



Please ask for Brian Offiler
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The Chair and Members of Licensing
Committee - Group 1

Councillors Bellamy, Avis Murphy,
Bexton, Lisa Collins, Parsons, Slack

17 July 2018

Dear Councillor,

Please attend a meeting of the LICENSING COMMITTEE - GROUP 1 to be held on WEDNESDAY, 25 JULY 2018 at 10.00 am in Committee Room 1, Town Hall, Chesterfield, S40 1LP, the agenda for which is set out below.

AGENDA

Part 1(Public Information)

1. Declarations of Members' and Officers' Interests relating to items on the agenda
2. Apologies for Absence
3. Minutes (Pages 3 - 4)

Minutes of the Meeting of the Licensing Committee held on 28 March, 2018.

4. Application for a Variation of a Premises Licence by Daniel Thwaites plc in respect of The Ark Tavern, Chesterfield Road, Brimington, Chesterfield, S43 1AD (LC 180) (Pages 5 - 94)

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Randy', with a stylized flourish at the end.

Local Government and Regulatory Law Manager and Monitoring Officer

LICENSING COMMITTEE RECORD OF DECISIONS

Date of Hearing and Determination:	Wednesday, 28th March, 2018
Members Present:	Councillor A Murphy (Vice-Chair, in the chair) Brunt Redihough
Apologies for Absence	Councillor Bellamy Derbyshire P Innes

Declarations of Interest:	No declarations of interest received.
Name:	-
Nature:	-
Minutes:	Minutes of the Licensing Committee meeting held on 13 December, 2017 were signed by the Chair as a correct record.
Minute No:	8 (17/18)
Subject:	Application for a New Premises Licence by Layals Limited, in respect of The Cricketers Inn Convenience Store, Stand Road, Newbold, Chesterfield, S41 8SJ. (LC 170)
Meeting in Public Private	Public
Name of Applicant:	Layals Limited
Applicant's Representatives:	Mr A Singh Layal Represented by Mr P Robson
Responsible Authorities who made Representations:	-
Premises Licence Holder	-
Interested Parties who made Representations:	-
Record of Decision	<p>* That the application for a New Premises Licence by Layals Limited in respect of the The Cricketers Inn Convenience Store, Stand Road, Chesterfield, S41 8SJ be granted in accordance with the application subject to:</p> <p>(a) the relevant mandatory conditions</p> <p>(b) the conditions set out in the operating schedule submitted with the application.</p>
Signed as a correct record:	
Date:	

FOR PUBLICATION

APPLICATION FOR A VARIATION OF A PREMISES LICENCE BY
DANIEL THWAITES PLC
IN RESPECT OF
THE ARK TAVERN, CHESTERFIELD ROAD, BRIMINGTON,
CHESTERFIELD, S43 1AD (LC 180)

MEETING: LICENSING COMMITTEE

DATE: 25th July 2018

REPORT BY: LICENSING OFFICER
Steve Ashby

WARD BRIMINGTON

1.0 APPLICATION

1.1 The Applicant is Daniel Thwaites PLC.

1.2 The premise is
The Ark Tavern
Chesterfield Road
Brimington
Chesterfield
S43 1AD

2.0 PURPOSE OF REPORT

2.1 For Members to determine an application for a variation of the premises licence in respect of The Ark Tavern.

2.2 Relevant representations have been made and not withdrawn and thus the application cannot be granted or refused under officer delegated authority.

3.0 **CHANGES SOUGHT IN APPLICATION**

- 3.1 The premises are currently licensed for the sale by retail of alcohol, the playing of live and recorded music and the provision of late night refreshment as below.

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

- Mon, Tues, Wed, & Thursday 11:00 - 00:00
- Friday, Saturday & Sunday 11:00 - 02:00

With non-standard timings of

- 24th, 26th, 27th and 28th December from 11.00 until 02.00 the following day.
- New Year's Eve from 11.00 on 31st December until 01.00 on 2nd January.

Late Night Refreshment

- Monday to Saturday, other than Christmas Day, Good Friday or New Year's Eve, 23.00 to 23.30
- On New Year's Eve, from 23.00 to 05.00 the following day.

Playing of live music (Indoors)

- Monday to Sunday 11:00 - 00:00

With non-standard timings of

- 11.00 to 02.00 on 24th, 26th, 27th and 28th December.
- 11.00 on New Year's Eve to 01.00 on 2nd January

Playing of recorded music (Indoors)

- Mon, Tues, Wed, & Thursday 11:00 - 00:00
- Friday, Saturday and Sunday 11:00 - 02:00

With non-standard timings of

- 24th, 26th, 27th and 28th December from 11.00 until 02.00 the following day.
- New Year's Eve from 11.00 on 31st December until 01.00 on 2nd January.

These timings are reflected in the premises opening hours.

- Mon, Tues, Wed, & Thursday 11:00 - 00:30
- Friday, Saturday & Sunday 11:00 - 02:30

With the same non-standard timings of

- 24th, 26th, 27th and 28th December from 11.00 until 02.30 the following day.
- New Year's Eve from 11.00 on 31st December until 01.30 on 2nd January.

3.2 This variation application has been subject to amendment.

The initial application sought to

- Remove some conditions from the licence and add some stronger control measures in respect of the licensing objective of “protection of children from harm”.
- Extend the current late night refreshment provision permitted in the premises licence.
- Amend the non-standard timing for the premises opening hours.
- Make internal changes to the premises layout which consists primarily of the removal of two low walls to open up the performance area within the premises. The entrance and lobby and rear porch which are noise control measures remained unchanged. The changes were shown on a plan submitted with the application.
- A further impact of the plan was that if granted it would make changes to licensable activities at the premises. The plan showed an extension to the permitted area for the sale and supply of alcohol to include the rear porch and an area outside the rear doors of the premises, although this change to alcohol provision was not indicated at page 3 of the application form. That outside area has since been removed from the application by a later submission of an amended plan.

3.3 The proposed changes to the licence conditions are shown below.

Removal of the following conditions

- All members of staff concerned with sales of alcohol will be trained in relation to sales of alcohol to persons under the age of 18 years. (Mentioned twice).
- Pre-opening safety checks will be carried out at the premises before each trading session.
- Annual testing and inspection of the Gas installation at the premises by a qualified engineer.
- Annual testing and inspection of the Emergency Lighting at the premises by a qualified engineer.

- Annual testing and inspection of the Fire Alarm at the premises by a qualified engineer.
- All escape routes and exits maintained so as not to cause hindrance in the event of evacuation.
- No persons under the age of eighteen years shall be permitted to remain on the premises after 21.00.

Addition of the following conditions in the “protection of children from harm” section

- A “Challenge 25” policy shall be adopted and enforced at the premises whereby any person who appears to be under the age of 25 shall be required to provide identification to prove that they are over the age of 18 before they are permitted to purchase alcohol. The only forms of acceptable identification will be:
 - A passport;
 - A UK Photocard Driving Licence;
 - Official ID card issued by HM Forces or EU bearing a photograph and the date of birth of the holder;
 - Any other form of identification agreed with a representative of the Police Licensing Unit.
- All staff who are involved in the sale of alcohol will be trained in relation to the “Challenge 25” policy upon the commencement of their employment, following which they will undertake refresher training at suitable intervals.
- Said training will be documented and will be made available to an authorised officer upon request.
- No person under the age of eighteen years shall be permitted to remain on premises after 22.00.

3.4 The application seeks indoor late night refreshment to be added to the licence as below

- Mon, Tues, Wed, & Thursday 23:00 - 00:30
- Friday, Saturday and Sunday 23:00 - 02:30

With non-standard timings of

- 24th, 26th, 27th and 28th December from 23.00 until 02.30 the following day.
- New Year's Eve from 23.00 on 31st December until 02.30 on 2nd January.

- 3.5 An amendment to the non-standard timings for opening hours is sought as below
- 24th, 26th, 27th and 28th December from 11.00 until 02.30 the following day.
 - New Year's Eve from 11.00 on 31st December until 02.30 on 2nd January.
- 3.6 In relation to the extension of the permitted alcohol sale and supply area, it was not readily apparent from the application that this was being sought.
- The fact that a full variation application was submitted rather than a minor one led to further enquiry where it became apparent that the new premises plan had included the additional outside area for the sale and supply of alcohol.
- A conversation with the Designated Premises Supervisor Mr Walker confirmed that the intention of said extension was to enable a bar to be used in the beer garden.
- This would provide a better service to those customers using the beer garden, allowing not only the sale of alcohol but also light refreshment and confectionary.
- The intention was to use this facility primarily in the daytime and early evening of trading hours.

4 APPLICATION PROCESS

- 4.1 A copy of the application form and associated plans can be seen at Appendix 1.
- The initial date of receipt was 1st June 2018 but the 28 day application consultation period did not actually commence until 5th June 2018 due to site notices not being available at the premises for display.
- 4.2 The current Premises Licence is attached as Appendix 2.
- 4.3 Applications for variation of Premises Licences are required to be advertised by way of site notice displayed at the premises, an advert in the local press, and copies of the application submitted to all Responsible Authorities.
- 4.4 A copy of the appropriate local press advert taken from the Derbyshire Times on Thursday 14th June 2018 is attached at Appendix 3.

- 4.5 The site notices displayed on the premises, advertising the application were viewed by licensing enforcement staff on 7th June 2018 and found to be displayed correctly and completed appropriately.
- 4.6 The application was submitted by e-mail. Consistent with current guidance, the Chesterfield Borough Council Licensing Authority circulated a copy of the application to the Responsible Authorities within the appropriate time limits.
- 4.7 The statutory deadline for representations in respect of the application was midnight on Monday 2nd July 2018.
- 4.8 Responsible Authorities and Interested Parties (persons/bodies representative of businesses or residents in the vicinity of the premises) are entitled to make representations to the Licensing Authority provided they are relevant representations.
- 4.9 A number of representations have been received and accepted, in relation to one or more of the licensing objectives which are:-
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - protection of children from harm
- 4.10 The representations come from local residents and two responsible authorities which are Chesterfield Borough Council's Environmental Health Department and Licensing Department.
- 4.11 After receipt of the first local resident representation, it became apparent that there were other residents who were dissatisfied with the application but had not submitted a representation. This was due to concerns that their input would not have any effect upon the representation process and was based upon their experiences of a previous hearing for a variation application at the same premises. The current application was drawn to their attention and a further 3 representations were submitted.
- 4.12 Redacted copies of the representations are shown at Appendices numbered 4 to 9.

- 4.13 As a result of the representations received, an amended premises plan was submitted by the applicant on 10th July 2018.
- 4.14 The new plan removed the outside area from the scope of the application. It resulted in a smaller extension to the area identified for the sale and supply of alcohol, now just adding on the porch at the rear doors of the property that gives access to the beer garden.
- 4.15 A copy of the new plan can be seen at Appendix 10.

5 REPRESENTATIONS

- 5.1 Any representation received must be relevant to the likely effect of the proposed variation on the promotion of at least one of the 4 licensing objectives which are:
- (1) the prevention of crime and disorder
 - (2) public safety
 - (3) prevention of public nuisance and
 - (4) the protection of children from harm.
- Representations which are not relevant must be rejected.
- 5.2 If a representation has been made but is subsequently withdrawn it is no longer a relevant representation and provided there are no other relevant representations the application can be dealt with under officer delegated authority.
- 5.3 The representations that have been made address all four licensing objectives to varying degrees.
- 5.4 Upon receipt of the amended plan, the changes were brought to the attention of those making representations and it was found that none of the representations were withdrawn.
- 5.5 The Licensing Authority considered the application and representations in light of the amended plan that was submitted, determining that the representations remained relevant.

5.6 This determination was reached after taking account of section 8.57 of The Secretary of State's Revised Guidance issued under section 182 of the Licensing Act 2003.

8.57 The licensing authority must also consider any relevant representations received from other persons within the time limit referred to below. As stated earlier in this Guidance, **representations are only relevant if they clearly relate to the likely effect of the grant of the variation on the promotion of at least one of the licensing objectives; representations must be confined to the subject matter of the variation.** In the case of minor variations, there is no right to a hearing (as for a full variation or new application), but licensing authorities must take any representations into account in arriving at a decision.

