this service under Article 6(1c) of the General Data Protection Regulations.

The Council may share your information with other members of the licensing section, the Police, Fire Service, Home Office Immigration, Derbyshire County Council's Trading Standards, Public Health and Child Protection Departments, Amber Valley Borough Council's Health and Safety, Development and Environmental Services Department. We may also share your information with other officers of the Council and Councillors from the Licensing Board if the application is contentious.

In the pursuance of the prevention or detection of crime, personal details may be released to Government agencies such as Department for Work and Pensions and the Inland Revenue.

Your personal data will be kept for a period in accordance with the Council's document retention schedule.

You have the right to see the personal data we hold about you; if you think it is wrong you can ask us to put it right; if you think that we have no legal grounds for retaining the information you have the right to ask for it to be erased; if there is a query on the accuracy of the data you have the right to ask us to stop processing your information.

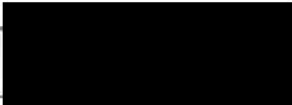
The Council's Data Protection Officer can be contacted on 01773 841430 or by email DPO@ambervalley.gov.uk

If you are unhappy with how the Council deals with your personal information you may wish to contact the Information Commissioner. Telephone 0303 123 1113, email – casework@ico.org.uk; web site – www.ico.org.uk

Part 5 – Signatures and Contact Details

(See Guidance Note 7)

Premises Licence: Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (see Guidance Note 8). If signing on behalf of the applicant, please state your name and in what capacity you are authorised to sign:

Signature	
Date	23/7/2021
Capacity	Premises license holder

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 (See Guidance Note 9). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Where the premises are a club

I (insert full name) _____ make this application on behalf of the club and have authority to bind the club.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application. (See Guidance Note 10)

Post town	Postcode

Telephone number (if any)	If you would prefer us to correspond with you by email your email address (optional)
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Notes for Guidance

1. General Note: The minor variations process can only be used for variations that could have no adverse impact on the promotion of any of the four licensing objectives. (These are: the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm.)

It cannot be used to:

- extend the period for which the licence has effect;
- vary substantially the premises to which it relates;
- specify, in a premises licence, an individual as the designated premises supervisor;
- add the sale by retail or supply of alcohol as an activity authorised by a licence or certificate;
- authorise the sale by retail or supply of alcohol at any time between 11pm and 7am;
- authorise an increase in the amount of time on any day during which alcohol may be sold by retail or supplied;
- include the alternative licence condition referred to in section 41D(3) of the Licensing Act 2003 in a premises licence.

2. Description of premises: For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. This should include any activities in or associated with 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, the presence of gaming machines etc.

3. 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 to the late night levy.

4. Give full details of all the proposed variation(s). Failure to provide sufficient information may lead to the refusal of your application. Details should include a description of the proposed variation(s) in terms as precise as possible. If you are not precise, the licensing authority may decide that the changes you propose would be potentially broader in scope than you intend and reject your application as not being a 'minor' variation. You should also include a statement about why you consider the variations proposed could not have an impact on the licensing objectives listed in section 4(2) of the Act. You should cover each of the objectives that could possibly apply to your proposal (or if more than one, to each proposal) and say why you think there could be no adverse impact on that objective. Your application will be assisted by including as much information as you can about this. **(However, there is a box at the end of the form for 'further information', and this should be used for any relevant background information not directly related to the variation.)** Relevant information includes:

a) **Variations to licensable activities/licensing hours** (all timings should be given in 24 hour clock e.g. 16.00. Only give details for the days of the week when you intend the premises to be used for the activity), such as:

- Whether new or increased levels of licensable activities will be taking place indoors or outdoors (indoors may include a tent);
- Relevant further details, for example whether music will be amplified or unamplified;
- Standard days and timing when the activity will take place, including start and finish times;
- Any seasonal variations in timings, e.g. additional days during the summer; and
- Non-standard timings, e.g. where you wish the activity to go on longer on a particular day such as Christmas Eve.

b) **Variations to premises/club layout:** If you are applying for a variation to the layout of your premises, you must include a revised plan. You should be aware that your application is likely to be refused if the proposed variation could:

- increase capacity for drinking on the premises;
- affect access between the public part of the premises and the rest of the premises or the street or public way, e.g. block emergency exits or routes to emergency exits; or
- impede the effective operation of a noise reduction measure.

c) **Revisions, removals and additions of conditions:** The minor variation process may be used to remove conditions which are out of date or invalid and to revise conditions which are unclear (as long as the intention and effect remains the same). It can also be used to add a new condition volunteered by the applicant or mutually agreed between the applicant and a responsible authority, such as the police or the environmental health authority (subject to impact on the licensing objectives).

d) **Variations to opening hours:** details of any changes to hours when the premises or club is open to the public.

