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The Chair and Members of Licensing  
Committee Group 1

Cllrs Bellamy, Bexton, Brunt, Lisa  
Collins, Flood, Parsons, Slack.

17 December 2015

Dear Councillor,

Please attend a meeting of the LICENSING GROUP 1 to be held on WEDNESDAY, 30 DECEMBER 2015 at 10.00 am in Committee Room 1, Town Hall, Chesterfield, 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. Application for a Review of the Premises Licence in respect of Red Lion, 261 Chatsworth Road, Brampton, Chesterfield, S40 2BL (LC200) (Pages 3 - 96)

Yours sincerely,

A handwritten signature in black ink, appearing to be "B. Offiler".

Local Government and Regulatory Law Manager and Monitoring Officer



**FOR PUBLICATION**

**APPLICATION FOR A REVIEW  
OF THE PREMISES LICENCE IN RESPECT OF  
RED LION, 261 CHATSWORTH ROAD, BRAMPTON,  
CHESTERFIELD, S40 2BL (LC200)**

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MEETING: LICENSING COMMITTEE

DATE: WEDNESDAY 30<sup>TH</sup> DECEMBER 2015

REPORT BY: STEVE ASHBY  
LICENSING OFFICER

WARD BRAMPTON

COMMUNITY FORUM SOUTH

1.0 **PURPOSE OF REPORT**

For Members to determine an application for a review of the Premises Licence in respect of the Red Lion.

2.0 **THE LICENSING OBJECTIVES, GUIDANCE AND POLICY**

2.1 When carrying out its licensing functions, the Committee must do so in accordance with the provisions contained in the Licensing Act and with a view to promoting the 4 licensing objectives which are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

2.2 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.

- 2.3 The Secretary of State's guidance concerning reviews is attached at Appendix 1.
- 2.4 The Council's Statement of Licensing Policy is attached at Appendix 2.
- 2.5 In determining the application the Committee can take such of the following steps as it considers necessary for the promotion of the licensing objectives, which are:
1. take no further action;
  2. to issue an informal warning to the Premises Licence Holder;
  3. modify the conditions of the licence;
  4. exclude a licensable activity from the scope of the licence;
  5. remove the designated premises licence supervisor;
  6. suspend the licence for a period not exceeding three months;
  7. revoke the licence.
- 2.6 Where the Committee takes a step mentioned in 3 or 4 of paragraph 2.5 above it may provide that the modification or exclusion is to have effect either permanently or temporarily and, if temporarily, only for such period (not exceeding three months) as it may specify.
- 2.7 Any decision of the Committee which involves any of the steps mentioned in 3 to 7 in paragraph 2.5 above is stayed from coming into effect for 21 days from the date of the decision, pending any appeal that might be made and the determination of that appeal. The Applicant, the Premises Licence Holder and any party who made relevant representations with regard to the review application may appeal to the Magistrates' Court against the decision of the Committee.

### 3.0 **BACKGROUND**

- 3.1 The premises is a two storey building which has 6 bed sit flats on the upper floor. One of these flats is currently believed to be occupied.  
It is situated on Chatsworth Road Chesterfield, a main arterial route into the town and some 1 ½ miles from Chesterfield town centre.

- 3.2 The premises is licensed for regulated entertainment, late night refreshment and the sale of alcohol. A copy of the Premises Licence is attached at Appendix 3.
- 3.3 The holder of the Premises Licence is Mark Anglesea and the Designated Premises Supervisor is Sian Anglesea.
- 3.4 The Premises Licence is subject to the standard mandatory conditions regarding the sale of alcohol and door supervision. A copy of the mandatory conditions is attached at Appendix 4.
- 3.5 The Premises Licence is also subject to conditions consistent with the operating schedule which are mentioned in Annex 2 of the licence (Appendix 3).

#### 4.0 **APPLICATION FOR A REVIEW**

- 4.1 On 11<sup>th</sup> November 2015, an application for a review of the Premises Licence was received from Vanessa Carty – Environmental Health Technical Officer. A copy of the review application is attached at Appendix 5. The application form states that the application for a review relates to public safety in regard to the licensing objectives.
- 4.2 The application provides details of the grounds for the review which are set out in the application form at Appendix 5. In summary, the grounds for the review derive from an inspection with the premises licence holder on 23<sup>rd</sup> July 2015. During the inspection a number of significant health and safety concerns were raised, some of which required immediate attention. Health and Safety improvement notices were served on 28<sup>th</sup> July 2015 and to this date have not been complied with. Failure to comply with these notices is an offence. The applicant therefore believes that the manner in which the Red Lion is being operated and managed is resulting in the Licensing Objective of Public Safety being undermined.
- 4.3 There has been a delay between the initial Environmental Health and Derbyshire Fire and Rescue Service inspection activity and the submission of review application papers.

After the premises were inspected and improvement notices were served in July 2015, the premises were closed and tendered for sale at auction.

- 4.4 No subsequent licensing activity took place at the Red Lion premises and the building was sold in September 2015 to an undisclosed buyer.
- 4.5 The premises remained dormant until 8<sup>th</sup> November 2015 when licensable activity was again observed at the premises, with doors to the premises seen to be open in the early hours of the morning and patrons served around the bar which was operated by a female member of staff.  
No new applications had been received in respect of the premises. This indicated that the premises appeared to be trading under the auspices of the current premises licence and with the previously identified designated premises supervisor still in charge.
- 4.6 This new activity was outside the permitted hours identified in the premises licence and demonstrated a further disregard for licensing legislation and ultimately the licensing objectives.
- 4.7 As a result of this new activity it became apparent that further action was required in respect of the premises and the review process was instigated on 11<sup>th</sup> November.

## 5.0 **REPRESENTATIONS**

- 5.1 When an application for a review is submitted, the Licensing Authority is required to put a notice of the application on display at the premises to which it relates and at the offices of the Licensing Authority. These steps were carried out on 12<sup>th</sup> November 2015 in accordance with the Licensing Act and the relevant regulations.
- 5.2 The Premises Licence Holder, Responsible Authorities and Interested Parties have the opportunity of making representations within a period of 28 days starting from the day after the day on which the application was given to the Licensing Authority. Representations must be relevant to one or more of the 4 licensing objectives.

- 5.3 On 12<sup>th</sup> November 2015 Chesterfield Borough Council's Licensing Manager Trevor Durham made a representation in support of the review application.
- 5.4 A copy of the representation is attached at Appendix 6 and identifies that this premises has been a source of concern for the Responsible Authorities throughout 2015.

Matters raised include:

- trading after permitted hours and in breach of the terms of the licence
- unwillingness to settle annual license fees until challenged
- trading without a designated premises supervisor

The full details are included in appendix 6.

- 5.5 On 13<sup>th</sup> November 2015 Derbyshire Police submitted a representation supporting the review application.
- 5.6 A copy of the representation is attached at appendix 7 and cites the following activity as grounds for concern:
- Alleged criminal activity of the premises licence holder, Mark Anglesea.
  - Alleged drug related criminality on the premises.
  - General conduct of the premises which compromises the licensing objectives.
- 5.7 On 20<sup>th</sup> November 2015 Zara Gillibrand, a resident of a nearby dwelling made representation in response to the review notice posted on the licensed premises. She submitted a letter as an interested party supporting the review process.
- 5.8 The letter is copied at appendix 8 and refers to Ms Gillibrand's concerns over the past few years in relation to:
- Noise nuisance at the premises
  - Unruly customers in the rear yard of the premises where anti-social behaviour and drug related criminality have been common.
  - Trading outside the permitted hours specified in the premises licence

- The detritus of unruly alcohol-related activity left un-tidied around the outside of the premises. This includes broken glass, vomit and occasionally blood.

Ms Gillibrand is unable to attend the review in person. Her letter of representation and original statement are included at appendix 8.

These will be served in the committee hearing along with the availability of a compilation of images she has collected which support her statement, should they be required.

5.9 On 2<sup>nd</sup> December 2015 Derbyshire Fire and Rescue Service submitted a report making representations regarding the review process for the Red Lion.