5.7 The intention of the changes at the venue appears to promote the live music aspect of the premises, making the main performance area within the premises more accessible.

5.8 The venue advertises itself as "The Home of Live Music" and has a number of enthusiastic followers. Appendix 11 shows a small selection of Facebook page screenshots which appear to support this.

5.9 As the representations made relate to the performance of live music at the venue they were deemed relevant.

5.10 Local residents

The representations that have been made by local residents identify the following issues:

- Live music played at exceptionally loud volumes, which leak straight out from the pub.
- Very loud music on bank holidays.
- Music going on until late at night, disturbing the sleep of residents.
- Shutters not used during live performances.
- Windows remain open during live performances.
- Doors open during live performances.
- Teenagers congregating in and around the Ark Tavern, exhibiting anti-social behaviour.

- Observation of teenagers present in the beer garden and leaving the premises after the 21.00 curfew stated for under 18 year olds. These often look to be in a state of inebriation and cause nuisance in and around the premises and road.
- Failure to adhere to current licence conditions, in particular the beer garden being used for consumption after the 2300 curfew for that area.
- Unruly behaviour of unsupervised children using the beer garden including footballs repeatedly kicked into neighbouring gardens.
- The children's climbing frame in the beer garden which is tall enough to allow users to look into neighbouring gardens and its unsupervised use (ostensibly a planning issue which cannot be addressed through planning legislation due to the length of time it has been in situ).
- Scuffles and fights outside the public house.
- Very late departure of customers from the public house with shouting, swearing and walking in the road, taxis pulling up outside sounding their horns.
- Failure to adhere to previously agreed conditions between residents and the premises which included
 - Music would be stopped at 23.00 on Tuesdays
 - Placing soundproof boards at windows
 - Keeping doors closed
- Inability of residents to enjoy their own homes and gardens as noise from the Ark Tavern intrudes.
- Disappointment at the way the last variation application for the premises was dealt with.

The representations need to be read to get a better appreciation of the impact of the premises upon the local residents.

5.11 Licensing Authority

The Licensing Authority representation addresses a lack of adherence to current licence conditions, specifically the beer garden curfew.

It was disappointing to see a repetition of this failure after the issue had been previously discussed with the premises management.

5.12 Environmental Health

The Environmental Health Department representation centres on the fact that there are ongoing investigations into noise complaints at this premises and similar historic complaints. The Senior Environmental Health Officer Mrs Thelwell asked the premises licence holder to complete a noise management plan but this has not been completed to date. Nor has the public nuisance section of the variation application form which would indicate what measures are being taken to address any noise issues.

5.13 Video Footage

In addition to the written representations accompanying this report, there are a number of video clips compiled by one of the representors showing offending behaviour at the Ark Tavern. These are provided on two DVD discs.

There is a summary of the video content provided on the first disc which is included at Appendix 12. This disc has 29 video clips recorded between 1st April 2018 and 1st July 2018. There is some overlap in the described type of behaviour recorded. In summary, it states that the following can be seen

- 19 incidents of loud music
- 6 incidents of use of the beer garden after 2300, accompanied by alcohol consumption and loud music
- 3 incidents of nuisance behaviour of children
- 1 incident of the rear porch doors remaining open at the premises allowing music escape

Of these incidents, 8 are recorded after 2300.

5.14 A supplementary disc has been produced with a further 10 video clips thereon.

Again, there is some overlap in the described type of behaviour recorded. In summary, the following can be seen

- 1 incident of loud music
- 4 incidents of use of the beer garden after 2300, accompanied by alcohol consumption and loud music
- 2 incidents of loud, unruly behaviour in the rear garden including one of nuisance behaviour of children
- 1 incident of the rear porch doors remaining open at the premises allowing music escape

Of these incidents, 9 are recorded after 2300.

- 5.15 Some of this video footage appears to show breaches of the conditions on the licence as below
- The beer garden will cease to be used by customers for the purposes of the consumption of alcohol at 23.00 each day.
 - The management will ensure that the grounds of the premises will be kept tidy and without nuisance to other neighbouring businesses or residents.

This video footage will be made available to the Licensing Committee to view.

- 5.16 Taking into account multiple recordings during single trading sessions the video content can be summarised as below.
- 39 separate recordings made between 1st April and 1st July 2018.
 - 20 separate trading sessions are subject of video recordings
 - Noise nuisance, late use of the beer garden, alcohol consumption in the beer garden after 23.00 and unruly, inconsiderate behaviour of patrons is common.

- 5.17 A further chronological summary has been produced combining the original document and the later disc content, to show all the incidents grouped by date and this is shown at appendix 13.

- 5.18 The below table shows a selection of those video clips representing different sorts of behaviours at the premises.

- 5.19 These video clips are available to be viewed now by the committee should they wish to see behaviour complained of.

5.20 Video clip table

Reference	Time	Footage time of note	Activity
Sunday 22nd April 2018			
28	4:15pm	17s 30s 47 s	Loud audible music
Sunday 6th May 2018			
19	9:20 pm	all of it	Children in beer garden, shouting and screaming in daytime.
Monday 7th May 2018			
11	6pm	3s	Loud audible music

Monday 28th May 2018			
14	Bank Holiday 5pm	all of it	Bank holiday. Loud audible music. Rear porch doors open.
Saturday 9th June 2018			
20180609_234916	23.49		Alcohol consumption in rear garden.
Friday 15th June 2018			
20180615_233731	23.38		Loud audible music, loud customers and alcohol consumption in beer garden.
Saturday 16th June 2018			
4	11:44pm	2m11s	Loud audible music and alcohol consumption in beer garden.
25	11:50pm	35 s 49s 1min	Loud audible music ,singing and shouting in beer garden

5.21 The allegation of use of the beer garden after curfew is supported by an observation visit by the Licensing Department's enforcement patrol at 23.52 on Saturday 23rd June 2018 where some 8 or 9 patrons were seen in the beer garden of which 3 were drinking alcohol.

A further visit 10 minutes later found some of this group had left but that 2 were still drinking alcohol.

At this time 2 males were observed to urinate against an outhouse near to the car park.

5.22 This sort of activity had already been discussed previously with the premises management on 2nd June 2018. The issue of the breach of this condition had been raised on that enforcement visit as a result of a complaint that had been received in relation to Bank Holiday activity at the premises.

It was explained that the management had been let down by a staff member in relation to that complaint. He had been away from the premises on that occasion and the staff member had failed to monitor keeping doors closed or use of the beer garden later in the evening.

However between the content of the discs viewed to date and the enforcement visit findings, it appears to indicate there are a further

5 trading sessions after this issue was raised, when the same offending behaviour has been repeated.

- 5.23 It is fair to say that had this video evidence been presented in isolation and not in the context of this variation application, it would lead to separate proceedings against the premises.
- 5.24 In investigating this application the following information has also been gathered
- Neither Derbyshire Police nor the Chesterfield Borough Council Community Safety Department have any incidents of antisocial behaviour logged against the premises over the last 12 months.
 - Chesterfield Borough Council's Environmental Health Department has a number of ongoing and historical complaints lodged against the premises in relation to noise and nuisance.

6.0 ADDITIONAL INFORMATION

- 6.1 The Ark Tavern has experienced some success with the introduction of live entertainment at the venue on weekend evenings and at a "jam night" on Tuesday evenings. Whilst increased footfall and patronage have been popular with the premises and staff, local residents are not so happy about the change in emphasis at the premises which they describe as "village public house to live rock music venue".
- 6.2 Clearly the issues of noise nuisance and disorderly conduct are ones that local residents associate with the premises and are contentious for those living nearer to the premises, as evidenced by the representations made.
- 6.3 The same premise was subject to a previous variation application in March 2017.
This resulted in the application being heard before the Licensing Committee in May 2017.
On that occasion permission for live music was granted to the premises to allow live music within the premises daily from 1100 to midnight.
- 6.4 That application was also opposed, with representations tendered by six local residences.

Ultimately, the application was granted and the decision letter for that Licensing Committee Hearing can be seen at Appendix 14.

- 6.5 The residents who attended the previous hearing state that on that occasion the Designated premises supervisor voluntarily agreed with them to employ the noise reduction tactics referenced in the representations i.e.
- Music would stop at 23.00 on Tuesdays
 - Placing soundproof boards at windows for live music performances
 - Keeping doors closed during live music performances.
- 6.6 There is reference in the current representations that as soon as the last variation was granted, these measures were no longer employed on a regular basis.
- 6.7 The representors feel that their representations were not given due weight on that last occasion and so felt let down by the result of that committee. They are understandably sceptical about the value of this hearing and some were reluctant contributors to the process.

7 OPTIONS

- 7.1 Determination of application
When carrying out its licensing functions, the Licensing Authority must do so with a view to promoting the 4 licensing objectives and also with regard to its Statement of Licensing Policy and the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.
- 7.2 The Licensing Committee may grant the application as requested, grant it subject to conditions, or refuse the application.
- 7.3 Where either the applicant or a person who made relevant representations is aggrieved by the decision of the Licensing Authority, appeal is to the Magistrates' Court.
- 7.4 Should the committee choose to grant the application with modified conditions then based on enquiries with those making representations, some of the following might be found to be acceptable
- Removal of live music as a permissible activity

- A reduction in the terminal permissible hour for live music performances at the venue
- The addition (as conditions to the licence) of the noise reduction measures mentioned as having been previously negotiated i.e.
 - Music would stop at 23.00 on Tuesday's jam night
 - Placing soundproof boards at windows for live music performances
 - Keeping doors closed during live music performances.
- A reduction in the terminal permitted hour for use of the beer garden, irrespective of whether consuming alcohol or not.
- The addition of a licence condition requiring the completion of a noise management plan which would need Environmental Health Department approval for implementation and subsequent amendment.

8 RECOMMENDATION

8.1 That the Committee

- consider the representations made by local residents and Responsible Authorities and
- Determine whether the application for a variation of a Premises Licence made by Daniel Thwaites PLC for The Ark Tavern be granted, granted with conditions, or refused.



LICENSING OFFICER

For more information on this report please contact the author,
Steve Ashby on 01246 345780 or email
steve.ashby@chesterfield.gov.uk

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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 Daniel Thwaites Plc

(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/VF/0117
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Ark Tavern Chesterfield Road Brimington Chesterfield			
Post town	Derbyshire	Postcode	S43 1AD

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£7,100.00

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address	Star Brewery Penny Street		
Post town	Blackburn	Postcode	BB1 6HL

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			
0	9	0	7	2	0	1	8

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)

To vary the plan that accompanies the premises licence to include a minor refurbishment internally.

To add late night refreshment as a licensable activity.

To insert/amend/remove some conditions.

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) ☐
- b) films (if ticking yes, fill in box B) ☐
- c) indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☐
- f) recorded music (if ticking yes, fill in box F) ☐
- g) performances of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) ☐

Provision of late night refreshment (if ticking yes, fill in box I) ☒

Supply of alcohol (if ticking yes, fill in box J) ☐

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</u> (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)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films 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					
Tue			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
Wed			<u>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</u> (please read guidance note 7)		
Thur					
Fri					
Sat					
Sun					

C

Indoor sporting 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 indoor sporting events</u> (please read guidance note 6)
Wed			
Thur			
Fri			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Sat			
Sun			

D

Boxing or wrestling entertainments 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</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					
Tue					
Wed					
Thur			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Fri					
Sat					
Sun					
			<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)		

E

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</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					
Tue					
Wed					
Thur			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Fri					
Sat					
Sun					
			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		

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</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					
Tue			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
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)		
Thur					
Fri					
Sat					
Sun					

G

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					
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Thur					
Fri			<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)		
Sat					
Sun					

H

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)		
Sun					

I

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 checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon	23.00	00.30			
Tue	23.00	00.30			
Wed	23.00	00.30	State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Thur	23.00	00.30			
Fri	23.00	02.30	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) 24,26,27 and 28 December from 23.00 until 02.30 the following day. New Year's Eve from 23.00 on 31 December until 02.30 on 2 January.		
Sat	23.00	02.30			
Sun	23.00	02.30			

J

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 type="checkbox"/>
Day	Start	Finish			
Mon			<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6)		
Tue					
Wed					
Thur			<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					
Sat					
Sun					

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).</p> <p>None currently anticipated.</p>

L

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	<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) 24,26,27 and 28 December from 11.00 until 02.30 the following day. New Year's Eve from 11.00 on 31 December until 02.30 on 2 January.
Mon	11.00	00.30	
Tue	11.00	00.30	
Wed	11.00	00.30	
Thur	11.00	00.30	
Fri	11.00	02.30	
Sat	11.00	02.30	
Sun	11.00	02.30	

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.

