

# **FOR PUBLICATION**

AGENDA ITEM

## **APPLICATION FOR A VARIATION OF A PREMISES LICENCE BY MANVESH ENTERPRISE LTD IN RESPECT OF THE DUNSTON INN, DUNSTON, CHESTERFIELD, DERBYSHIRE, S41 8HA**

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MEETING: LICENSING COMMITTEE

DATE: 9<sup>TH</sup> JULY 2014

REPORT BY: LICENSING OFFICER

WARD DUNSTON

### **1.0 APPLICATION**

1.1 The Applicant is Manvesh Enterprise Ltd.

1.2 The premise is the Dunston Inn, Dunston, Chesterfield, Derbyshire, S41 8HA.

### **2.0 PURPOSE OF REPORT**

2.1 For Members to determine an application for a variation of a premises licence in respect of the Dunston Inn, Dunston, Chesterfield, Derbyshire, S41 8HA.

2.2 The application is made by Manvesh Enterprise Ltd, Dunston Inn, Dunston, Chesterfield, Derbyshire, S41 8HA. The Premises Licence Holder is registered at 305 Grampian Way, Derby, DE24 3JH.

2.3 Because relevant representations have been made and not withdrawn, the application cannot be granted or refused under officer delegated authority.

### 3.0 **BACKGROUND**

- 3.1 The premises are currently licensed for the exhibition of films, performance of live music, playing of recorded music, performance of dance and provision of facilities for dancing (all activities are indoors) for the hours between 7.00 pm (19.00 hours) and Midnight Monday to Sunday. Indoor sporting event, provision of facilities for making music (Indoors), and sale by retail of alcohol for consumption ON and OFF the premises are between 10.00 am – 01.00 am Monday to Saturday and between Noon and Midnight on Sundays. The premises are also licensed for late night refreshment (Indoors) between 11.00 pm – 01.00 am Monday to Saturday and between 11.00 pm to Midnight on Sunday. The sale of alcohol is also licensed on Bank Holiday Sundays and when Christmas Eve and Boxing Day falls on a Sunday the terminal hour will be 01.00 am. The premises are open between 10.00 am – 1.30 am on Monday to Saturday and between noon to 12.30 am on Sunday. (The premises will close 30 minutes after the end of the non-standard timings for the sale of alcohol).
- 3.2 The variation is to change the hours of the activities for live music, recorded music, supply of alcohol (ON sales) and the opening hours to the following:
- 3 pm (15.00 hours) – 01.30 am on Monday, Tuesday, Wednesday and Thursday.
- 12.00 noon – 03.00 am on Friday, Saturday and Sunday.
- 3.3 The Premises Licence Holder intends to extend the hours so that the premises can be open and licensed to accommodate events such as birthday parties, wedding celebrations and to open during football matches. The intention was not to have these events every day but give the Premises Licence Holder the flexibility to hold these events as and when required. However, if the licence is granted (as applied for) then the premises will be granted for these hours on the days as stated.
- 3.4 A copy of the application form and location plan are attached as Appendix 1 and 1a. The current Premises Licence is attached as Appendix 2.

- 3.5 Applications for a variation of a Premises Licence 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.

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.

- 3.6 A representation was received on 11<sup>th</sup> June 2014 from a local resident (Interested Person) highlighting concerns relating to the prevention of crime and disorder and the prevention of public nuisance licensing objectives (Attached as Appendix 3).
- 3.7 A representation was received on 11<sup>th</sup> June 2014 from a local resident (Interested Person) highlighting concerns relating to the prevention of public nuisance licensing objective. (Attached as Appendix 4).
- 3.8 A representation including a petition (18 names) was received on 11<sup>th</sup> June 2014 from a local resident (Interested Person) highlighting concerns relating to prevention of Crime and Disorder and the Prevention of Public Nuisance Licensing Objectives (Attached as Appendix 5).
- 3.9 A representation including a petition (117 names) was received on 13<sup>th</sup> June 2014 from a local resident (Interested Person) highlighting concerns relating to prevention of Crime and Disorder and the Prevention of Public Nuisance Licensing Objectives (Attached as Appendix 6).
- 3.10 A representation was received on 16<sup>th</sup> June 2014 from a local resident (Interested Person) highlighting concerns relating to the prevention of crime and disorder and the prevention of public nuisance licensing objectives (Attached as Appendix 7).
- 3.11 A representation was received on 16<sup>th</sup> June 2014 from a local Councillor (Interested Person) representing the Dunston Ward including a petition of 7 names highlighting concerns relating to prevention of public nuisance licensing objectives (Attached as Appendix 8).

