

## APPENDIX 4



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

**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 7<sup>th</sup> 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.