5.10 The report is attached hereon at appendix 9 and arises from an initial fire safety visit conducted at the premises on 23<sup>rd</sup> July 2015. An audit was completed under the terms of the Fire Safety Order 2005.

A number of failures were identified under the order and included on an Enforcement Notice issued on 29<sup>th</sup> July 2015.

Difficulties have been encountered in contacting Mr Anglesea resulting in a subsequent lack of access to the premises, notwithstanding several attempts by the Fire Service to make and arrange such contact.

Consequently it has never been established whether the Enforcement Notice has been complied with.

## 6.0 **RECOMMENDATION**

6.1 That the Committee determines the application for a review of the Premises Licence in respect of the Red Lion, 261 Chatsworth Road, Brampton, Chesterfield, S40 2BL

Steve Ashby  
LICENSING OFFICER

15<sup>th</sup> December 2015

## 11. Reviews

### The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising

environmental health functions for the area in which the premises are situated to make the application for review.

- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.
- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 13 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives

should be encouraged and reviews should not be used to undermine this co-operation.

- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

### **Repetitious grounds of review**

- 11.12 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined;
  - or
  - representations considered by the licensing authority when the premises licence or certificate was granted;
  - or
  - representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.
- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website ([www.legislation.gov.uk](http://www.legislation.gov.uk)). It is particularly

important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

### **Powers of a licensing authority on the determination of a review**

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
  - exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
  - remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
  - suspend the licence for a period not exceeding three months;
  - revoke the licence.
- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

- 11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

### **Reviews arising in connection with crime**

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises; money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.

- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
  - for the sale and distribution of illegal firearms;
  - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
  - for prostitution or the sale of unlawful pornography;
  - by organised groups of paedophiles to groom children;
  - as the base for the organisation of criminal activity, particularly by gangs;
  - for the organisation of racist activity or the promotion of racist attacks;
  - for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
  - for unlawful gambling; and
  - for the sale or storage of smuggled tobacco and alcohol.
- 11.28 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the

licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered. 80 | Revised Guidance issued under section 182 of the Licensing Act 2003

### **Review of a premises licence following closure order**

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

### **Review of a premises licence following persistent sales of alcohol to children**

11.30 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.

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# Chesterfield Borough Council

## Statement of Licensing Policy

### Licensing Act 2003



# Licensing Act 2003

## Statement of Licensing Policy under the Licensing Act 2003

### 1.0 Introduction

- 1.1 Chesterfield is an historic market town at the heart of the north-eastern part of Derbyshire. It has one of the largest open air markets in the country with a Charter dating back to 1204. Its famous parish church, with its crooked spire, now occupies the site of the original Roman fort. The town has expanded as the commercial and retail centre for the area, becoming the largest town in the administrative County of Derbyshire. During the last two decades the traditional industries have declined and new successful employment opportunities relevant to the 21st Century have been developed.
- 1.2 The population of the Borough is 98,845 (2001 Census). Chesterfield serves as a sub-regional centre and therefore effectively also provides employment, leisure and retail services for a population of 250,000.
- 1.3 Chesterfield Borough Council's vision for our town is;

*Inspiring Pride, Aspiring to be the Best.*

*Working for a safer, cleaner, greener, thriving community*

Working in partnership with other agencies, our long term priorities are:

- A Sustainable Community – a flagship Sustainable Community by 2026.
- An Accessible, Equal and Cohesive Community – An inclusive Borough where everybody feels valued and has equal access to all local service and employment opportunities.
- A Living Community – Every household to have the opportunity of a decent home of their choice, which is affordable and accessible.
- A Working and Learning Community – A thriving economy in which everyone has the opportunity of a good quality job with access to the skills and training they need.
- A Safe, Healthy and Active Community – Everyone to be able to have a healthy lifestyle and to have a strong

resilient cohesive community, safe from harm, with low crime rates and free from the fear of crime.

To achieve our priorities we will:

- Lead and empower our community and develop partnership working.
- Develop high quality services.
- Develop, empower and value our employees.
- Be innovative.

1.4 We recognise the clear connections between the Licensing Act 2003 and our aspirations for the Borough of Chesterfield.

**Meaning of Comments Boxes**

All comments boxes provided alongside the Licensing Statement do not form part of the Licensing Statement. Comments are not intended to provide an authoritative or comprehensive statement of the law and do not constitute professional or legal advice.

**2.0 Aim of Chesterfield Borough Council's Licensing Statement**

2.1 In adopting this licensing statement the Council recognises the need to;

- secure the safety and amenity of our communities
- facilitate a safe and sustainable licensed trade that contributes to the economy and vibrancy of the Borough;
- reflect the needs of the Borough's community in relation to its cultural needs and diversity by supporting licensable activities, including live music, dancing, theatre and the other cultural experiences offered by such activities.

2.2 To achieve this aim the Council is committed to partnership working with the Responsible Authorities, commerce, including the licensing trade, residents and others towards the promotion of the objectives as set out in this licensing statement.

2.3 The licensing statement sets out how we intend to promote the licensing objectives pursuant to section 5 of the Licensing Act 2003 (hereafter referred to as the 2003 Act). In accordance with the 2003 Act, the licensing statement will be reviewed at least every three years. In the preparation and publication of this licensing statement, the Council has had regard to the guidance issued by the Secretary of State for Culture Media and Sport under section 182 of the 2003 Act (hereafter referred to as "section 182 guidance").

***Comment***

Before determining its licensing statement, 'the Council' must consult the following;

- The chief officer of Derbyshire Constabulary;
- Derbyshire Fire and Rescue Service
- Such persons the Council considers to be representative of holders of existing licenses and certificates issued by the Council under the Licensing Act 2003.
- Such other persons as the authority considers to be representative of business and residents in its area.

### **3.0 Scope of the Statement of Licensing Policy**

3.1 The Council's Statement of Licensing Policy (hereafter referred to as 'licensing statement') is concerned with the administration of the licensing functions required of the Council under the 2003 Act.

### **4.0 Interpretation**

4.1 Any words or expressions in this licensing statement have the meanings assigned to them under the 2003 Act or regulations made thereunder or, in absence, under section 182 guidance or, in absence, guidance produced by the Council. Nothing in the licensing statement can be regarded or interpreted so as to prejudice the 2003 Act or regulations made thereunder.

### **5.0 The Council's licensing function and the licensing objectives**

5.1 The Council will carry out its licensing functions with a view to promoting the four licensing objectives in accordance with the requirements of the 2003 Act. In carrying out its licensing functions, the Council will have regard to the Secretary of State's guidance issued under section 182 of the 2003 Act and its licensing statement.

5.2 The licensing objectives are:

- *The Prevention of Crime and Disorder;*
- *Public Safety;*
- *The Prevention of Public Nuisance; and*
- *The Protection of Children from Harm*

The four licensing objectives have equal importance.

5.3 The Council's licensing functions are relevant to the control of licensed premises, qualifying clubs and temporary events within the terms of the 2003 Act, concerned with one or more of the following:

- Retail sale of alcohol
- Supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of **regulated entertainment**, given the meaning in Schedule 1 of the 2003 Act

- The supply of **late night refreshment** given the meaning in Schedule 2 of the 2003 Act
- Personal Licences

**Comment**

**Regulated entertainment** is defined in Schedule 1 of the 2003 Act. It includes the performance of a play; film exhibitions, indoor sporting events, boxing or wrestling events, performing live music and playing recorded music (except incidental music), dance performances, and entertainment of similar descriptions

**Late night refreshment** is defined in Schedule 2 of the 2003 Act. It means the supply of hot food or hot drink to members of the public on or from any premises at any time between the hours of 11.00 p.m. and 5.00 a.m. The 2003 Act includes a number of exemptions.

5.4 Any terms and conditions which are either volunteered by applicants or imposed by the Licensing Authority following a hearing will be focused on matters which are within the control of individual licensees and others granted relevant permissions. Accordingly, these matters will centre on the premises and places being used for licensable activities and **in the vicinity** of those premises and places. In accordance with section 182 guidance, licence conditions may only relate to matters which the licensee can be expected to control.