Pre opening safety checks will be carried out at the premises before each trading session.

Annual testing and inspection of the gas installation at the premises by a qualified engineer.

Annual testing and inspection of the emergency lighting at the premises by a qualified engineer.

Annual testing and inspection of the fire alarm at the premises by a qualified engineer.

All escape routes and exist maintained so as not to cause hindrance in the event of evacuation.

No persons under the age of 18 years shall be permitted to remain on the premises after 21.00.

All members of staff concerned with sales of alcohol will be trained in relation to sales of alcohol to persons under the age of 18 years (x2).

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)

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

A “Challenge 25” Policy shall be adopted and enforced at the premises whereby any person who appears to be under the age of 25 shall be required to provide identification to prove that they are over the age of 18 before they are permitted to purchase alcohol. The only forms of acceptable identification will be:

- A Passport;
- A UK Photocard Driving Licence;
- Official ID card issued by HM Forces or EU bearing a photograph and the date of birth of the holder;
- Any other form of identification agreed with a representative of the Police Licensing Unit.

All staff who are involved in the sale of alcohol will be trained in relation to the “Challenge 25” policy upon the commencement of their employment, following which they will undertake refresher training at suitable intervals.

Said training will be documented and will be made available to an authorised officer upon request.

No persons under the age of eighteen years shall be permitted to remain on the premises after 22.00.

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	<i>Napthos</i>
Date	01.06.18
Capacity	Solicitors on behalf of the 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) Samantha Faud Naphthens LLP Darwen House Walker Business Park Walker Road			
Post town	Blackburn	Post code	BB1 2QE
Telephone number (if any)	01254 686225		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) Samantha.Faud@naphthens.co.uk			

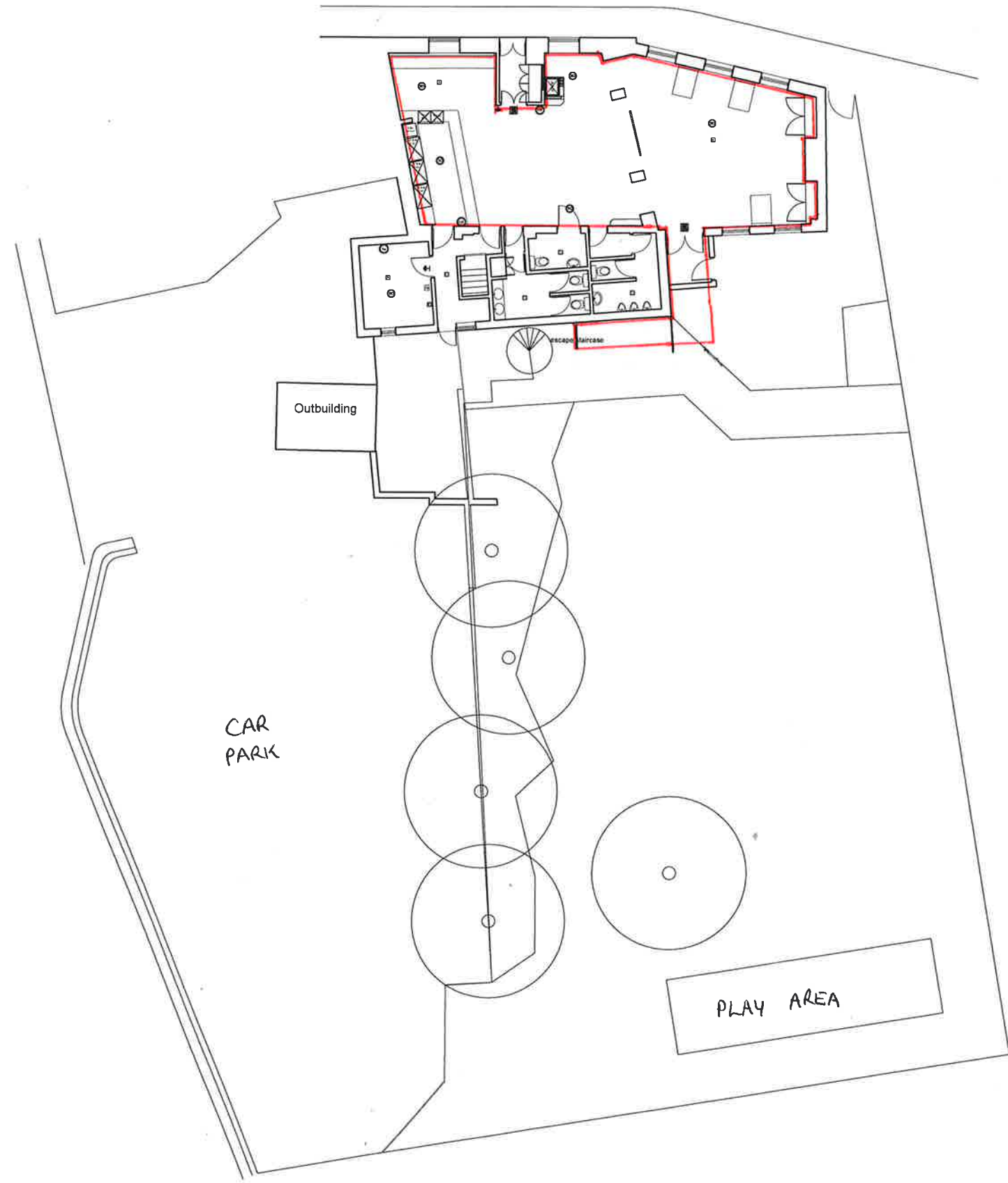
Notes for Guidance

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.



LEGEND

LICENSABLE AREA

FIRE DETAILS:	ELECTRICAL LEGEND:
<p>Co2 Co2 EXTINGUISHER</p> <p>W WATER EXTINGUISHER</p> <p>Pw POWDER EXTINGUISHER</p> <p>FB FIRE BLANKET</p> <p>ALL EXTINGUISHERS ARE TO COMPLY WITH THE CURRENT BS EN3 STANDARD.</p>	<p>SD HEAT/ SMOKE DETECTOR</p> <p>EL EMERGENCY LIGHTING</p> <p>ESL ILLUMINATED EXT SIGN</p> <p>RM RUNNING MAN</p> <p>BGP BREAK GLASS POINT</p> <p>NEW ALARM & BREAK GLASS POINTS COMPLETE. LOCATED AS SHOWN ON PLAN.</p>

All levels and dimensions must be checked on site by contractor prior to commencement of work. Any variations must be reported to JSA Design. All information hereon is the copyright of JSA Design. Copying in full or in part is forbidden without the written permission from JSA Design.

Client THWAITES			
Date	May 2018	Status	STAT
Drawn	LAD	Checked	JPS
Scale	1:100	Size	A1
Rev	#	Drawing No.	173- L-02
Drawing Title Proposed Licensing Plan			
Project Title The Ark Tavern, Chesterfield Rd, Brimington, Chesterfield S43 1AD			

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Licensing Act 2003

Premises Licence

PL/VF/0117

Part 1 - Premises Details

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

Ark Tavern

Chesterfield Road, Brimington, Chesterfield, Derbyshire, S43 1AD.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable Granted **12/08/2005**

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	Monday to Sunday Non-standard timings From 11.00 to 02.00 on 24th, 26th, 27th and 28th December. From 11.00 on New Year's Eve to 01.00 on 2nd January.	11:00am	Midnight
F. Playing of recorded music (Indoors)	Mon, Tues, Wed, & Thursday Friday & Saturday Sunday Non Standard Timings: 24th, 26th, 27th and 28th December from 11.00 until 02.00 the following day. New Year's Eve from 11.00 on 31st December until 01.00 on 2nd January	11:00am 11:00am 11:00am	Midnight 2:00am 2:00am
L. Late night refreshment (Indoors)	Non Standard Timings: Monday to Saturday, other than Christmas Day, Good Friday or New Year's Eve, 23.00 to 23.30 On New Year's Eve, from 23.00 to 05.00 the following day.		
M. The sale by retail of alcohol for consumption ON and OFF the premises	Mon, Tues, Wed, & Thursday Friday & Saturday Sunday Non Standard Timings: 24th, 26th, 27th and 28th December from 11.00 until 02.00 the following day. New Year's Eve from 11.00 on 31st December until 01.00 on 2nd January.	11:00am 11:00am 11:00am	Midnight 2:00am 2:00am

THE OPENING HOURS OF THE PREMISES

Description Time From Time To



Licensing Act 2003

Premises Licence

PL/VF/0117

THE OPENING HOURS OF THE PREMISES continued ...

Description	Time From	Time To
Mon, Tues, Wed, & Thursday	11:00am	12:30am
Friday & Saturday	11:00am	2:30am
Sunday	11:00am	2:30am
Non Standard Timings: 24th, 26th, 27th and 28th December from 11.00 until 02.30 the following day. New Year's Eve from 11.00 on 31st December until 01.30 on 2nd January.		

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

- M. 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

Daniel Thwaites Brewery
www.thwaites.co.uk

Star Brewery, Penny Street, Blackburn, Lancashire, BB1 6HL.

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

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

Richard Andrew WALKER

Ark Tavern, Chesterfield Road, Brimington, Chesterfield, Derbyshire, S43 1AD.
Telephone 01246 769701

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

Licence No. PA/VF/1318

Issued by Chesterfield

ANNEXES

ANNEX 1 - MANDATORY CONDITIONS

Retailing of Alcohol

1. No supply of alcohol may be made under the premises licence -

(a) at a time when there is no designated premises supervisor in respect of the premises licence,
or

(b) at a time when the designated premises supervisor does not hold a personal licence or his
personal licence is suspended.



Licensing Act 2003

Premises Licence

PL/VF/0117

ANNEXES continued ...

2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Irresponsible Promotions

3. The responsible person shall take all reasonable steps to ensure that staff on the licensed premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. In this condition, 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-

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

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

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

(b) provision of 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;

(c) 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.

Dispensing alcohol directly into the mouth

4. The responsible person shall ensure that no alcohol is dispensed 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).

Free Potable water

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



Licensing Act 2003

Premises Licence

PL/VF/0117

ANNEXES continued ...

In conditions numbered 3, 4 and 5 above, "responsible person" means-

- (i) the holder of a premises licence in respect of the premises,
- (ii) the designated premises supervisor (if any) under such a licence, or
- (iii) any individual aged 18 or over who is authorised for the purposes of this section by such a holder or supervisor.

Age-verification

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

(2) 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 ultraviolet feature.

Smaller Measures

7. The responsible person shall 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) customers are made aware of the availability of these measures; and
- (c) that these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (d) staff must make customers aware of the availability of small measures when customers ask for a drink without specifying the size.

Exhibition of Films

The admission of any person aged under 18 to the exhibition of any film at the premises is restricted in accordance with Section 20 of the Licensing Act 2003.



Licensing Act 2003

Premises Licence

PL/VF/0117

ANNEXES continued ...

Door Supervision

Each individual carrying out a security activity at the premises must be licensed by the Security Industry Authority.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

The following text is from the Operating Schedule:-

General - All Four Licensing Objectives

None offered.

The Prevention of Crime and Disorder

Be a member and active supporter/participant of the local pubwatch scheme.

Any advice of the Police Crime Prevention Officer will be complied with.

All members of staff concerned with sales of alcohol will be trained in relation to sales of alcohol to persons under the age of 18 years.

A zero tolerance drugs policy is in place.

Pre-opening safety checks will be carried out at the premises before each trading session.

The DPS will consider the use of door supervision as part of the risk assessment at times when regulated entertainment is provided.

Public Safety

Annual testing and inspection of the Gas installation at the premises by a qualified engineer.

Annual testing and inspection of the Emergency Lighting at the premises by a qualified engineer.

Annual testing and inspection of the Fire Alarm at the premises by a qualified engineer.

All escape routes and exits maintained so as not to cause hindrance in the event of evacuation.

