

**For publication**

**Application for a New Premises Licence by Chesterfield Borough Council in respect of Market Place and New Square, Chesterfield, S40 1AH.**

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Meeting: Licensing Committee

Date: Wednesday 13<sup>th</sup> March 2024

Cabinet portfolio: Health and Wellbeing

Report by: Steve Ashby, Licensing Officer

Ward All

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**1.0 Purpose of report**

1.1 For Members to hear details of an application for a new premises alcohol licence made by Chesterfield Borough Council in respect of

Market Place and New Square,  
Chesterfield,  
S40 1AH.

and determine whether it be

- Granted
- granted with modification
- or refused.

1.2 A relevant representation has been made in respect of the application and not withdrawn. The application cannot be granted under officer delegated authority.

- 1.3 This application came before committee in September 2023. The nature and scope of the application raised concerns in respect of
- Identification of a suitable Designated Premises Supervisor
  - Third party hire of the proposed licence space in terms of the Local Authority's licensing obligations and any contracts for such use
  - Which control measures would be available to ensure that licensable activity would be restricted to authorised areas and not allowed to extend across the entire Market Place.
  - How the application interacts with the Public Space Protection Order
  - Whether Members would be concerned if it appeared that the Council was promoting alcohol in the Market Place, and thus working against the purposes of the PSPO.
  - How events would be managed
- 1.4 The hearing was adjourned for the issues raised to be addressed and brought back before committee once complete.

## 2.0 **Additional Information**

- 2.1 The licence application is before the Licensing Committee for further consideration. The applicant has provided additional information in response to the concerns raised. The response includes
- Identification of a Designated Premises Supervisor qualified for the role.
  - A Duty Manager rota to ensure adequate supervision of events.
  - The provision of a contract to be used between the Local Authority and third party users to ensure legislative compliance.

## 2.2 **Designated Premises Supervisor**

Chesterfield Borough Council's town centre operations manager, Andy Bond is now identified as the DPS. Mr Bond will be well placed to perform this function given that his day to day role includes management of the area subject to this application.

## 2.3 **Duty Manager Rota**

A Chesterfield Borough Council staff member will be allocated to any event which falls within the proposed licenced area and engages licensable activity. The staff member will perform the role of duty manager and will

- Be qualified for the role by virtue of holding a personal alcohol licence granted under the Licencing Act 2003.
- Be aware of any conditions and restrictions imposed upon licensable activities taking place in the licenced area, ensuring legislation and contractual obligations are complied with.

#### 2.4 **Provision of a Contract**

The applicant has produced a contract which is identified for use for any events involving licensable activity within the proposed licensed area. Any third party (identified in the contract as "the hirer") providing licensable activities in the proposed area would be expected to comply with the terms and conditions of the contract. The contract is included at appendix a to this report. The contract merits review in its own right for the full details. The key elements in relation to this application are summarised below.

- A requirement for the hirer to identify whether alcohol will be sold or supplied and the manner in which it will be permitted. Further conditions regarding alcohol sales are identified below and must be met before the hirer can proceed
  - The hirer will complete an event management plan wherever alcohol is to be sold by way of "on" sales
  - The plan will form part of the contract between the premises licence holder and the hirer
  - The completed plan must be shared with the licence holder and the Derbyshire Police licensing team no less than 14 days before any such event.
  - The premises hirer is identified as the operator of alcohol sales under the terms of the premises licence.
  - The event management plan will be completed and assessed in the context of the current Health & Safety Executive's Purple Guide (which provides guidance for event managers) and the current Chesterfield Borough Council Public Spaces Protection Order for Chesterfield town centre. Key areas to consider will be

- Toilet provision
  - The impact of on street drinking
  - The risk assessed deployment of security staff and/or local authority staff.
  - The provision of fencing or barriers intended to deter open containers of alcohol being taken from the site.
- A reference to complying with the four licensing objectives
  - The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - Protection of children from harm
- Identification of the specific area to be used for licensable activity, whether it be the Main Square, New Square, New Square Arena, or an individual market stall.
- Where any external bar is provided this must be from an experienced and reputable provider and they must hold a personal alcohol licence.
- Any hire for the purpose of a mobile bar must include information such as the name of the provider, details of any personal licences held and confirmation that the licence holder will be at the event to supervise the sale of alcohol.
- The contract includes a condition where an operator will comply immediately with any request from the authorised officer to reduce the level of amplified sound.
- The hirer shall not assign the contract nor sublet the premise or any part of it.
- In relation to public order, safety and security, the contract requires a number of actions by the hirer including to
  - Ensure good order is kept
  - Provide stewards or attendants as deemed necessary
  - Comply with any security measures deemed necessary
  - Not allow drunkenness or disorder
  - Comply with crowd capacity limits

### 3.0 **The licensing objectives, guidance and policy**

3.1 When conducting its licensing functions in relation to this application, the Committee must do so in accordance with the

provisions contained in the Licensing Act 2003 and with a view to promoting the licensing objectives.

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm.

3.2 The Committee must have regard to its Statement of Licensing Policy and the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.

3.3 Where either the applicant or a person who has made relevant representations is aggrieved by the decision of the Licensing Authority, appeal is to the Magistrates' Court.

#### 4.0 **Recommendation**

4.1 That the Committee

- Apply the appropriate level of scrutiny to this premises licence application, given its unique nature
- Consider
  - the details and impact of the new premises licence application,
  - the concerns identified in the legal advice sought,
  - the impact of the application upon the Public Spaces protection Order and
  - the concerns raised in the representation received
  - the added information provided by the applicant
  - whether the negotiated condition between Chesterfield Borough Council and Derbyshire Police Licensing be added should the premises licence application be granted
- and determine whether the application made by Chesterfield Borough Council in respect of Market Place and New Square, Chesterfield be granted, granted with modification, or refused.

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