5.5 The Council recognises that the 2003 Act is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned. The Council will not, therefore, attempt to control such behaviour through the exercise of its licensing functions.

**6.0 The Council's approach to applications for premises licences & club premises certificates**

6.1 The Council recognises that each licensing application must be dealt with on its own individual merits.

6.2 Applicants should set out their proposals for addressing the licensing objectives particularly in their operating schedule/club operating schedule. These proposals should reflect the necessary safeguards capable of being formulated into conditions which will be part of the licence or certificate.

6.3 Although Applicants are not required to seek the views of Responsible Authorities before submitting applications to the Licensing Authority, the Council encourages Applicants to do so

**Comment**

**In the Vicinity**  
*Whether or not matters can be regarded as being "in the vicinity" of licensed premises or places is ultimately a matter of fact to be decided by the courts in cases of dispute.*

in order to minimise the number of disputes which may arise after the application has been submitted.

- 6.4 Whilst not a requirement of the 2003 Act, applicants may wish to provide supporting material, not forming part of their operating Schedule/club operating schedule, to assist the responsible authorities by confirming the arrangements in place under separate legislation which have the potential to inappropriately over-lap any licence conditions if included in their operating schedule/club operating schedule. Please also refer to paragraphs 10.1, 12.2 and 12.3.
- 6.5 The details provided in the operating schedule/club operating schedule accompanying any application for a premises licence, club premises certificate or variation thereto represent the key provision for an applicant to demonstrate to the Council and the responsible authorities the steps they intend to take to promote the four licensing objectives.

**To minimise the possibility of relevant representations from responsible authorities and interested parties applicants are encouraged to provide suitable and sufficient details,** based on the licensable permissions they seek and the location, character, condition, nature & extent of the proposed use and the customer profile likely to resort to the premises and any other relevant matter. **The Council encourages Applicants to discuss proposed operating schedules with Responsible Authorities before formally submitting applications to the Council.**

- 6.6 The application must demonstrate its regard to the location, character, condition, nature & extent of the proposed use and the customer profile likely to resort to the premises and any other relevant matter.
- 6.7 The process for applying for a Premises Licence or a Club Premises Certificate includes the completion of an application form, enclosing supporting documents, the payment of a fee and submitting the application to the Council (and at the same time, Applicants are required to serve the Responsible Authorities with a copy of the application). Applicants are required within a specific time period to advertise applications in the local press and on the premises. Full details of the application process are available from the Licensing Counter at the Town Hall. **Applications will not be valid unless properly made.** Applicants will be informed of the reason(s) for rejection of the application.
- 6.8 Nothing in the licensing statement will prevent any person from applying for a variety of permissions.

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" *Comment* "  
" Any application not "  
" properly made will be "  
" returned to the applicant "  
" and the time-scales "  
" contained in the 2003 Act "  
" will not begin until a "  
" properly made application "  
" is received. "  
"====="

6.9 The 2003 Act allows for a simplified process for Minor Variations where the variations will not impact adversely on the licensing objectives. Minor variations could be:

- (1) There are minor changes to the structure.
- (2) Small adjustments to the licensing hours.
- (3) The removal of out of date, irrelevant or unenforceable conditions or addition of volunteered conditions.
- (4) The addition of certain licensable activities.

The applications do not need to be advertised or copied to the Responsible Authorities.

6.10 Normally the Licensing Committee will undertake a site visit of premises where a hearing of the application is necessary. The site visit will usually take place immediately prior to the hearing.

## **7.0 Right to Make Representation and Consultation**

7.1 In relation to a premises licenses and a club premises certificates, the Council must consider relevant representations as part of its determinations, in accordance with the 2003 Act. **Relevant representations** can only be made by **interested parties** or **responsible authorities** within prescribed time periods. Where the Council is of the opinion that representations are frivolous or vexatious, the 2003 Act prohibits them being considered as relevant representations.

7.2 An individual wishing to approach Councillors to ask him/her to represent his/her views should ensure that the Councillor(s) is/are not part of the Licensing Sub-Committee dealing with the licence application. This can be checked by contacting Democratic Services, Chesterfield Borough Council, Town Hall, Chesterfield, Derbyshire, S40 1LP tel: 01246 345228/9 or [democratic.services@chesterfield.gov.uk](mailto:democratic.services@chesterfield.gov.uk).

**Comment**

**Relevant representations may only relate to:**

- matters about the likely effect of the grant of the premises licence on the promotion of the licensing objectives; or
- a proposed designated premises supervisor if made by the Chief Constable. Club premises are not required to have a designated premises supervisor.

**Interested Party** means any of the following;

- a person living in the vicinity of the premises;
- a body representing persons who live in that vicinity;
- a person involved in a business in that vicinity;
- a body representing persons involved in such businesses.
- A Local Councillor (district Councillor)

**Responsible Authority** means any of the following;

- the Chief Constable of Derbyshire Constabulary;
- Derbyshire Fire and Rescue Service;
- the health and safety enforcing authority under Health and Safety at Work etc. Act 1974;
- the Council as the local planning authority; or under its powers to minimise or preventing the risk of pollution of the environment or of harm to human health;
- Derbyshire County Council's Child Protection Committee;
- Other Councils in whose area part of the premises is situated if the premises straddle the Borough boundary; or,
- Trading Standards

*The 2003 Act contains additional measures for interested parties and responsible authorities to make representations about a premises licence and club premises certificates.*

7.3 The 2003 Act and regulations prescribed by the Secretary of State detail the consultation requirements placed on the Council and applicants. The Council will inform Community Forums and Town Councils of new premises/club premises applications in their areas.

7.4 Any licensed activity has the potential to generate noise and vibration, giving rise to complaints. Where the premises is located within the vicinity of residential, or other sensitive premises, consideration needs to be given to the impact of the activities on premises in the vicinity. Those in possession of licences and consents have a statutory duty to prevent excessive noise/vibration and failure to do so can lead to formal action. Pro-active noise/vibration control in a variety of forms must be an essential measure for all licensed premises, and the management of all licensed premises should implement policies that address noise/vibration, as appropriate. Necessary measures will vary in accordance with what is reasonable

**Comment**

***The meaning of "club premises"***

The term licensed clubs is not to be confused with 'nightclubs'. The 2003 Act defines club premises as those premises which are a 'qualifying' members club to which public access is restricted and where alcohol is supplied other than for profit.

having regard to the size, nature and location of the business, and of potential problems. As a “responsible authority” under the 2003 Act, the Council’s Pollution Control Section will expect applicants, to submit relevant details as part of their operating schedule/club operating schedule.

## **8.0 Cumulative Impact of a concentration of licensed premises**

8.1 “Cumulative impact” is not mentioned specifically in the 2003 Act but means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider in developing its statement of licensing policy.

8.2 The Council recognises where the number, type and density of premises selling alcohol for consumption on the premises are unusual in a particular area, serious problems of nuisance and disorder may arise or begin to arise outside or some distance from the licensed premises. In such circumstances the impact of those premises when taken as a whole may be greater than that arising from individual premises. It may not be possible to distinguish individual premises as being the sole cause, or even a major contributing factor, of a particular problem. It is the combined effect of all of the premises, which causes problems for a wider area and potentially undermines the licensing objectives. In such circumstances the Council may consider it both necessary and appropriate to adopt a *Special Policy* to address cumulative impact.

8.3 The Council will not consider the question of ‘need’ in determining an application. This is not a matter for a licensing authority or its licensing statement.

‘Need’ is a matter for planning committees and for the market and should be considered in the context of an absence or excess of activities/premises.

8.4 Quotas, which pre-determine the individual merits of any application – even in respect of premises selling alcohol for consumption on those premises, will not be used by the Council as they have no regard to these individual characteristics of the premises concerned. Proper regard will be given to those differences and the differing impact they will have on the local community.