The Prevention of Public Nuisance

Signs posted at the exits reminding customers to leave quietly and with respect for local residents.

A 'wind down period' will occur for 30 minutes prior to closing when quieter music is played.

The beer garden will cease to be used by customers for the purposes of the consumption of alcohol at 23.00 each day.

No music will be played in any external parts of the premises after 22.00.



Licensing Act 2003

Premises Licence

PL/VF/0117

ANNEXES continued ...

The management will ensure that the grounds of the premises will be kept tidy and without nuisance to other neighbouring businesses or residents.

The Protection of Children From Harm

Any S.34 gaming machines at the premises are positioned within sight of the bar servery in order that full supervision can be given to those playing on such.

All members of staff concerned with sales of alcohol will be trained in relation to sales of alcohol to persons under the age of 18 years.

Persons aged under 18 years of age to be excluded from the premises on occasions which the management deem appropriate and subject to the activities taking place.

A PASS accredited ID scheme is in place to assist in relation to underage sales of alcohol as well as access to the premises.

No persons under the age of eighteen years shall be permitted to remain on the premises after 21.00.

ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

There was no hearing in relation to this application, so no conditions were imposed by the Licensing Authority.



Licensing Act 2003

Premises Licence Summary

PL/VF/0117

Premises Details

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

Ark Tavern

Chesterfield Road, Brimington, Chesterfield, Derbyshire, S43 1AD.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable Granted **12/08/2005**

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	Monday to Sunday Non-standard timings From 11.00 to 02.00 on 24th, 26th, 27th and 28th December. From 11.00 on New Year's Eve to 01.00 on 2nd January.	11:00am	Midnight
F. Playing of recorded music (Indoors)	Mon, Tues, Wed, & Thursday Friday & Saturday Sunday Non Standard Timings: 24th, 26th, 27th and 28th December from 11.00 until 02.00 the following day. New Year's Eve from 11.00 on 31st December until 01.00 on 2nd January	11:00am 11:00am 11:00am	Midnight 2:00am 2:00am
L. Late night refreshment (Indoors)	Non Standard Timings: Monday to Saturday, other than Christmas Day, Good Friday or New Year's Eve, 23.00 to 23.30 On New Year's Eve, from 23.00 to 05.00 the following day.		
M. The sale by retail of alcohol for consumption ON and OFF the premises	Mon, Tues, Wed, & Thursday Friday & Saturday Sunday Non Standard Timings: 24th, 26th, 27th and 28th December from 11.00 until 02.00 the following day. New Year's Eve from 11.00 on 31st December until 01.00 on 2nd January.	11:00am 11:00am 11:00am	Midnight 2:00am 2:00am

THE OPENING HOURS OF THE PREMISES

Description Time From Time To





Licensing Act 2003

Premises Licence Summary

PL/VF/0117

THE OPENING HOURS OF THE PREMISES continued ...

Description	Time From	Time To
Mon, Tues, Wed, & Thursday	11:00am	12:30am
Friday & Saturday	11:00am	2:30am
Sunday	11:00am	2:30am
Non Standard Timings: 24th, 26th, 27th and 28th December from 11.00 until 02.30 the following day. New Year's Eve from 11.00 on 31st December until 01.30 on 2nd January.		

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

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

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Daniel Thwaites Brewery

Star Brewery, Penny Street, Blackburn, Lancashire, BB1 6HL.

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

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

Richard Andrew WALKER

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

In accordance with the relevant provisions of the Licensing Act 2003 and, where applicable, any embedded restrictions by way of any converted Licence(s).

Classified

COUNTY COUNCIL
Country Planning
Management Procedure)
der 2015 & Planning
and Conservation Areas)
1990 (as amended)
DER ARTICLE 15(5)
REGULATION 5A
OR PLANNING PERMISSION
ment at St. Peters C of E
Main Street, Netherseal,

Grid Reference: 428743
nothing)
CD9/0518/17

Director of Property is applying
Council for planning permission
number new metal storage unit in
divine planning permission for 1
at storage container.
Public may inspect copies of the
and other documents submitted
County Council, County Hall,
DE4 3AG, or at the Planning
Derbyshire District Council, Civic
Swadincote, DE11 0AH during all
until 5 July 2018. The planning
documents are also available to view on
website below.

As to make representations to the
out this application should do so by

to the Strategic Director of
Transport and Environment, at the
Council postal address given above.

representations@derbyshire.gov.uk.

The facility for representations about
planning applications available on the
website www.derbyshire.gov.uk

Representations will be published on the
website. Therefore members of the public
names and addresses to be excluded
should state this under their
The Council would not in any event
e-mail addresses, telephone numbers

works that the development would affect
of a conservation area which the land
application relates to.

ashworth
for - Economy, Transport and

Derbyshire County Council

DERBYSHIRE COUNTY COUNCIL
TEMPORARY FOOTPATH CLOSURE
IC FOOTPATH NO.14 (PART)
STAVELEY PARISH
July 2018 to 31 December 2018
Close Public Footpath No.14 (Part)
at its junction with Hall Lane for
approximately 570 metres.
To facilitate public safety whilst
works are undertaken to the northern
former landfill site.
VE ROUTE: From the north-east: Hall
Lane Road - Public Footpath No.11
to the landfill site.
The footpath will be maintained, whenever reasonably
practicable, to the affected length of footpath. The
footpath will re-open as soon as the work is
complete. This may be earlier than advertised.
The County Council apologises for any
inconvenience caused while work takes place.
For further information should ring
Derbyshire 01629 533190.
The Council intends to make an Order

Amber Valley Borough Council
Town and Country Planning Act 1990
Notice is hereby given that the following
applications have been made to Amber Valley
Borough Council

Reference:
AVA/2018/0492

Applicant Name:
Mrs Margaret Briggs

Address:
7 The Scotches
Belper
Derbyshire
DE56 2UE

Proposal:
Listed building consent to take off existing roof
tiles, apply membrane and re-apply existing
Staffordshire blue tile

Reference:
AVA/2018/0550

Applicant Name:
Mr Julian Todd

Address:
42 Hopping Hill
Milford
Belper
Derbyshire
DE56 0RJ

Proposal:
Listed building consent for proposed replacement of
front and rear doors, guttering and downpipes and
the reconstruction of the existing chimney stack

Any person who wishes to make representations to
the above named Council about any applications
should make them in writing by 05 July 2018.

Development Management
Amber Valley Borough Council
Town Hall
Market Place
Ripley
Derbyshire DE5 3BT

Bolsover District Council
PLANNING (LISTED BUILDINGS AND
CONSERVATION AREAS) ACT 1990

Any comments on the following application should be
made within 21 days. Notice is hereby given that
Bolsover District Council has received details of the
following proposal:

Application No: 17/00615/FUL
Application Type: Full Planning Permission
Proposal: Demolition of existing buildings and
erection of foodstore and retail terrace, car parking
and associated works
Location: Sherwood Lodge Oxcroft Lane Bolsover
Chesterfield

Applicant: Mr Mark Rothery

The above proposed development affects the setting
of a listed building, and/or the character or appearance
of a conservation area. The above proposed
development does not accord with the provisions of
the development plan for the area. The above
proposed development affects a public right of way.
Application No: 18/00294/LBC
Application Type: Listed Building Consent
Proposal: Replacement of roof covering
with new to East Lodge Roof and associated repairs
and alterations.
Location: Hardwick Hall Hardwick Hall Drive

DERBYSHIRE COUNTY COUNCIL
NOTICE OF CONFIRMATION OF
MODIFICATION ORDER
DEFINITIVE MAP AND STATEMENT FOR THE
COUNTY OF DERBYSHIRE
THE DERBYSHIRE COUNTY COUNCIL
(RESTRICTED BYWAY FROM NOTTINGHAM
ROAD, WOODLINKIN TO CASTLE LANE -
PARISHES OF CODNOR AND ALDERCAR &
LANGLEY MILL) MODIFICATION ORDER 2012

On 7 June 2018 the Derbyshire County Council
confirmed the above named Order.

The effect of the Order, as confirmed is to modify the
Definitive Map and Statement for the County of
Derbyshire by adding to them a Restricted Byway
from Nottingham Road, Woodlinkin to Castle Lane in
the Parishes of Codnor and Aldercar & Langley Mill.

A copy of the confirmed Order and the map may be
seen free of charge at County Hall, Matlock, during
normal office hours where copies may be bought at
the price of £1.00 or at Langley Mill Post Office,
Unit 2 Station Road, Langley Mill, Nottingham during
normal opening hours.

The order comes into force on 7 June 2018, but if any
person aggrieved by the order wishes to question its
validity, or that of any provision contained in it on the
ground that it is not within the powers of the Wildlife
and Countryside Act 1981, or on the ground that any
requirement of the Act, or any regulation made under
the Act has not been complied with in relation to the
Order, he or she may, under Schedule 15 paragraph
12 of the Wildlife and Countryside Act 1981, within 6
weeks from the date of publication of this notice make
an application to the High Court.

Dated 14 June 2018
Janie Berry, Director of Legal Services
County Hall, Matlock
Derbyshire, DE4 3AG



ROAD TRAFFIC REGULATION ACT 1984 -
SECTION 141(a)
THE A38 TRUNK ROAD
(COXBENCH, DERBYSHIRE) (TEMPORARY
PROHIBITION OF TRAFFIC) ORDER 2018

NOTICE IS HEREBY GIVEN THAT
Highways England Company Limited
(Company No. 9346363) has made an Order on
the A38 Trunk Road at Coxbench in the County
of Derbyshire, to allow routine maintenance
works to be carried out.

The effect of the Order will be to close the link
road leading to the northbound carriageway of the
A38 from the B6179 Derby Road, at Coxbench.

The work will be carried out over one night
between 20:00 hours and 05:00 hours and is
expected to start on Wednesday 20 June 2018.
The Order will come into force on 15 June 2018.

Vehicles being used for police, fire and rescue
authority, or ambulance purposes and vehicles
being used in connection with the works will be
exempt from the closure.

A diversion route via Derby Road and the
southbound carriageway of the A38 will be signed.

For further information please contact
Nick Jarvis, a project manager on behalf of
Highways England, on 07966 448 176.

Karen Eustace, an Officer in Highways England
Company Limited.
Highways England Company Limited
(Company No. 9346363) registered office: Bridge
House, Walnut Tree Close, Guildford, GU1 4LZ.
A Company registered in England and Wales.

LICENSING ACT 2003

Variation of Premises Licence

We, Daniel Thwaites plc, HEREBY
GIVE NOTICE that an application
has been submitted to Chesterfield
Borough Council for a variation of
the Premises Licence in relation to
The Ark Tavern, Chesterfield Road,
Brimington, Chesterfield S43 1AD, a
brief description of the nature of the
proposed variation being as follows:
To vary the licence to include a
minor refurbishment, to remove
and/or insert some conditions on the
operating schedule and to add the
provision of late night refreshment
from 23:00 to 00:30 Monday to
Thursday from 23:00 to 00:30 Friday
to Sunday. Any interested party or
responsible authority may make
representations in connection with the
application. Any such representations
must be made in writing and made
by no later than 2nd July 2018 to
the relevant Licensing Authority, the
postal and email addresses, and where
appropriate, the world wide web
address, where the register of the
Authority is kept and when the records
of the application may be inspected
being as follows: Chesterfield Borough
Council Licensing Department, Town
Hall, Rose Hill, Chesterfield S40 1UL
E: licensing@chesterfield.gov.uk
W: www.chesterfield.gov.uk

Notice is an offence to knowingly
or recklessly make a false statement
in connection with an application.
A person is liable to an unlimited fine or
conviction should such a false statement
be made. Napthens LLP, Blackburn

Goods Vehicle Operator's Licence

THO Transport Solutions UK
Ltd of Tilton Way, Crick,
Northamptonshire, NN6 7SL is
applying to change an existing
licence as follows: To add an
operating centre to keep 30 goods
vehicles and 40 trailers at Saint
Gobain PAM UK, Lows Lane,
Stanton-by-Dale, Ilkley, West
Yorkshire LS29 4QL. Owners or occupiers of land
(including buildings) near the
operating centre who believe that
their use or enjoyment of that land
would be affected, should make
written representations to the
Traffic Commissioner at Hillesley
House, 38b Harehills Lane, Leeds
LS9 6NE stating their reasons,
within 21 days of this notice.
Representors must at the same
time send a copy of their
representations to the applicant at
the address given at the top of
this notice. A Guide to Making
Representations is available from
the Traffic Commissioner's Office.