- 3.12 A second representation was received on 16<sup>th</sup> June 2014 from a local Councillor (Interested Person) representing the Dunston Ward highlighting concerns relating to crime and disorder, public safety and prevention of public nuisance licensing objectives (Attached as Appendix 9).
- 3.13 A representation was received on 16<sup>th</sup> June 2014 from a local resident (Interested Person) highlighting concerns relating to the public safety and the prevention of public nuisance licensing objectives (Attached as Appendix 10).
- 3.14 A representation was received on 16<sup>th</sup> June 2014 from a local resident (Interested Person) highlighting concerns relating to Prevention of crime and disorder, Public safety and protection of children from harm licensing objectives (Attached as Appendix 11).
- 3.15 Three representations were received on 17<sup>th</sup> June 2014 from local residents (Interested Persons) highlighting concerns relating to all four licensing objectives (Attached as Appendix 12, 12a, 12b).
- 3.16 A representation was received on 17<sup>th</sup> June 2014 from a Councillor representing Dunston Ward (Interested Person) highlighting concerns relating to the prevention of public nuisance licensing objective (Attached as Appendix 13).

#### 4.0 **ISSUES**

- 4.1 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.

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.

- 4.2 As part of the application process the applicant is required to describe in the operating schedule the additional steps that are intended to be taken in order to promote the licensing objectives for the variation of the licence that has been requested. No additional steps were volunteered by the applicant.

4.3 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.

## 5.0 **OPTIONS**

5.1 The Licensing Committee may grant the application as requested, grant it subject to conditions, or refuse the application.

5.2 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.

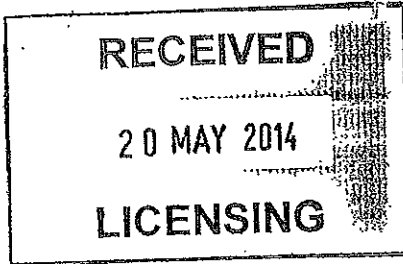
## 6.0 **RECOMMENDATION**

6.1 That the Committee determine whether the application for a variation of a Premises Licence made by Manvesh Enterprises Ltd, for the premises at the Dunston Inn, Dunston, Chesterfield, Derbyshire, S41 8HA, be granted, granted with conditions, or refused.

### LICENSING OFFICER

For more information on this report please contact the author,  
Emma Marriott, on 01246 345230, email  
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No objection from  
Police 12/6/14  
SB



SCHEDULE 1

Regulation 3

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.

We Manvesh Enterprise Ltd  
(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number PL/VF/0281

Part 1 - Premises Details

Postal address of premises or, if none, Ordnance Survey map reference or description			
<u>The Dunston Inn</u> <u>Dunston Lane</u> <u>Chesterfield</u>			
Post town	<u>Chesterfield</u>	Postcode	<u>S41 8HA</u>
Telephone number at premises (if any)	<u>01246 - 451182</u>		
Non-domestic rateable value of premises	£		

Part 2 - Applicant details

Daytime contact telephone number	07455 002770		
E-mail address (optional)	manvesh3000@gmail.com		
Current postal address if different from premises address	The Dunston Inn Dunston lane		
Post town	Chesterfield	Postcode	S41 8HA

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

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)

Some events like world cup football matches, Cricket cup are coming late, and some time the party functions and live music concerts are going on and my customers want to enjoy till late in weekends or holidays like bank holiday, new year or christmas holiday, easter holidays. because this is a local pub.