8.5 Licence conditions can only focus on matters which are within the control of individual licensees and others in possession of

relevant authorisations, accordingly these matters will centre on the premises being used for licensable activities and the vicinity of those premises. Whether or not incidents can be regarded as being 'in the vicinity' of licensed premises is a question of fact and will depend on the particular circumstances of the case.

- 8.6 Where relevant representations are received from a responsible authority or interested party, supported by the appropriate evidence, the Council may consider the adoption of a *Special Policy*.
- 8.7 The steps the Council would follow in considering whether to adopt a *Special Policy* within the licensing statement are;
- identification of concern about crime and disorder or public nuisance;
  - consideration of whether it can be demonstrated that crime and disorder and nuisance are arising and are caused by the customers of licensed premises, and if so identifying the area from which problems are arising and the boundaries of that area; or that the risk factors are such that the area is reaching a point when a cumulative impact is imminent;
  - consultation with those specified by section 5(3) of the 2003 Act as part of the general consultation required in respect of the whole licensing statement;
  - subject to that consultation, inclusion of a *Special Policy* about future premises licence or club premises certificate applications from that area within the terms of this Guidance in the Statement of Licensing Policy;
  - publication of the *Special Policy* as part of the licensing statement required by the 2003 Act.
- 8.8 The effect of adopting a *Special Policy* is to create a rebuttable presumption that applications for new premises licences or club premises certificates or material variations will normally be refused, if relevant representations to that effect are received, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced.
- 8.9 A *Special Policy* would not prevent the Council considering further applications for premises licences, as these would need to be assessed on their individual merits taking into account the foreseeable impact on the relevant area. It would be incumbent on the applicant to provide the proportionate level of detail to

address these special circumstances. Applicants would need to address the *Special Policy* issues in their operating schedule/club operating schedule in order to rebut such a presumption. However, it must be stressed that this presumption does not relieve responsible authorities or interested parties of the need to make a relevant representation before the council may lawfully consider giving effect to its *Special Policy*. If no representation is received, it would remain the case that any application must be granted in terms that are consistent with the operating schedule/club operating schedule submitted.

8.10 The absence of a *Special Policy* does not prevent any responsible authority or interested party making representations on a new application for the grant of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

8.11 It would normally not be justifiable to adopt a *Special Policy* on the basis of a concentration of shops, stores or supermarkets selling alcohol for consumption off the premises.

8.12 The Council has adopted a Special Policy (a Cumulative Impact Policy) with effect from 1 January 2012 in relation to part of Chesterfield town centre which is covered by the following roads: Cavendish Street, Church Walk, Church Way, Corporation Street, Elder Way, Holywell Street, Knifsmithgate, part of Saltergate, St. Mary’s Gate and Stephenson Place. This is referred to as “the designated area”. The Cumulative Impact Policy creates a rebuttable presumption that a new application relating to premises in the designated area will be refused if objections are received from Responsible Authorities and/or Interested Parties. Applicants for licences or certificates will need to demonstrate that they will not add to the problem in the designated area. If no objections are received to an application for premises within the designated area, the application must be granted even though the policy exists. The Cumulative Impact Policy will not apply to existing licensed premises or club premises in the designated area unless an application is made to vary the licence or certificate and the effect of the variation is likely to add to the existing cumulative impact. A map showing the designated area is appended to the Licensing Policy."

8.13 The Council will use its role as a member of the Community Safety Partnership, and in relation to its other obligations, to act in the best interests of the Borough of Chesterfield in addressing violent crime, including that associated with licensable activities.

8.14 Furthermore, the Council recognises other mechanisms exist outside the licensing regime that are available to control cumulative effect. This broad approach would include, for example:

- planning controls

**Comment**

The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 restricts the consumption of alcohol in areas designated by the Council

- positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the Council
- the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
- powers of the Council to designate parts of the Borough as places where alcohol may not be consumed publicly
- enforcement of the normal law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices
- the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
- the confiscation of alcohol from adults and children in designated areas
- Derbyshire Constabulary's powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises
- the Council's power to close noisy licensed premises where permitted under the Anti-Social Behaviour Act 2003
- the power of Derbyshire Constabulary, other responsible authority or a local resident or business to seek a review of the licence or certificate in question.

These should be supplemented by other local initiatives that similarly address these problems.

## 9.0 Licensing Hours

- 9.1 The Council will determine licensing hours on the individual merits of each application. The Council recognises that longer licensing hours for the sale of alcohol can avoid large numbers of people leaving premises at the same time, which in turn reduces the friction at late night fast food outlets, taxi ranks and other sources of transport which can lead to disorder and disturbance. The Council will not impose conditions that artificially fix opening hours for any premises or area of the Borough (so-called zoning).

**Comment**

There may be a need to restrict hours if, for instance, the applicant/ licensee is unable to adequately control noise/vibration. The Statement of Licensing Policy is referring to the avoidance of limiting hours artificially.

- 9.2 Following the making of relevant representations, the Council may impose stricter conditions with regard to noise control in areas which have denser residential accommodation, although this will not prejudice consideration of individual applications where the licensing objectives are observed.
- 9.3 With regard to shops, stores and supermarkets, the Council will allow the sale of alcohol for consumption off the premises at any time when the retail outlet is open for shopping unless there is a very good reason for restricting them, such as disorder or disturbance. Derbyshire Constabulary would normally be asked to make comment on any alleged patterns of disorder or disturbance.
- 9.4 Where specific restrictions on trading hours have been applied by the planning authority, licensing hours will not be permitted beyond these times.

## **10.0 Use of Standardised Conditions**

- 10.1 Following the making of relevant representations, any conditions that are imposed by the Licensing Authority to licences and certificates will be tailored to the individual style and characteristics of the premises and events concerned. Conditions will only be imposed where there is a need to promote the licensing objectives. Standardised conditions will be avoided, but the Council may draw from the pools of conditions contained in annex D of the DCMS Guidance.

***Comment***

*There are two compulsory conditions where alcohol is sold;*

- *No alcohol may be supplied unless there is a designated premises supervisor in respect of the premises licence or if the designated premises supervisor does not hold a licence or has had his/her personal licence suspended; and (b) every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.*
- *There are also other mandatory conditions relative to children and the exhibition of films, and that where door supervisors are required as a condition, they must be licensed by the Security Industry Authority*
- *Note: A designated premises supervisor is not required for a Community premises as long as the premises have applied to the Licensing Authority to disapply this condition.*

## **11.0 Crime and Disorder**

- 11.1 The Council will expect the applicant to detail (if necessary and/or appropriate), in their operating schedule/club operating schedule, the steps he/she proposes to ensure the deterrence and prevention of crime and disorder. The following issues are

given to assist applicants who may need to comment on them in their operating schedule/club operating schedule;

- The applicants intention to engage with recognised local liaison groups, such as Pub Watch, Shop Watch and/or other groups/organisations (e.g. the Council, Derbyshire Constabulary, the Community Safety Partnership and other agencies) working to promote the licensing objectives in the Borough. Applicants might express their intention to adopt reasonable safeguards promoted by the recognised groups/organisations.
- Acknowledgement and implementation of the Code of Practice produced by the Portman Group which seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older
- Provision of CCTV for inside and outside the premises and recording equipment
- Radio network communication
- Search facilities, including, as appropriate metal detection equipment for concealed weapons etc.
- Use of safety/shatter-resistant glasses/receptacles;
- Managing drinks promotions responsibly. Applicants may wish to refer to the Code of Practice published by the British Beer and Pub Association titled “Point of Sale Promotions – Standards for the Management of Responsible Drinks Promotions including Happy Hours” which can be downloaded at [www.beerandpub.com](http://www.beerandpub.com).
- Measures address the incidence supply and consumption of drugs
- Proof of age monitoring arrangements
- Signage and crime prevention notices
- Measures to discourage racial and other abuse crime
- Door supervision
- Recording of incidents
- Capacity limits
- Any other relevant matter(s)

## **12.0 Public Safety**

- 12.1. Licensees must ensure the physical safety of people using the relevant premises or place.
- 12.2. The Council recognises the protection afforded by the Health & Safety at Work, Fire Precautions and other safety legislation, and will strive to avoid the imposition of conditions that represent a duplication of existing legislation and other regulatory regimes that place obligations on duty holders. However, where the legislation does not cover the unique

circumstances of some regulated activities, the Council may, at a hearing following relevant representations consider imposing conditions to premises licenses and club premises certificates where these are necessary for the promotion of the public safety licensing objective.