Application for a Premises Licence

Licensing Act 2003

Notice is hereby given that We, Lidl UK
GmbH have made an application under
Section 17 of Part 3 of the Licensing Act
2003 to Chesterfield Borough Council
for a Premises Licence for Lidl UK
GmbH, Chesterfield Road, Chesterfield
S40 2BU for sale of alcohol by retail for
consumption on the premises during the
hours 07:00-23:00 Monday to Sunday.
A copy of the application may be
inspected at the Licensing Centre,
Customer Service Centre, 85 New
Square, Chesterfield, S40 1AH. Any
interested party or responsible authority
who wishes to make representations to
Chesterfield Borough Council must do so
no later than 05/07/2018, and such
representations must be made in writing
and addressed to The Licensing
Section, Customer Service Centre, 85
New Square, Chesterfield S40 1AH. It is
an offence knowingly or recklessly to
make a false statement in connection
with an application the maximum fine for
which a person is liable on summary
conviction for making a false statement
is a Level 5 fine on the standard scale.

BRIAN BLAKE

(Deceased)

Pursuant to the Trustee Act 1925 any
persons having a claim against or an
interest in the Estate of the above
named, late of Branne House, Middle
Road, Hardwick Wood, Wingborough,
Chesterfield S42 6RH, who died on
18/12/2017, are required to send
written particulars thereof to the
undersigned on or before 22/08/2018,
after which date the Estate will be
distributed having regard only to the
claims and interests of which they
have had notice.

CLEAVER THOMPSON LTD
SOLICITORS, 6A Elm Street,
Clay Cross, Chesterfield S45 9NS
Ref: ST/Blake

PATRICIA HUDSON

(Deceased)

Pursuant to the Trustee Act 1925
any persons having a claim against
the Estate of the

DERBYSHIRE COUNTY COUNCIL
TEMPORARY FOOTPATH CLOSURE
IC FOOTPATH NO 7 (PART)

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LICENSING AUTHORITY

Environment Services, Chesterfield Borough Council, Customer Service Centre, 85
New Square, Chesterfield, S40 1AH Tel: 01246 345230

Representation Form

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 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/ Paul Cutforth wish to
make a representation in relation to an application that has been made in respect of the
premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map
reference or description

The Ark Tavern
Chesterfield rd
Brimington
Chesterfield

Post town chesterfield

Post code (if known)

Name of Premises Licence holder or Club holding Club Premises Certificate (if
known)

Number of Premises Licence or Club Premises Certificate (if known)

Part 2 – Representor details

(A) DETAILS OF INDIVIDUAL REPRESENTOR (fill in as applicable)

Mr ☒ Mrs ☐ Miss ☐ Ms ☐ Rev ☐ Other title (for example, ☐)

Surname

First names

Please tick ✓ yes

I am over 18 years old or over

☒

Current postal
address if
different from
premises address

Post town

Postcode

Daytime contact telephone
number

Email address (optional)

(B) DETAILS OF OTHER REPRESENTOR (Business, Residents Association etc)

Name and address

Telephone number (if any)

E-mail address (optional)

This Representation relates to the following licensing objective(s)

Please tick one or more boxes ✓

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

x
x

Please state the ground(s) for making the Representation (please read guidance note 1)

The Prevention of Crime and Disorder

Public Safety

The Prevention of Public Nuisance

Please see the additional box for further details.

The Protection of Children from Harm

The ark tavern play area is not monitored nor is there any soft surface under any of the play structures. An additional bar in this area will encourage more people to bring children into an unsuitable play area that is not monitored or indeed safe to accommodate more children.

THIS IS AT THE MOMENT SUBJECT TO A NOISE NUISANCE COMPLAINT

Please use this box if you wish to provide further details, additional sheets can be used if necessary.

PUBLIC NUISANCE

My house backs onto the Ark Tavern and this has been a continual source of Noise nuisance for many years. And subject to many complaints by myself and other residents.

This eased when the licensee's partner Vyda got involved as she gave me her number and if I called she would make sure all the exterior doors were kept shut, the noise reducing shutters were on the windows and the band sound levels were monitored.

This changed totally around three months ago, the band noise levels increased to such a level that I have been videoing them from the bottom of my drive which is over 300 meters away and the music can still be heard, this is made worse by the fact the only music they play is rock music so you can constantly hear the thump thump of the drums. This was brought to a head when I invited family around for a BBQ on a bank holiday Monday 7th May, and the bands started at around 330 pm and the music was incredibly loud, I waited till around 530 by which time I had had enough and walked round to see why the noise was so loud to find none of the noise reducing levels were being used. No shutters were to the windows and all the doors leading outside were wedged wide open! I asked the licensee repeatedly to close the doors and the answer I got was "sorry the music is so loud I cannot hear you"

I received a phone call from Vyda the other day to apologise for the problems I was having and to explain it was through no fault of hers as she had now split with Richard so no one was monitoring the noise.

Noise from live bands in the Ark Tavern is a constant problem due to the door from the main property to the beer garden being opened to access the beer garden and in a lot of cases wedged open to allow noise out of the property.

The addition of an outside bar in the beer garden of the Ark Tavern will increase the amount of people coming out of the back doors to get to the outside bar to avoid queuing in the main bar, causing even more noise to leave the property than we experience now (this is already following a formal complaint to licensing and Environmental Health departments with the council as well as the local Parish Council)

The Ark Tavern already has a stipulation in the licence that no alcohol can be consumed in the beer garden after 11pm. This is another Formal complaint that I have lodged as they are drinking and shouting in the beer garden well up

to midnight most weekends and Tuesday nights when the bands are on. This has also been videoed and passed to the licencing officer Mr Steve Ashby

I do not believe they are following the licencing agreement as it is, so allowing them further alterations does not seem the best course of action when they cannot manage the premises on the basis it is at the moment.

The noise generated from the beer garden and the play area already causes a noise nuisance without attracting more people to use it.

There is a play area situated right behind my hedge where children are simply **DUMPED NOT MONITORED** to play while their parents are drinking at the top of the beer garden (again id guess at another Licencing breach)

The play area has a climbing/play castle were the children sit around 6 feet off the ground screaming and shouting (with solid earth below in the summer, there is no soft area in case of falling). It is like living next door to a school yard not a public house beer garden!!!!

Once on this structure they can sit happily looking directly over my back garden loosing all the privacy I'm sure I am entitled to.

Or playing football which again is not monitored as can clearly be seen with the amount of time the balls come over onto my garden hitting my conservatory and the constant boom boom as the ball is kicked.

Again any alteration to attract people into this outside area will only make all these issues worse.

As a recap, I have children screaming and shouting and looking over my garden in the day time till around 8pm from the beer garden which might as well be a children's park or play ground apart from the fact it is not safe rather than its original use as a beer garden. Then once they go the music starts till around 12pm which includes all the shouting and cheering from the beer garden.

There are multiple breaches to the licence that is already in place so I do not think any increase or alteration to this should be considered. If anything I would like to see the licence re assessed with respect to the above issues so they can be resolved.

Lastly I am away from the 14/7/18 till the 29/7/18 and I would appreciate it if the hearing was before or after that date as I would like to attend to present my case as I am massively effected by any change to the Ark Tavern and I could not attend the last one for the late licence extension for music till 12pm which again has had a big impact on my quality of life and lead to nuisance complaints to both Licencing and Environmental Services.

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 3 – Signatures (please read guidance note 2)

Signature of Representor or Representor's Solicitor or other duly authorised agent (please read guidance note 3). If signing on behalf of the Representor please state in what capacity.

Signature

Date

22/6/18

Capacity

RESIDENT

Please Note – Your address will be a matter of public record, if the application to which this Representation relates is referred to the Licensing Committee to determine at a Hearing.

Contact name (where not previously given) and postal address for correspondence associated with this Representation (please read guidance note 4)

Post town chesterfield

Post code s431ad

Notes for Guidance

1. The Representation must be based on one or more of the licensing objectives. Please list any additional information or details for example dates of problems if available.
2. The Representation form must be signed.

APPENDIX 5

From: Esther Thelwell
Sent: 19 June 2018 11:55
To: Steve Ashby
Subject: FW: CBC - Variation of a Premises Licence

Hi Steve,

As discussed, I have concerns with this variation application.

I am currently investigating complaints about noise from the venue. The complainant informs me that noise levels are exacerbated when the venue hosts an event and the doors leading from the beer garden are continually opened and closed, or occasionally, left permanently open – allowing music to escape the building. Another source of noise is from customers using the beer garden, particularly late at night.

Due to the ongoing noise complaints I have asked the premises licence holder to complete a noise management plan – I am awaiting receipt of this.

Section M(d) of the application form provides space for the applicant to write down any additional steps that will 'prevent public nuisance'. On the application form this space is left blank. I am unsure how noise from this proposal will be minimised/prevented/managed.

Until further information is received to support section M(d), I cannot agree to the variation application.

Esther

Esther Thelwell
Senior Environmental Health Officer
Environmental Protection Team

Stonegravels Depot | Old Brick Works Lane | Stonegravels | Chesterfield | Derbyshire | S41 7LF

Email esther.thelwell@chesterfield.gov.uk | Direct dial 01246 345767

From: Esther Thelwell
Sent: 12 July 2018 08:12
To: Steve Ashby
Subject: RE: Ark Tavern variation

Good morning Steve,

Thank you for your email.

In spite of the revised variation application my concerns regarding control of 'public nuisance' remain the same as for the previous application.

- There have been complaints from a resident recently.
- There have been complaints from residents historically.
- The applicant did not complete the 'public nuisance' section of the previous variation application. Do you know if this section has been completed with the revised plan?
- The licensee has not completed the noise management plan as requested last month.

I am off today, but back tomorrow. At this stage I still intend to come to the meeting next week.

Esther

LICENSING AUTHORITY

Environment Services, Chesterfield Borough Council, Customer Service Centre, 85
New Square, Chesterfield, S40 1AH Tel: 01246 345230

Representation Form

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 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 MR and MRS Akhatr..... wish to make a representation in relation to an application that has been made in respect of the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description

Ark Tavern
Chesterfield Road
Brimington
Chesterfield

Post town Chesterfield

Post code (if known) S43 1AD

Name of Premises Licence holder or Club holding Club Premises Certificate (if known)

Daniel Thwaites

Number of Premises Licence or Club Premises Certificate (if known)

PL/VF/0117

Part 2 – Representer details

(A) DETAILS OF INDIVIDUAL REPRESENTOR (fill in as applicable)

Mr	<input checked="" type="checkbox"/>	Mrs	<input type="checkbox"/>	Miss	<input type="checkbox"/>	Ms	<input type="checkbox"/>	Rev)	<input type="checkbox"/>	Other title (for example,	<input type="checkbox"/>
Surname						First names					
Akhtar						Mo					

Please tick ✓ yes

I am over 18 years old or over

☒

Current postal
address if
different from
premises address

Post town

Postcode

Daytime contact telephone
number

Email address (optional)

(B) DETAILS OF OTHER REPRESENTOR (Business, Residents Association etc)

Name and address
Telephone number (if any)
E-mail address (optional)

This Representation relates to the following licensing objective(s)

Please tick one or more boxes ✓

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

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

Please state the ground(s) for making the Representation (please read guidance note 1)

The Prevention of Crime and Disorder

Public Safety

The Prevention of Public Nuisance

I, along with many residents of Brimington do not believe there is just cause for the license extension.

The Ark Tavern continues to be a public nuisance since the last extension. Live music is played at exceptionally loud volumes which leaks straight from the pub. This is because the Landlord is not adhering to guarantees that were given during the last hearing namely:

- shutters not used during live performances
- windows open during live performances
- doors open during live performances

These points were raised with Noise Control over the May Bank Holiday weekend,

however, they neglected to respond back to me directly.

Further to the continual noise issues emanating from the Ark Tavern, I am very concerned by the number of teenagers that congregate in and around the Ark Tavern exhibiting anti-social behaviour. In the application there is conflicting information relating to this, in section L it states no persons under the age of 18 will be on the premises after 21:00 but in section M point (e) relating to the protection of children from harm it states there will be no persons under the age of 18 will be on the premises after 22:00. I have frequently observed teenagers both in the beer garden and coming from the front doors after both of these times. Often these teenagers look to be in a state of inebriation and cause a nuisance around the premises and on the road.

