

**From:** Steven Payne  
**Sent:** 25 July 2017 10:12  
**To:** Steve Ashby  
**Subject:** Junction Bar - Application for Variation to Licence

Good morning,

I write with reference to the above application.

I have received complaints regarding noise from the above premises (with particular reference to noise from the beer garden).

I have carried out noise observations in the evening. The first observation (on 12<sup>th</sup> July, at 22:00) indicated that the noise from the premises was at a low level, barely audible at the premises boundary, and inaudible at the nearest residential premises. On 15<sup>th</sup> July I carried out a second observation late in the evening. At this time (23:40) there was a high level of people noise from the beer garden, and noise from external, wall mounted, speakers. This was clearly audible across the adjacent car park, and at the façade of residential properties on both Foljambe Road, and Alexandra Road West. Given this I was intending to instigate formal action on my return from leave (17<sup>th</sup> – 21<sup>st</sup> July). However, in this period, the complainant withdrew the complaint.

I am concerned that allowing an external bar until 23:00, the provisions of the Live Music Act 2012 may come into effect. This would allow the performance of live or recorded music in an unregulated manner in the beer garden. While this is within the terms of the Act, I do not believe that this is within the intended spirit of the legislation when it came in as a private members bill – the means being to loosen regulation of music performances within buildings (to which I have little objection).

Allowing an external bar would (as a direct result) lead to an increase in noise both from numbers in the beer garden (which I believe would increase, due to the attraction of the bar), and possibly from the external speakers (which, additionally, we have refused to grant approval for).

The applicant should be reminded that, strictly speaking, they are not allowed to use of external speakers at the premises – but that we are happy to take a pragmatic approach (in that, if there is no disturbance caused, we would have no reason to take steps requiring their removal).

I would like to object to the application, as it stands at present, on the grounds of probable noise disturbance to nearby residential premises. I would look more favourably on a revised application (possibly restricting to 21:00).

Regards, Steve Payne  
District Environmental Health Officer

Chesterfield Borough Council  
Stonegravels Depot  
Old Brick Works Lane  
Chesterfield  
S41 7LF