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:

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**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 tick all that apply**

- a) plays (if ticking yes, fill in box A)

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- 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)

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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**

7



A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3):	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4):	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 5)		
Thur					
Fri			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 (please read guidance note 6)		
Sat					
Sun					

**B**

Films Standard days and timings (please read guidance note 7)			<b>Will the exhibition of films take place indoors or outdoors or both - please tick (please read guidance note 3)</b>	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here (please read guidance note 4)</b>	
Mon				
Tue			<b>State any seasonal variations for the exhibition of films (please read guidance note 5)</b>	
Wed				
Thur			<b>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 (please read guidance note 6)</b>	
Fri				
Sat				
Sun				

C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4).
Day	Start	Finish	
Mon			
Tue			
Wed			State any seasonal variations for indoor sporting events (please read guidance note 5)
Thur			
Fri			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 (please read guidance note 6)
Sat			
Sun			

**D**

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Thur					
Fri			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 (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place <u>indoors or outdoors or both</u> - please tick (please read guidance note 3)	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 4)		
Mon	15:00 PM	1:30 AM	amplified music		
Tue	15:00 PM	1:30 AM			
Wed	15:00 PM	1:30 AM	State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur	15:00 PM	1:30 AM	Specially on holidays (bank holiday, easter, new year, christmas holidays)		
Eri	12:00 PM	3:00 AM	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left please list (please read guidance note 6)		
Sat	12:00 PM	3:00 AM	on special occasions like christmas eve, New Year eve, Valentines, halloween days etc.		
Sun	12:00 PM	3:00 AM			

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	15:00 PM	1:30 AM	Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue	15:00 PM	1:30 AM			
Wed	15:00 PM	1:30 AM	State any seasonal variations for the playing of recorded music (please read guidance note 5)	on special holidays (bank holiday, easter holidays, summer holidays, new year holidays etc)	
Thur	15:00 PM	1:30 AM			
Fri	12:00 PM	3:00 AM	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)	on special occasions. like, Christmas eves, New year eve, Valentines halloween days, easter days)	
Sat	12:00 PM	2:00 AM			
Sun	12:00 PM	3:00 AM			

**G**

Performances of dance. Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 4)					
Mon								
Tue								
Wed						State any seasonal variations for the performance of dance (please read guidance note 5).		
Thur								
Fri								
Sat						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 (please read guidance note 6).		
Sun								

H

<p>Anything of a similar description to that falling within (e), (f) or (g). Standard days and timings (please read guidance note 7)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both - please tick (please read guidance note 3)</u></p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here (please read guidance note 4)</u></p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)</u></p>		
Fri					
Sat			<p><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 (please read guidance note 6)</u></p>		
Sun					



**I**

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both - please tick</b> (please read guidance note 3)		Indoors <input type="checkbox"/>	
					Outdoors <input type="checkbox"/>	
					Both <input type="checkbox"/>	
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)			
Mon.						
Tue.			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 5)			
Wed.						
Thur.			<b>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</b> (please read guidance note 6)			
Fri.						
Sat.						
Sun.						

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption - please tick (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon	15:00 PM	1:30 AM	State any seasonal variations for the supply of alcohol (please read guidance note 5)  Customers want to enjoy on holidays and on parties.  <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 (please read guidance note 6).</u>  Special days like marriage parties, birthdays parties etc.		
Tue	15:00 PM	1:30 AM			
Wed	15:00 PM	1:30 AM			
Thur	15:00 PM	1:30 AM			
Fri	12:00 PM	3:00 AM			
Sat	12:00 PM	3:00 AM			
Sun	12:00 PM	3:00 AM			

K

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 9).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	<p>for live music, birthday parties wedding parties football matches</p>
Mon	15:00	1:30	
	PM	AM	
Tue	15:00	1:30	
	PM	AM	
Wed	15:00	1:30	
	PM	AM	
Thur	15:00	1:30	
	PM	AM	
Fri	12:00	3:00	
	PM	AM	
Sat	12:00	3:00	
	PM	AM	
Sun	12:00	3:00	
	PM	AM	

**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 (please read guidance note 6)**

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:

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.