This application to serve alcohol into the early hours of the morning each day of the week seems completely out of character for a small village pub in a conservation area and unjustifiable when viewed with the other issues that are caused by the Ark Tavern.

The Protection of Children from Harm

Please use this box if you wish to provide further details, additional sheets can be used if necessary.



IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 3 – Signatures (please read guidance note 2)

Signature of Representer or Representer's Solicitor or other duly authorised agent (please read guidance note 3). **If signing on behalf of the Representer please state in what capacity.**

Signature M. Akhtar
.....

Date 1/7/18
.....

Capacity
.....

Please Note – Your address will be a matter of public record, if the application to which this Representation relates is referred to the Licensing Committee to determine at a Hearing.

Contact name (where not previously given) and postal address for correspondence associated with this Representation (please read guidance note 4)

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

1. The Representation must be based on one or more of the licensing objectives. Please list any additional information or details for example dates of problems if available.
2. The Representation form must be signed.
3. A Representer's agent (for example Solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. This is the address and contact details which we shall use to correspond with you about this Representation.

LICENSING AUTHORITY

Environment Services, Chesterfield Borough Council, Customer Service Centre, 85
New Square, Chesterfield, S40 1AH Tel: 01246 345230

Representation Form

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 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.

WeDenise & Alan Greaves..... wish to make a representation in relation to an application that has been made in respect of the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description

The Ark Tavern, Chesterfield Road, Brimington

Post town Chesterfield

Post code S43 1AD

Name of Premises Licence holder or Club holding Club Premises Certificate (if known)

Number of Premises Licence or Club Premises Certificate (if known)

Part 2 – Representer details

(A) DETAILS OF INDIVIDUAL REPRESENTOR (fill in as applicable)

Mr	<input type="text"/>	Mrs	<input checked="" type="checkbox"/>	Miss	<input type="text"/>	Ms	<input type="text"/>	Rev)	Other title (for example,	<input type="text"/>
Surname					First names					
<input type="text" value="Greaves"/>					<input type="text" value="Denise"/>					

Please tick ✓ yes

I am over 18 years old or over

☒

Current postal
address if
different from
premises address

Post town

Postcode

Daytime contact telephone
number

Email address (optional)

(B) DETAILS OF OTHER REPRESENTOR (Business, Residents Association etc)

Name and address
Telephone number (if any)
E-mail address (optional)

This Representation relates to the following licensing objective(s)

Please tick one or more boxes ✓

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

X
X

Please state the ground(s) for making the Representation (please read guidance note 1)

The Prevention of Crime and Disorder

The licence is now to midnight when the people turn out of the pub there usually isn't a weekend when some of the customers from the Ark Tavern and other pubs in the immediate area have scuffles or fights in some cases and we hear the police cars, although I have to say it is both men and women.

Public Safety

The Prevention of Public Nuisance

Turning out of the pub very late shouting, swearing and walking in the road, taxis pulling up outside sounding their horns.

The Protection of Children from Harm

Please use this box if you wish to provide further details, additional sheets can

be used if necessary.

We would like to put forward our objections for the application to vary Premises Licence in respect of the Ark Tavern.

After the last application to extend the hours was made and granted we as residents who live very close to the premises felt very let down and disappointed the we didn't seem to be considered at all and although I understand the law must be applied but surely, we should have been considered somewhere in the process. We are not unreasonable and do appreciate the landlord has to make a living but surely it should not be at our expense and he should be willing to compromise a little.

After the last licence was granted the landlord did agree with one of the residents that he would stop the music at 11pm on Tuesdays but that doesn't happen, and it continues well after that time every week.

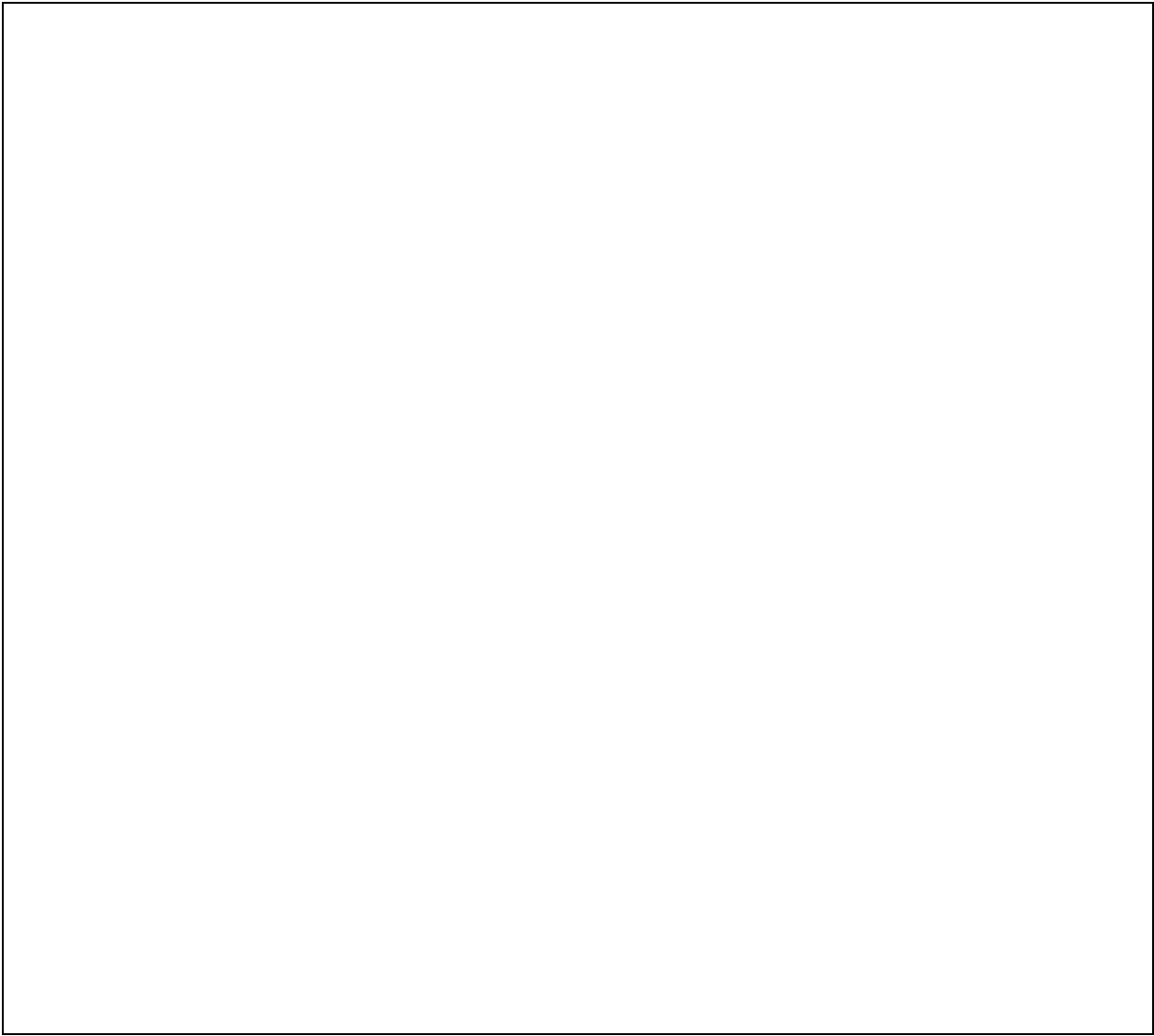
As I suspected all the measures he was taking like putting sound proofing boards up to the windows and keeping the doors closed has stopped now he has got the extended licence he doesn't even try to keep the noise down to acceptable levels.

An extra outside bar at the rear of the premises would cause even more of a problem with customers being able to buy drink directly from an outside bar which will then lead to more people being outside and the more people that are outside the more noise there will be. There are customers outside after the permitted 11pm now which is in breach of the existing licence so as with the sound proofing once the outside bar has been given a licence the noise levels will be even more and the rowdy, drunken customers will just move outside. If the weather is good most people will be outside so that is then a reason to try and move the live music outside also.

We have lived here for 25 years and this a real problem to us as we cannot sit in our garden at weekends when bands are on or stay at home at Bank Holidays especially like the next one coming up there will be 10 bands playing on Sunday the 26th August throughout the day and so we are planning to go out all day as it is impossible to stay home unless you are a HEAVY ROCK fan.

In conclusion allowing a bar to be erected at the rear of the Ark Tavern will not only create more noise and anti-social behaviour every weekend and bank holidays, my biggest fear is that it will then lead to another application for live music outside because they have an outside bar. I do think that this is the first step towards that happening. The applicant is obviously only interested in making money and has absolutely no consideration for his neighbours.

It seems to me that the applicant is trying to turn a small village pub into a HEAVY ROCK music venue.



IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 3 – Signatures (please read guidance note 2)

Signature of Representer or Representer's Solicitor or other duly authorised agent (please read guidance note 3). **If signing on behalf of the Representer please state in what capacity.**

Signature Denise Greaves / Alan Greaves
.....

Date 1st July 2018
.....

Capacity
.....

Please Note – Your address will be a matter of public record, if the application to which this Representation relates is referred to the Licensing Committee to determine at a Hearing.

Contact name (where not previously given) and postal address for correspondence associated with this Representation (please read guidance note 4)

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

1. The Representation must be based on one or more of the licensing objectives. Please list any additional information or details for example dates of problems if available.
2. The Representation form must be signed.
3. A Representer's agent (for example Solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. This is the address and contact details which we shall use to correspond with you about this Representation.

-----Original Message-----

From: mark fisher

Sent: 02 July 2018 16:25

To: Steve Ashby

Subject: Ark Tavern New Licencing Application - Revised Represenatation

Dear Steve

Thank you for providing the information regarding the new application made by the Ark Tavern. I was totally unaware of this and I am sending this by direct email to ensure that it meets the required timescale.

I would like to make representations under The Prevention of Public Nuisance

The building of an outside bar would create additional noise nuisance and I object to this strongly as we are already subjected to excessive noise pollution from this public house which is well beyond that created by the other local pubs. I must also point out that the Landlord is not complying with his current licencing conditions in that outside drinking continues beyond 23:00 and the addition of an outside bar is likely to make this worse.

As one of the two local residents who attended the previous hearing, I am aware of the mitigation measures that the landlord advised those present that he would be using. I can confirm that he is not using these on all occasions that there is live music and the sound proof shutters are not being used and doors are being left open. Residents have had to make requests directly to him for the shutters to be put up and the doors to be closed when bands are playing.

In the current period of high temperatures I am not able to have my upstairs windows open in the evening / night because he is not using the mitigation measures and music is so loud that I am unable to sleep. As stated last time, my grandchildren are also adversely affected by this when they visit.

The Landlord has yet again not engaged with his neighbours regarding this new application and I consider that this is evidence of his ongoing disregard of those that his premises adversely affects.

In summary, the Landlord appears to not be vigilant in complying with his current licencing restrictions or the mitigation measures that he advised the committee at the last hearing that he would introduce and use every time that he staged live music.

I hope to attend the hearing regarding this new application, although presumably he will have legal representation again, which appeared to be more valued more by the licencing committee than the ordinary people that would be affected by the changes that they agreed.

Clearly based on the previous experience, I am not expecting that the views of the residents will carry much weight, but hopefully more people may be willing to attend than last time.

Could you please advise what date has been set for the hearing.

Thanks again to bringing this to our attention and I look forward to seeing you at the hearing.

Best regards

Mark

APPENDIX 9

From: Emma Marriott
Sent: 02 July 2018 15:52
To: Steve Ashby
Subject: Objection for Ark Tavern

Please find attached objection from Licensing for the Ark tavern's variation.

Emma
Licensing Officer
Chesterfield Borough Council
85 New Square, Chesterfield, S40 1AH

The Ark Tavern is a premise on Chesterfield Road, Brimington, Chesterfield, Derbyshire, S43 1AD.

The premises licence permits the following licensable activities.