12.3 The Council will expect the applicant to detail (if necessary and/or appropriate), in their operating schedule/club operating schedule, the steps he/she propose to ensure public safety. The following issues are given to assist applicants who may need to comment on them in their operating schedule/club operating schedule;

- The relevance to and, if applicable, the implementation of Health & Safety at Work, Fire Precautions and other safety legislation
- Provision of competent personnel
- Maintenance of electrical, fire detection/alarm, emergency lighting, gas appliances and other relevant plant and systems
- Capacity limits
- The facilities, arrangements and procedures to minimise the harmful effects of drug misuse
- Any other relevant matter(s).

### 13.0 **Public Nuisance**

13.1 The applicant will only be expected to prevent public nuisance that is under their direct control. The following issues are given to assist applicants who may need to comment on them in their operating schedule/club operating schedule;

- Prevent noise and vibration escaping from the premises, such measures may include sound proofing, air conditioning, acoustic lobbies, sound limitation devices and if applicable, a noise management plan;
- Prevent disturbance by customers arriving at, or leaving the premises, which is usually of greater significance later into the evening and in the early morning. Details may address the potential disturbance caused by queuing;
- Control nuisance associated with public disturbance;
- The generation of odour, for example from the preparation of food;
- Prevent potential litter problems in the vicinity of and caused by their activities, including, for example; the distribution of

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      Comment
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Applicants may feel that it
is appropriate to seek
third party specialist
advice on the management
of noise/vibration.
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flyers, fly posting, food packaging left by customers from late night refreshment premises;

- Any other relevant matter(s)

13.2 The Council recognises that the control of nuisance that is not within the vicinity of the premises or the responsibility of the licence holder falls outside the scope of the 2003 Act.

13.3 The Council recognises the rich cultural benefit of live entertainment/performances, including; music, such as singing, jazz, opera and other types; dancing; carnival events, comedians, children’s entertainers and physical performance artists (e.g. jugglers and mimes) and theatre. Our cultural strategy promotes the enjoyment, involvement and celebration of cultural experiences. The potential for limited disturbance in neighbourhoods will be balanced with these benefits, particularly for children.

#### 14.0 Children

14.1 The Council recognises the great variety of premises for which licences may be sought, for instance theatres, cinemas, restaurants, pubs, nightclubs, cafes, takeaways, community halls and schools. The Council will expect applicants to detail (if necessary and/or appropriate), in their operating schedule/club operating schedule, the steps they propose to take to ensure the protection of children from harm.

*Comment*

It is an offence under section 145 of the 2003 Act for an unaccompanied child (under the age of 16 years) to be present in premises primarily or exclusively for the supply or sale of alcohol on those premises. Children must be accompanied by an adult.

14.2 The Council will not impose conditions that restrict access to children to any type of premises unless it is considered necessary to protect them from harm. Example premises which would give rise for concern are, for example;

- where entertainment or services of an adult or sexual nature are commonly provided
- where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking
- with a known association with drug taking or dealing
- where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines)

*Comment*

It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to apply common sense to this matter. However, such entertainment or services, for example, would generally include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language. Premises that are operating as Sex Establishments will receive

- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises

14.3 It would be unusual for the Council to completely exclude children from premises. The following options may be appropriate for inclusion in the operating schedule/club operating schedule;

- limitations on the hours when children may be present
- age limitations
- limitations or exclusions when certain activities are taking place
- requirements for accompanying adult
- exclusion of people under 18 years old from the premises when certain licensable activities are taking place.

14.4 The Council will not impose any condition which requires the admission of children to any premises.

14.5 If there are no conditions imposed or volunteered restricting the access by children then the decision as to whether or not children should remain on the premises is a matter for the licence holder's discretion subject to the provisions of the Licensing Act 2003.

14.6 The Council will liaise with Derbyshire Constabulary and Derbyshire County Council's Trading Standards about the extent of unlawful sale and consumption of alcohol to minors and, as appropriate, will be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions.

14.7 The Council recognises the protection afforded to children under The Protection of Children Act 1999 (hereafter referred to as "the 1999 Act") which places obligations on Child Care Organisations. Additionally, other organisations are able to make use of the scheme set up to support the 1999 Act and the Criminal Records Bureau. The holder of a premises licence, a club premises certificate and premises users must take appropriate steps, including, where necessary, the use of these services to ensure the protection of children from harm.

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" The Protection of Children Act
" 1999 defines 'child care
" organisations' to means an
" organisation;
" a) which is concerned with the
" provision of accommodation of,
" social services or health care
" services to children or the
" supervision of children;
" b) whose activities are regulated
" by virtue of any prescribed
" enactment, and
" c) which fulfils such conditions
" as may be prescribed under
" 'the 1999 Act'.
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Comment
The 2003 Act also provides that it is mandatory for a condition to be included in all premises licences and club premises certificates authorising the exhibition of films for the admission of children to the exhibition of any film to be restricted in accordance with the recommendations given to films either by a body designated under section 4 of the Video Recordings Act 1984 – the British Board of Film Classification or the British Board of Film Classification.

**Cinemas and Children**

14.8 In the case of premises giving film exhibitions, the Council expects applicants to include in their operating schedule/club operating schedule arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or other body approved. The Council may in the event of very good local reasons choose to classify a film itself.

**15.0 Temporary Event Notices**

15.1 Applicants are encouraged to provide at least three months notice to the Council of their intention to hold these events.

**16.0 Integrating Strategies**

16.1 The Council will ensure its licensing function promotes the licensing objectives through its decision making process and by appropriate use of its powers (under the 2003 Act and more widely), observance of its responsibilities and through liaison and partnership work. The Council will secure proper integration with the Local Plan, local crime prevention, planning, community safety, transport, tourism and cultural strategies and plans in carrying out its licensing function and, more widely, in the interest of the Borough of Chesterfield. Applicants are encouraged to consider the Council’s integrating strategies when making applications and determining their operating schedule/club operating schedule.

16.2 The Council recognises the importance of attaching licence conditions that reflect local crime prevention strategies.

16.3 Where the Council has concerns or receives valid representations from Derbyshire Constabulary, it will, as necessary, liaise with Derbyshire County Council’s Public Transport Unit and, where necessary, other bodies in relation to the need for the swift and safe dispersal of people to avoid concentrations which produce disorder and disturbance.

16.4 Arrangements will be made for the Licensing Committee to receive reports on the following to ensure these are reflected in its considerations;

- the needs of the local tourist economy and cultural strategy for the Borough; and,
- the employment situation in the Borough and the need for investment and employment where appropriate.

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**Comment**  
The Licensing Act 2003 provides for certain occasions when small – scale events where no more than 500 people at a time and lasting for up to 96 hours do not need a licence providing that advance notice is given to the Police and the Licensing Authority. The 2003 Act includes further limitations on the use of Temporary Event Notices. The Police can only object to a Temporary Event Notice if the event is likely to undermine the crime and disorder objective. Any longer period than this may mean that organisers do not have all the details available at the time of submitting the notice. Any lesser time means that planning may be rushed and haphazard. The 2003 Act states that at least 10 working days notice must be given but the less time that is given may increase the likelihood of a Police intervention being made. 10 working days notice does not include the day the notice is given nor the day the event

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**Comment**  
**What is a Provisional Statement?**  
The 2003 Act provides a mechanism whereby those engaged in or about to engage in construction or development work at premises to be used for licensable activities, or already used for those activities, can obtain a certain degree of assurance about their potential trading conditions. By obtaining a **provisional statement** they can receive, at an early stage, a statement describing the likely

- 16.5 The Council will expect each applicant to have obtained the appropriate planning consent in respect of the premises/club premises applied for to avoid duplication and inefficiency. Applications for licences should not be a re-run of the planning application and should not cut across decisions taken by the local planning committee. The Council recognises it may receive applications for provisional statements under the 2003 Act in relation to premises applications even though the planning process has not progressed beyond outline planning consent.