5. 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.

6. Further information: You should use this box to provide any additional evidence to support your claim that the proposed variation is 'minor' and could not have an adverse impact on the promotion of the licensing objectives

7. Signatures: The application form must be signed.

8. Authorised agent: An applicant's agent (e.g. solicitor) may sign the form on their behalf and, in so doing, will be confirming that they have actual authority to do so.

9. 2nd Applicant: Where there is more than one applicant, both applicants or their respective agents must sign the application form.

10. This is the address which we shall use to correspond with you about this application. This might not be the same as the address of the premises or applicant, but these addresses must also be provided.

Pear Tree – Proposed Conditions for Voluntary Variation:

General:

All serving staff shall undertake training relating to Age Verification, Underage Sales Prevention, the Challenge 25 policy and the Conditions of the Premises Licence

Staff training shall be refreshed every six (6) months with records retained at the premises for a period no less than 12 months and made available for inspection by an authorised officer on request

Prevention of Crime and Disorder:

CCTV shall be in operation at all times that the premises are open for licensable activities

The CCTV system shall be capable of recording in all reasonable lighting conditions and provide evidential quality images and footage of all persons entering the premises

CCTV shall cover all internal and external areas for which the public have access to at the premises including all points of sale but save for the Toilet facilities

CCTV images and recordings shall be time and date stamped with images/recordings retained for a period of 31 days.

The CCTV System shall be kept in such a place which is secure from access by members of the public with access limited to the Premises Licence Holder, Designated Premises Supervisor or other nominated member of staff

A member of staff who is capable of operating the CCTV system for the retrieval of images and/or recordings shall be present at all times the premises are open for licensable activities

A minimum of 2 SIA registered Door Supervisors shall be employed at the premises from 21:00hrs until close every Friday, Saturday night.

The Premises Licence Holder shall conduct and make available for inspection to an Authorised Officer, a risk assessment for the deployment of SIA registered Door Supervisors for Sunday nights preceding a Bank Holiday, and at any other time whereby the premises is conducting and/or promoting an event

A register of SIA Door Supervisors containing the name, badge number and telephone number of each Door Supervisor on duty shall be maintained at the premises.

An Incident log shall be kept at the premises (either as hardcopy or digitally) and detail:

All incidents of crime and disorder at the premises

All complaints received by the premises

All ejections from the premises by the management and/or security staff

All refusals of sale of alcohol

All refusals of entry to the premises

All discovery or seizure of Drugs at the premises

The Incident log shall be signed off by the DPS and/or Premises Licence Holder on a weekly basis and be available for inspection by a Police Officer or Other Responsible Authority Officer on request.

A 'Drugs Safe' shall be kept on the premises for the retention of any Drugs confiscated and the Police informed within 24hrs of the seizure of Drugs.

No open drinks containers shall be permitted to be removed from the Premises.

Public safety:

A minimum of ten (10) days prior to any event for which the premises does not require the use of a Temporary Event Notice a competent person shall conduct a risk assessment of the event and serve the risk assessment on Amber Valley Council Licensing Department

Prevention of Public Nuisance:

There shall be no amplified live or recorded music in the external areas of the premises beyond 23:00hrs

During regulated entertainment all windows and doors at the premises will remain closed from 23:00hrs save for immediate access or egress from the premises.

Clear, proportionate and appropriate signage shall be displayed in the external areas to remind customers to be respectful of the local amenity regarding noise levels

Clear, proportionate and appropriate signage shall be displayed at all exits reminding customers to leave the premises quietly

A dispersal policy shall be produced, maintained and made available for inspection by any Responsible Authority Officer detailing the steps the premises will take to ensure the quiet and efficient departure of customers at the end of the night.

Protection of Children from Harm:

A Policy shall be adopted, requiring that staff make a check of Identification prior to service of alcohol to a person that appears to be under the age of 25. a.k.a 'a Challenge 25 policy'

Acceptable forms of Identification shall be:

A valid Passport

A valid Driver's Licence

A approved ID scheme card bearing the 'PASS' Logo

No person under the age of 18 shall be allowed to remain on the premises beyond 9pm

All Children must be accompanied by a responsible adult at all times they are on the premises.