- any playing of recorded music
- the sale by retail of alcohol
- provision of late night refreshment
- a performance of live music

In March 2017 the premises was subject to a minor variation which extended the terminal hour performances of live music from 2300 hours to midnight.

This application attracted a number of representations from local residents and was eventually heard before Chesterfield Borough Council's Licensing Committee in May 2017.

After deliberation, the variation was granted as requested.

We now have a further variation application submitted in June 2018, which seeks to extend the area where the sale and supply of alcohol is permitted. The additional area extends from the beer garden doors at the rear of the premises and encompasses a wooden bar structure adjacent to the rear wall of the property within the beer garden.

Chesterfield Borough Council's licensing department objects to this application under the licensing objectives of

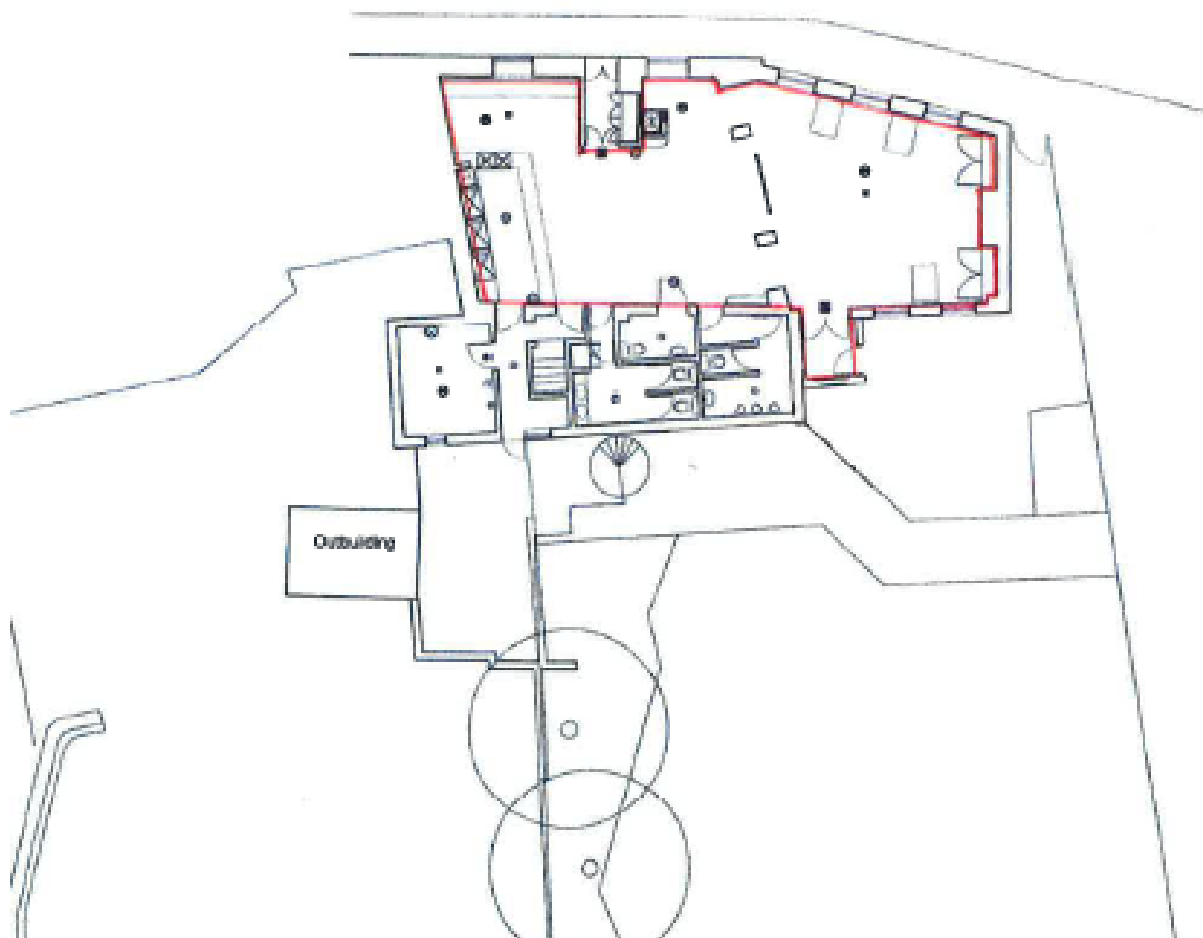
- prevention of public nuisance and
- prevention of crime and disorder

for the following reasons.

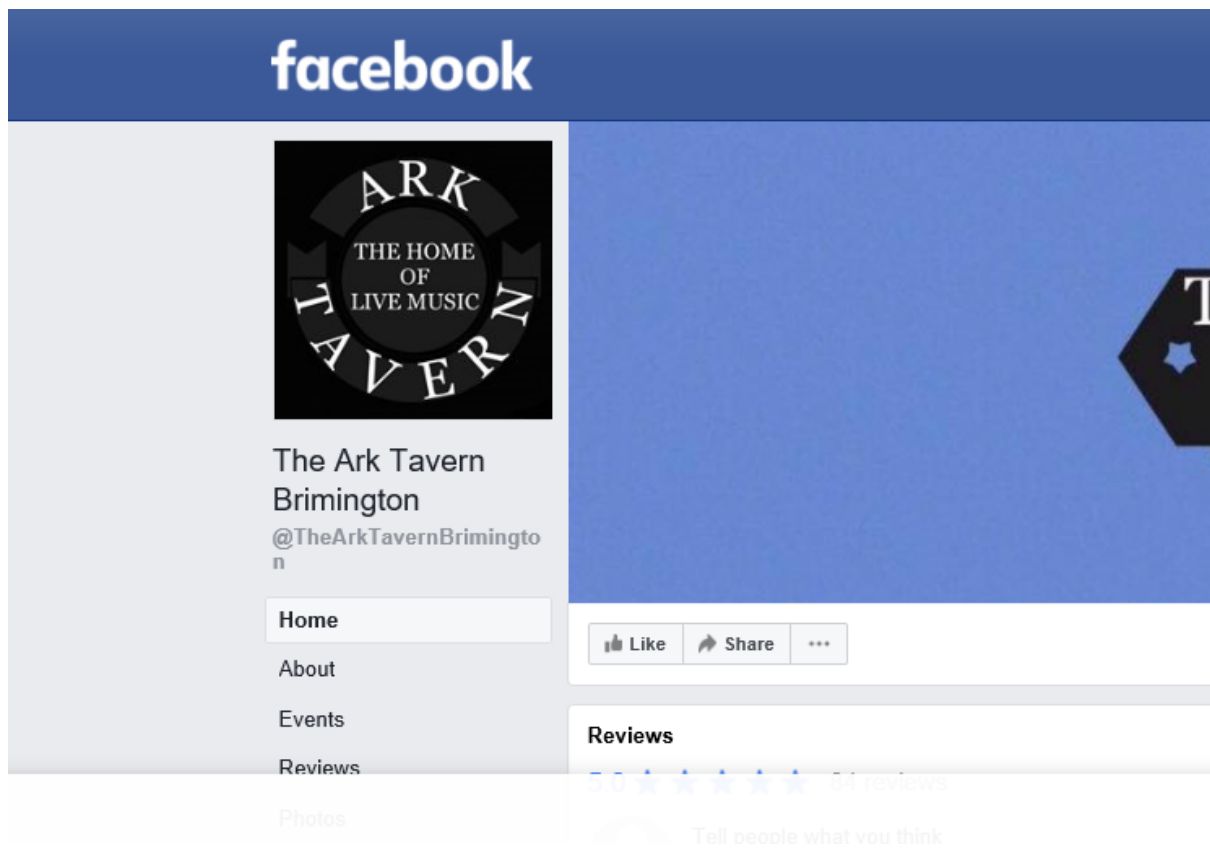
1. The additional area requested would benefit from the current hours permitted for the sale and supply of alcohol i.e.
 - a. 1100 am to midnight Monday to Thursday and

- b. 1100 am to 0200 am Friday and Saturday.
- 2. There are already several instances of complaints of noise nuisance associated with the premises both outside and within. Extending the capacity to sell alcohol outdoors will not assist in addressing these matters.
- 3. There are also complaints of breaches of the licence conditions particularly:-
 - a. The beer garden will cease to be used by customers for the purposes of the consumption of alcohol at 23.00 each day.
- 4. The sources for this complaint are diverse. As the premises is currently unable to meet its obligations in terms of adhering to existing license conditions, we have concerns that increasing the access to alcohol outside the premises will only add to the current level of non-compliance.

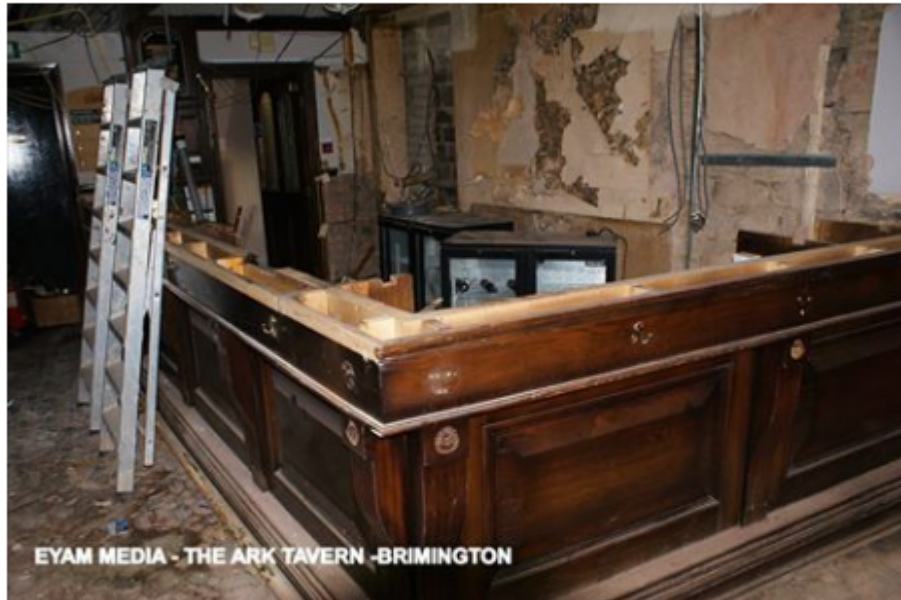
In the interests of preventing public nuisance and crime and disorder, the licensing Department is therefore unable to support the application and must make representation against it.



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So i got to have a look behind the scenes at the refurbishment going on at everybody's favorite music venue today THE ARK TAVERN in Brimington THE HOME OF LIVE MUSIC and boy will it look lovely when its done. I hope you like the photos hope to see you all soon best wishes Mark



T



The Ark Tavern Brimington

@TheArkTavernBrimington

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The Ark Tavern Brimington

25 June at 11:45 · 🌐

SO tomorrow night it's the Legendary Ark Tavern Jam Night and it's the last one for nearly a month due to the pub having a refurbishment. So after tomorrow night the next ark tavern jam will be on JULY 24th please come along and let's have a blast let's see the old pub out in true jam night style. We also have Richard Jackson standing in on drums for the house band as our good friend John Talbot is away on holiday please share the hell out of this and let's have a great night cheers Mark



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APPENDIX 12

Video Number	Date And Time	Any Time Of Note	Description
1	Tue 26/6/18 11:26pm	10s 1m 29s	drinking and noise
2	Fri 15/6/18 11:35pm	2s 1m6s	drinking after hrs
3	Fri 15/6/18 11:44 pm	all	drinking and noise
4	sat 16/6/18 11:44pm	2m11s	drinking loud music
5	Sun 17/6/18	11s 27s	drinking and loud singing heard at bottom of drive
6	sun 17/6/18	5s	loud music heard at bottom of drive
7	Fri 8/6/18 10:35pm	20s	music and singing from ber garden
8	Monday 7/5/18 5pm	all of it	music and singing from ber garden
9	tue 10:45pm	20s 30 s	music
10	fri 15/6/18 10:35pm	10s	music
11	Monday 7/5/18 6pm	3s	loud music
12	tue 15/6/18 10:32pm	5s 45s	loud music
13	tue 15/6/18 11:15pm	all of it	BOTTOM OF DRIVE
14	mon 28/5/18 bank hol 5pm	all of it	to show ark doors wide open
15	tue 15/6/18 11:10pm	all of it	drinking and loud music
16	fri 4/6/18	all of it	loud music
17	Sunday 1/7/18	30s	music and shouting
18	sun 17/6/18 5:40 pm	loud all of it	loud music in garden
19	sun 6/5/18 9:20 pm	all of it	kids shouting
20	Monday 7/5/18 5:30pm	all of it	music
21	1/4/18 4pm	5s 20s	kids screaming all day
22	sat 28/4/18 11:30pm`1	all of it	Music
23	sat 28/4/18 10:45pm	14s 30s	loud music
24	sun 29/04/2018 1-430pm	all of it	kids screaming in beer garden
25	sat 16/6/18 11:50pm	35 s 49s 1min	singing and shouting in beer garden
26	Sunday 22/4/18 5:30pm	all of it	Music
27	sun 22/04/2018 4pm	4s	BOTTOM OF DRIVE
28	sun 22/04/2018 4:30pm	17s 30s 47 s	Music
29	sun 22/4/18 4:45 pm	all of it	music at bottom of drive

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APPENDIX 13

Video Number	Date And Time	Any Time Of Note	Description
Sunday 1st April 2018			
21	4pm	5s 20s	Children in beer garden, shouting and screaming
Sunday 22nd April 2018			
27	4pm	4s	Loud audible music heard at bottom of adjacent residence driveway
28	4:15pm	17s 30s 47 s	Loud audible music
29	6.00 pm	all of it	Loud audible music heard at bottom of adjacent residence driveway
26	5:30pm	all of it	Loud audible music
Saturday 28th April 2018			
23	10:45pm	14s 30s	Loud audible music
22	11:30pm	all of it	Loud audible music
Sunday 29th April 2018			
24	430pm	all of it	Unattended children in beer garden, shouting and screaming
Sunday 6th May 2018			
19	9:20 pm	all of it	Children in beer garden, shouting and screaming in daytime.
Monday 7th May 2018			
8	5pm	all of it	Loud audible music and singing from beer garden
20	5:30pm	all of it	Loud audible music
11	6pm	3s	Loud audible music
Tuesday 8th May 2018			
9	10:45pm	20s 30 s	Loud audible music, rear porch doors open.
Sunday 20th May 2018			
20180520_001957	00.20		Late use of beer garden including staff. Alcohol consumption.
Saturday 26th May 2018			
20180526_230100	23.01		Loud audible music
Sunday 27th May 2018			
20180527_234934	23.50		Male urinating in beer garden against a tree, stood with female who was drinking alcohol.
Monday 28th May 2018			
14	Bank Holiday	all of it	Bank holiday. Loud audible music.

	5pm		Rear porch doors open.
20180528_184827	Bank Holiday 18.49		Bank holiday. Loud audible music. Rear porch doors open.
Friday 1st June 2018			
16	11.59 pm	all of it	Loud audible music.
Friday 8th June 2018			
7	10:35pm	20s	Loud audible music and singing from beer garden
Saturday 9th June 2018			
20180609_234916	23.49		Alcohol consumption in rear garden.
Friday 15th June 2018			
12	9.00 pm	5s 45s	Loud audible music. Rear porch doors open.
10	10:35pm	10s	Loud audible music.
15	11:10pm	all of it	Loud audible music and alcohol consumption in beer garden.
13	11:15pm	all of it	Loud audible music heard at bottom of adjacent residence driveway and sound of patrons in beer garden.
20180615_233218	23.32		Loud audible music (drums) and beer garden in use.
2	11:35pm	2s 1m6s	Alcohol consumption in rear garden. DPS present.
20180615_233731	23.38		Loud audible music, loud customers and alcohol consumption in beer garden.
3	11.44 pm	all	Loud audible music and alcohol consumption in beer garden.
Saturday 16th June 2018			
4	11:44pm	2m11s	Loud audible music and alcohol consumption in beer garden.
25	11:50pm	35 s 49s 1min	Loud audible music ,singing and shouting in beer garden
Sunday 17th June 2018			
18	5:40 pm	loud all of it	Loud audible music.
6	Daytime	5s	Loud audible music heard at bottom of adjacent residence driveway
5	Daytime	11s 27s	Loud audible music and loud singing heard at bottom of adjacent residence driveway
Saturday 23rd June 2018 / Sunday 24th June 2018			
20180623_235923	2359		Corrupted file showing late use of beer garden and alcohol consumption.
20180624_002017	00.20		Corrupted file showing late use of beer garden and alcohol

			consumption.
20180624_004638	00.50		Loud audible music, loud customers and alcohol consumption in beer garden. Staff present.
Tuesday 26th June 2018			
1	11:26pm	10s 1m 29s	Loud audible music and alcohol consumption in beer garden.
Sunday 1st July 2018			
17	Daytime	30s	Loud audible music and, loud customers in beer garden.

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Legal Services

Town Hall, Rose Hill,
Chesterfield, Derbyshire S40 1LP

DX 12356, Chesterfield

Email stephen.oliver@chesterfield.gov.uk

Please ask for	Stephen Oliver
Direct Line	01246 345313
Fax	01246 345270

Our Ref	LSG/SO
Your Ref	

19 May 2017

Licensing Act 2003 – section 34**Application by Daniel Thwaites Plc****Variation of a Premises Licence – The Ark Tavern, Chesterfield Road, Brimington, Chesterfield S43 1AD****Decision Notice**

The Council's Licensing Committee met on 18 May 2017 to consider the application made by Daniel Thwaites Plc for a variation of a premises licence in respect of The Ark Tavern Chesterfield Road, Brimington, Chesterfield.

1. Representations against the application (and which had not been withdrawn) had been made by interested parties.
2. No representations had been made by any of the Responsible Authorities against the application.
3. The Applicant was represented by Mr M Ireland, Solicitor. Mr R Walker (Designated Premises Supervisor at The Ark Tavern) and his partner also attended the hearing.
4. Mr Akhtar and Mr Fisher, two of the interested parties, attended the hearing.
5. The Licensing Committee considered the report which was before them and the representations which had been received (and not withdrawn) and the submissions made by Mr Ireland, Mr Akhtar and Mr Fisher at the hearing.

6. The application had been submitted for a variation of a premises licence to (1) authorise the activity of live music at the premises from 11:00 hours to midnight from Monday to Sunday; and (2) to remove three conditions from the licence.

7. Decision

(a) That the application for a variation of a premises licence be granted as per the application submitted.

(b) That an additional condition be added to the licence as volunteered by the Applicant in order to promote the licensing objective relating to the protection of children from harm –

“No person under the age of 18 years shall be permitted to remain on the premises after 21:00 hours.”

8. Reasons for the Decision

The Licensing Committee carefully considered the report which was before them and the representations which had been received (and not withdrawn) and the submissions made.

The Licensing Committee decided not to attach any weight to the written representations from members of the public and patrons of the premises that had been made in support of the application which had been submitted by the Applicant a few days prior to the hearing as those representations had not been made within the prescribed period.

The Licensing Committee decided that the proposed variations in respect of the removal of the three conditions set out in the application were non-contentious and could be granted without undermining any of the licensing objectives.

The representations that had been made by the interested parties related to noise nuisance, parking issues and disorder.

The Committee did not consider that the representations relating to parking issues were a matter that could be considered in the context of the Licensing Act 2003. The Committee accepted the Applicant's submission that, on the facts of this particular case, parking and highways issues were matters that could be considered under planning law but not licensing law. The public safety licensing objective related to the safety of people using the premises rather than the risk to safety that may arise as a consequence of vehicles parking in the locality of the premises. The public nuisance licensing objective related to the effect of licensable activities at the premises on people who live and work in the area around the premises and this, in the Committee's view, may include noise nuisance but not parking issues.

With regard to the representations relating to disorder, the Applicant had denied that there had been any but in any event its submissions were that (a) the police had not objected to the application and (b) the addition of live music as a licensable activity was not relevant to the licensing objective of preventing crime and disorder. The Licensing Committee decided that there was no persuasive evidence before it that the premises had been

responsible for undermining the licensing objective relating to the prevention of crime and disorder. The Committee also decided it was significant that the police had not made any objection to the application and, in all the circumstances, the objections made by interested parties relating to disorder were not sufficient to refuse the application or to add any extra conditions to the licence.

The Committee considered that, in the main, the objections that had been made related to noise nuisance which, in turn, concerned the licensing objective of preventing public nuisance.

The interested parties' case was, in summary, that the premises are in close proximity to residential premises and the noise caused by bands and other performers playing music had (and is) a nuisance and the nuisance would be worse if the application was granted to allow the premises to have live music until midnight seven days a week.

The Applicant's case was, in summary, that apart from a music festival that had been held at the premises 18 months ago, which had resulted in complaints being made, there had been no issues relating to noise nuisance and live music going beyond 23:00 hours. The Applicant submitted that the works it had recently carried out at the premises had minimised noise escaping. The Applicant referred to the fact that the Environmental Protection Service had not objected to the application and to the written observations that had been made by the Environmental Health Officer. The Applicant also made reference to the judgment made by the Administrative Court in the case of *Daniel Thwaites Plc v Wirral Borough Magistrates' Court and others* [2008] EWHC 838 (Admin).

The Committee was informed that there were other licensed premises in the locality that were authorised to have live music performed at their premises and some of those authorisations extended until midnight and 01:00 hours and 02:00 hours.

The Applicant submitted that its intention was, if the application was granted, to use the extended hours on Friday and Saturday nights and to continue with the "jamming" events on Thursday nights; however, the Applicant still wanted the flexibility of a licence that permitted the performance of live music until midnight on Monday to Sunday.

The report that the Licensing Officer had presented made reference to the fact that the Live Music Act 2012 automatically allowed the premises to provide live music, without requiring a licence to do so, between the hours of 08:00 and 23:00, provided that the audience did not exceed 500.

The Committee considered that whilst the interested parties had mainly based their representations on noise nuisance and it was important for licensed premises to control the levels of noise emanating from the premises there was not sufficient evidence to refuse to grant the application or to impose additional conditions. The Committee decided that the Applicant had taken reasonable steps to minimise noise escaping from the premises by carrying out the recent works. The Committee also decided it was significant that the Environmental Protection Service had not objected to the application and had carried out monitoring after the works had been carried out which had indicated a reduction of noise escaping and, in all the circumstances, the objections made by interested parties relating to noise nuisance were not sufficient to refuse the application or to add any extra conditions to the licence.

9. Rights of Appeal

The interested parties who made representations against the application may appeal against the decision to grant the application, or that on granting the application, the Licensing Authority should have imposed different or additional conditions on the licence.

Appeals must be made in writing to Northern Derbyshire Magistrates' Court, Justice Centre, Tapton Lane, Chesterfield S41 7TW, within the period of 21 days beginning with the day on which the appellant was notified by the Licensing Authority of the decision appealed against.

10. Operative date

The grant of the application takes effect on 18 May 2017.

11. Distribution of Decision Letter

This letter has been sent to the Applicant's solicitors, The Designated Premises Supervisor at the premises, Derbyshire Constabulary and to the interested parties who made representations against the application.

Yours sincerely

Stephen Oliver
Solicitor

THE ARK TAVERN, CHESTERFIELD

PROPOSED CONDITIONS

- Where such a measure would not contravene fire safety measures, self-closing arms will be fitted to external doors and to lobby doors to assist in preventing the outbreak of noise.
- Regular supervision of external areas will be undertaken when external areas are in use and a specific member of staff will be nominated to undertake this responsibility each time the premises carries on licensable activities.
- Signs will be erected at public exits advising customers that drinks are not permitted outside after 23:00 each evening.
- Whenever amplified regulated entertainment is hosted at the premises, the management will conduct regular assessments of the noise emanating from the premises and, where said assessments indicate that the level of noise may cause nuisance to local residents, the management will take action to remedy the level of noise. Said assessment will be documented and made available to an authorised officer upon request.
- Any amplified regulated entertainment which takes place at the premises will be channelled through a noise limiter. The noise limiter will be calibrated to such a level that the noise does not cause a nuisance to any noise sensitive properties in the vicinity.
- Whenever the premises is hosting amplified regulated entertainment, the windows and doors will be kept closed, except for the purposes of access and egress.
- Persons under the age of eighteen years will not be permitted on the premises unless accompanied by an adult.

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