The licensing committee may refuse to grant a licence following representations from the local planning authority if the activity to be authorised would amount to an unlawful use of the premises - it will be for the applicant to demonstrate any special circumstances to justify a departure from this policy.

- 16.6 As necessary to enable the planning committee to have regard to such matters when taking its decisions and avoid unnecessary overlap, the licensing committee will provide reports to the planning committee on the situation regarding licensed/club premises in the area. Reports to the planning committee may include information concerning the general impact of alcohol related crime and disorder.

## **17.0 Promotion of Racial Equality**

- 17.1 The Council recognises that the Equality Act 2010 places an obligation on all public authorities to have regard to the need to eliminate unlawful discrimination; and to promote equality of opportunity and good relations.

## **18.0 Human Rights Act 1998**

- 18.1 The Council will implement the 2003 Act in a manner consistent with the Human Rights Act 1998.

## **19.0 Avoidance of Duplication with other regulatory regimes**

- 19.1 The Council acknowledges the efforts and responsibilities of other regulators, for instance Derbyshire Constabulary, Derbyshire Fire and Rescue Service, Health and Safety Enforcing Authority, under other legislation, which benefit the promotion of the licensing objectives. The Council is minded to only impose conditions on premises licences and club premises certificates where other legislation does not include sufficient scope to ensure the promotion of the licensing objectives.

19.2 Where other legislation does not cover the unique circumstances of some licensable activities, the Council will consider attaching conditions to premises licences and club premises certificates where these are necessary for the promotion of the licensing objectives and if relevant representations have been received.

## **20.0 Enforcement**

- 20.1 The Council will provide adequate resources to enforce the requirements of the 2003 Act in accordance with Environmental Service's Enforcement Policy, any enforcement protocols agreed with other agencies and any guidance to enforcement authorities issued by the Government.
- 20.2 In determining the most appropriate course of action to secure the licensing objectives, the Council will be mindful of other separate legislation and other enforcement bodies' powers. Additionally, the Council will take into account any enforcement protocols developed with these organisations and our partners, including Derbyshire Constabulary.

## **21.0 Designated Premises Supervisor and Personal Licence holders**

- 21.1 The sale and supply of alcohol, because of its impact on the wider community and on crime and anti-social behaviour, carries with it greater responsibility than that associated with the provision of regulated entertainment and late night refreshment.
- 21.2 The Council accepts that it may not be necessary for every person retailing alcohol at premises licensed for that purpose needs to hold a personal licence, but every sale or supply of alcohol must be at least authorised by such a licence holder. – except in Community Premises that have applied for this condition to be lifted. Premises at which alcohol is sold or supplied must ensure that there are, based on risk assessment, sufficient arrangements in place for the sale of alcohol which comply with the law.
- 21.3 The Council recognises the responsibility of personal licence holders, particularly the Designated Premises Supervisor in overseeing the day-to-day sale of alcohol. The Council expects there to be clear control in the absence of the Designated Premises Supervisor.

## **22.0 Review of a Premises Licence or Club Premise Certificate**

- 22.1 The Council recognises the importance of its ability to review premises licences. The proceedings set out in the 2003 Act for reviewing premises licences represent a key protection concerning problems associated with crime and disorder, public safety, public nuisance or the protection of children from harm.

***Comment***

The review of a premises licence or a club premises certificate can be requested at any time by an interested party or a responsible authority provided it is relevant to one or more of the licensing objectives, and is not frivolous, vexatious or is a repetition. The Council will hold a hearing to determine the application for a review.

### **23.0 Administration, Exercise and Delegation of Functions**

- 23.1 The Council recognises many of the decisions and functions under the 2003 Act are purely administrative in nature. In the interest of speed, efficiency and cost-effectiveness, the delegation in the Council's Constitution sets out various duties of its licensing committee and officials. (Table 1 illustrates the Council's Constitution in this respect).
- 23.2 In special cases applications normally dealt with by officers will be passed up for committee determination.
- 23.3 The Council will place a copy of this Policy Statement and appropriate application forms on the Council's website to be available for downloading electronically.

#### **Comment**

##### Negotiated Conditions

The Council encourages Applicants to contact Responsible Authorities to discuss the proposed application and operating schedule before submitting the application to the Council so as to minimise any subsequent disputes. Conditions can only be put on a licence which reflect the terms of the operating schedule which accompanied the application or by the Licensing Committee if a relevant representation has been made. If an Applicant and a Responsible Authority (or an Interested Party) reach an agreement, following a relevant representation which the Responsible Authority (or Interested Party) has made, whereby both parties wish for additional or amended conditions to be put on the licence then the application will still need to be determined by the Licensing Committee.

**Table 1****Licensing Delegation Scheme – To be taken from the Council’s Constitution**

<b>Matter to be dealt with</b>	<b>Licensing Committee</b>	<b>Officers</b>
<b>Application for personal licence</b>	If an objection from Derbyshire Constabulary	If no objection made
<b>Application for personal licence with unspent convictions</b>	All cases	
<b>Application for premises licence/club premises certificate</b>	If a relevant representation made	If no relevant representation made
<b>Application for provisional statement</b>	If a relevant representation made	If no relevant representation made
<b>Application to vary premises licence/club premises certificate</b>	If a relevant representation made	If no relevant representation made
<b>Application to vary designated premises supervisor</b>	If an objection from Derbyshire Constabulary	All other cases
<b>Request to be removed as designated premises supervisor</b>		All cases
<b>Application for transfer of premises licence</b>	If an objection from Derbyshire Constabulary	All other cases
<b>Applications for Interim Authorities</b>	If an objection from Derbyshire Constabulary	All other cases
<b>Application to review premises licence/club premises certificate</b>	All cases	
<b>Decision on whether a complaint is irrelevant frivolous vexatious or repetitious</b>		All cases
<b>Decision to object when the Council is a consultee and not the relevant authority considering the application</b>	All cases	
<b>Determination of an objection from Derbyshire Constabulary to a temporary event notice</b>	All cases	



# Chesterfield Borough Council

Environment Services  
Customer Service Centre  
85 New Square  
Chesterfield  
S40 1AH

Telephone: 01246 345230  
Fax: 01246 345235  
licensing@chesterfield.gov.uk



Licensing Act 2003

# PL/VF/0388

## Premises Licence

### Part 1 - Premises Details

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

### Red Lion

261 Chatsworth Road, Brampton, Chesterfield, Derbyshire, S40 2BL.

Telephone 01246 207869

#### WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable                      Granted                      **09/05/2013**

#### LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- an indoor sporting event
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- 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
C. Indoor sporting event	Mon, Tues, Wed, & Thursday	11:00am	12:30am
	Friday & Saturday	11:00am	1:00am
	Sunday	11:00am	12:30am
E. Performance of live music (Indoors)	Mon, Tues, Wed, & Thursday	11:00am	Midnight
	Friday & Saturday	11:00am	12:30am
	Sunday	11:00am	Midnight
F. Playing of recorded music (Indoors)	Mon, Tues, Wed, & Thursday	11:00am	Midnight
	Friday & Saturday	11:00am	12:30am
	Sunday	11:00am	Midnight
	Non Standard Timings:		
	New Year's Eve 11.00 - 01.00 am.		
G. Performance of dance (Indoors)	Monday to Sunday	7:00pm	Midnight
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Monday to Sunday	7:00pm	Midnight
L. Late night refreshment (Indoors)	Mon, Tues, Wed, & Thursday	11:00pm	Midnight
	Friday & Saturday	11:00pm	12:30am
	Sunday	11:00pm	Midnight





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Licensing Act 2003

## Premises Licence

# PL/VF/0388

### THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
L. Late night refreshment (Indoors) continued ...	Non Standard Timings: New Year's Eve 23.00 - 01.00 am.		
M. The sale by retail of alcohol for consumption ON the premises only	Mon, Tues, Wed, & Thursday	11:00am	Midnight
	Friday & Saturday	11:00am	12:30am
	Sunday	11:00am	Midnight
	Non Standard Timings: New Year's Eve 11.00 - 01.00 am.		

### THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Mon, Tues, Wed, & Thursday	11:00am	12:30am
Friday & Saturday	11:00am	1:00am
Sunday	11:00am	12:30am
Non Standard Timings: New Year's Eve 11.00 am - 01.30 am.		

### 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 the premises only

## Part 2

### NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Mark Anglesea 64 Station Road, Brimington, Chesterfield, Derbyshire, S43 1JT.

### 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

Sian Rossanne ANGLESEA Fairfield House, 64 Station Road, Brimington, Chesterfield, Derbyshire, S43 1JT.  
Telephone 07891507092

### 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/0820 Issued by Chesterfield

### ANNEXES

#### ANNEX 1 - MANDATORY CONDITIONS.



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Licensing Act 2003

## Premises Licence

# PL/VF/0388

ANNEXES continued ...

### 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.

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

### The Licensing Act 2003 (Mandatory Conditions) Order 2014 Conditions in force from 28<sup>th</sup> May 2014

(1). A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2). In this condition:-

a. "permitted price" is the price found by applying the formula  $P = D + (D \times V)$ , where-

i. P is the permitted price,

ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

b. "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

c. "relevant person" means, in relation to premises in respect of which there is in force a premises licence-

i. the holder of the premises licence,

ii. the designated premises supervisor (if any) in respect of such a licence, or

iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;

d. "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

e. "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(3). Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny.

(4). Where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the





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PL/VF/0388

## Premises Licence

ANNEXES continued ...

expiry of the period of 14 days beginning on the second day.

**The Licensing Act 2003  
(Mandatory Licensing Conditions) (Amendment) Order 2014  
In force from 1<sup>st</sup> October 2014  
Mandatory Licensing Conditions**

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, 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-

(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 unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) 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 in a manner which carries a significant risk of undermining a licensing objective;

(d) 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;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

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

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

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.



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## Premises Licence

# PL/VF/0388

ANNEXES continued ...

(3) 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) a holographic mark, or
- (b) an ultraviolet feature.

4. The responsible person must 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;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

### **If the Premises Licence allows Exhibition of Films**

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with recommendations given by;

a) a 'film classification body' designated under Section 4 of the Video Recordings Act 1984 specified in the licence ( currently only the British Board of Film Classification - BBFC) or by the licensing authority itself.

### **If the Premises Licence has conditions in respect of Door Supervision.**

(except theatres, cinemas, bingo halls and casinos)

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:

- a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- b) be entitled to carry out that activity by virtue of Section 4 of the Act.





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## Premises Licence

# PL/VF/0388

ANNEXES continued ...

2. But nothing in subsection (1) require such a condition to be imposed:

a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or

b) in respect of premises in relation to:

(i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by a club with a club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

(ii) any occasion within paragraph 8(3)(d) of that schedule (occasions prescribed by regulations under that Act.

3. For purposes of this section:

a) "security activity" means an activity to which paragraph 2(1) (a) of that Schedule applies, and which is licensable conduct for the purposes of that Act, ( see Section 3(2) of that Act) and

b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to to paragraph 8 of that schedule.

### ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

The following text is from the Operating Schedule.

#### General

With nine years experience as a Licence Holder, I am aware of my responsibilities to the public to ensure a friendly and safe environment.

I actively support local activities to prevent anti-social behaviour and are members of Pubwatch. We operate the Challenge 25 Scheme.

#### Prevention of Crime and Disorder

The premises have a CCTV system that covers most areas of the premises.

All staff will receive training regularly on the retail of alcohol.

We will operate a strict anti-drug policy.

A minimum of two registered door supervisors when regulated entertainment is provided on Saturday evenings. At all other times door staff will be employed at the discretion of the



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## Premises Licence

# PL/VF/0388

ANNEXES continued ...

DPS/Premises Licensee as part of their risk assessment, noting the guidance of Derbyshire Constabulary Licensing.

An incident report file will be in place and can be viewed at any time by relevant authorities. CCTV with recording facilities shall be in operation throughout public areas of the premises. Footage shall be recorded in real time, whenever the premises are trading, and shall be retained for a minimum of 28 days and made available by trained staff via removable media to the Police upon reasonable request.

No customers will be permitted to enter or leave the premises with open drinking containers, except for consumption in any designated external consumption area where available.

### Public Safety

Door supervisors will monitor and control numbers admitted. All numbers will be recorded.

### Prevention of Public Nuisance

Clear, prominent and legible notices must be displayed internally at all exits requesting customers and staff to leave the premises and the local area quietly and in an orderly manner, respecting the needs of local residents. This includes the smoking area.

Doors and windows will be closed at all times when live music is being played to prevent disturbing neighbours.

### Protection of Children from Harm

Full training is provided to staff on commencement of employment on relevant current legislation and any system of procedures they are expected to follow in their working capacity. Refresher training will be provided at regular intervals (six monthly) records detailing training will be kept on premises for at least two years for production, on request to an authorised officer.

A 'Challenge 25' proof of age scheme will be operated. Anyone attempting to purchase alcohol who appears under the age of 25 years will be asked for proof of age, acceptable forms of ID being PASS Accredited card, photo driving licence or passport. No ID, no sale.

Clear prominent and unobstructed signage of the scheme will be displayed at all public entry points and at points of sale.

A scheme of logging all sales refused will be operated at all times.

At least weekly the DPS will examine the log and compare it against the normal operating pattern, indicating any action taken in relation. The refusal record shall be kept on the premises for two years for production, on request, to a constable or an authorised officer of a responsible authority.

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



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## Premises Licence

# PL/VF/0388

ANNEXES continued ...

The Licensing Committee heard the application for a new Premises Licence on Wednesday 9th May 2013 and decided to grant the application subject to the relevant mandatory conditions and to the following conditions:-

- All of the conditions stated in the amended operating schedule agreed by Derbyshire Constabulary.
- Doors and windows to be closed at all times when live music is being played.
- The outside yard area to be used only as a smoking area, not for the consumption of alcohol or other licensable activities, and this area to remain closed after 10.30 pm.
- A Noise Management Plan to be approved by the Environmental Protection Section (Chesterfield Borough Council) and to be put in place prior to the opening of the premises. (The Noise Management Plan, attached to the Premises Licence, was approved by the Environmental Protection Section on 21st May 2013).

### ANNEX 4 - PLANS.

The Plans relating to the Premises Licence are referenced as KB1/RED LION/PLVF0388/14.3.2013.



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Licensing Act 2003

**PL/VF/0388**

## Premises Licence Summary

### Premises Details

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

### Red Lion

261 Chatsworth Road, Brampton, Chesterfield, Derbyshire, S40 2BL.

Telephone 01246 207869

#### WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable                      Granted                      **09/05/2013**

#### LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- an indoor sporting event
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- 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
C. Indoor sporting event	Mon, Tues, Wed, & Thursday	11:00am	12:30am
	Friday & Saturday	11:00am	1:00am
	Sunday	11:00am	12:30am
E. Performance of live music (Indoors)	Mon, Tues, Wed, & Thursday	11:00am	Midnight
	Friday & Saturday	11:00am	12:30am
	Sunday	11:00am	Midnight
F. Playing of recorded music (Indoors)	Mon, Tues, Wed, & Thursday	11:00am	Midnight
	Friday & Saturday	11:00am	12:30am
	Sunday	11:00am	Midnight
	Non Standard Timings:		
	New Year's Eve 11.00 - 01.00 am.		
G. Performance of dance (Indoors)	Monday to Sunday	7:00pm	Midnight
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Monday to Sunday	7:00pm	Midnight
L. Late night refreshment (Indoors)	Mon, Tues, Wed, & Thursday	11:00pm	Midnight
	Friday & Saturday	11:00pm	12:30am
	Sunday	11:00pm	Midnight





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## Premises Licence Summary

### THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
L. Late night refreshment (Indoors) continued ...	Non Standard Timings: New Year's Eve 23.00 - 01.00 am.		
M. The sale by retail of alcohol for consumption ON the premises only	Mon, Tues, Wed, & Thursday	11:00am	Midnight
	Friday & Saturday	11:00am	12:30am
	Sunday	11:00am	Midnight
	Non Standard Timings: New Year's Eve 11.00 - 01.00 am.		

### THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Mon, Tues, Wed, & Thursday	11:00am	12:30am
Friday & Saturday	11:00am	1:00am
Sunday	11:00am	12:30am
Non Standard Timings: New Year's Eve 11.00 am - 01.30 am.		

### 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 the premises only

### NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Mark Anglesea 64 Station Road, Brimington, Chesterfield, Derbyshire, S43 1JT.

### 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

Sian Rossanne ANGLESEA

### 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).

## Application for the review of a premises licence or club premises certificate 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 Vanessa Carty

*(Insert name of applicant)*

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

#### Part 1 – Premises or club premises details

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Red Lion 261 Chatsworth Road Brampton	
<b>Post town</b> Chesterfield	<b>Post code (if known)</b> S40 2BL
<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Mark Anglesen	
<b>Number of premises licence or club premises certificate (if known)</b> PL/VF/0388	

#### Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1. and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address Vanessa Carty – Environmental Health Technical Officer Food, Health & Safety Chesterfield Borough Council Town Hall Rose Hill Chesterfield S40 1LP
Telephone number (if any) 01246 345756
E-mail address (optional) vanessa.carty@chesterfield.gov.uk

This application to review 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

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the premises please state what they were and when you made them

**Red Lion, 261, Chatsworth Road, Brampton, Chesterfield**

**Schedule of Events**

At meetings of the Violence, Alcohol Harm and Licensing Group (VAL) concerns were raised regarding the management and operation of the Red Lion. As a result a multi-agency visit attended by the Police, Derbyshire Fire & Rescue Service and CBC Health & Safety was arranged with the premise licence holder Mark Anglesea on 23<sup>rd</sup> July 2015.

During the inspection of the premise a number of health and safety concerns were discussed with the premise licence holder Mark Anglesea some of which required immediate attention. Mr Anglesea was unable to provide me with any health and safety documentation other than a cleaning schedule which was not being followed and he could not give me access to the cellar, disabled toilet or the rear ground floor rooms to the premise as he stated he did not have any keys. I took photographs of matters of concern identified during my inspection (Please refer to Appendix A).

It was noted at the time of this visit that Mr Anglesea had also failed to register with Chesterfield Borough Council as a food business operator as required by Food Safety Act (as amended) 1990.

Mr Anglesea agreed to bring his health and safety documentation to the Town Hall on 24<sup>th</sup> July 2015 however he failed to do this.

A re-visit was arranged for the multi-agency team to attend the premise and meet Mr Anglesea with the keys to be able to access all areas of the premise on 27<sup>th</sup> July 2015. Mr Anglesea failed to attend this meeting. I spoke to Mr Anglesea on the phone whilst waiting outside the venue and he informed me he had a water leak at home and said he would bring his paperwork into the Town Hall on 28<sup>th</sup> July 2015. I took photographs of matters of concern seen in the beer garden/smoking area at the rear of the premise (Please refer to Appendix B).

A letter was sent to Mr Anglesea on 27<sup>th</sup> July 2015 requesting he contact me to make arrangements for me to re-visit his premise and reminding him to provide me with his paperwork (Please refer to Appendix C).

Mr Anglesea failed to provide his paperwork on this occasion as well and he did not contact me to make arrangements to revisit the premise.

On 28<sup>th</sup> July 2015 I sent a letter to Mr Anglesea detailing the more serious health and safety issues identified during my inspection of the premise on 23<sup>rd</sup> July 2015 (Please refer to Appendix D).

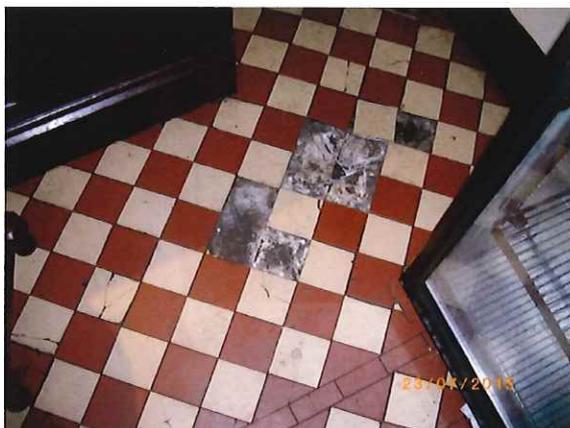
The condition of the flooring in the public areas of the premise and behind the bar presented a significant risk of slips, trips and falls to both employees and members of the public and so health and safety improvement notices were served on Mr Anglesea at the Red Lion (Please refer to Appendix E) and also his home address (Please refer to Appendix F) by recorded delivery. The Improvement Notices required repairs to be carried out on the flooring by 27<sup>th</sup> August 2015.

**Photographs taken by V Carty on 23/07/15  
at the Red Lion 261, Chatsworth Road**

Areas of damaged flooring in public areas of the bars;



Damaged flooring in public areas of the bars – continued;



Damaged flooring behind bar;



Hole in wall of ladies toilets;



Dirty sink and areas behind bar dirty;



Mouldy sliced lemons with flies and mouldy lemons in chiller;



Animal faeces in beer garden/smoking shelter;



Photographs taken by V Carty on 27/07/15 in the beer garden/smoking shelter at the Red Lion, 261, Chatsworth Road, Brampton, Chesterfield



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©



**CHESTERFIELD**  
BOROUGH COUNCIL

Mr M Anglesea  
Red Lion  
261 Chatsworth Road  
Brampton  
Chesterfield  
S40 2BL

Please ask for Mrs Vanessa Carty  
Direct Line 01246 345756  
Fax 01246 345760  
E-Mail [vanessa.carty@chesterfield.gov.uk](mailto:vanessa.carty@chesterfield.gov.uk)

COPY

Our Ref VC  
Your Ref  
Date 27/07/15

**SENT 1<sup>ST</sup> CLASS**

Dear Mr Anglesea

**Re: Red Lion, 261, Chatsworth Road, Brampton, Chesterfield S40 2BL**

Following my meeting with you on 23<sup>rd</sup> July 2015 I requested that you provide me with copies of your health and safety documentation which you agreed to bring into Chesterfield Borough Council Town Hall on Friday 24<sup>th</sup> July 2015. You failed to provide me with your health and safety documentation.

At the same meeting I made an appointment to meet with yourself and your daughter Sian at 2.00pm today at the Red Lion as this was a time and date which you informed me was convenient for both of you. The purpose of the meeting was to give you feedback on the review of your health and safety documentation, to have access to parts of the venue which you did not have the keys for during my visit and to put together a time-scaled action plan for the contraventions of health and safety matters found during the visit on 23<sup>rd</sup> July 2015. Both you and your daughter Sian failed to meet me at the premise as arranged today. You informed me this was due to a burst boiler at your home which happened on Saturday.

I contacted you by telephone and you agreed to bring your health and safety paperwork to me at the Town Hall on 28<sup>th</sup> July 2015.

Please contact me to arrange a mutually convenient appointment to complete my inspection of the premise and your health and safety documentation within the next seven days.

Yours sincerely

Mrs Vanessa Carty  
Environmental Health Technical Officer

Chesterfield Borough Council, Town Hall, Rose Hill, Chesterfield S40 1LP  
Telephone: 01246 345 345, Text: 07960 910 264, Email: [info@chesterfield.gov.uk](mailto:info@chesterfield.gov.uk)

(D)



**CHESTERFIELD**  
BOROUGH COUNCIL

Mr M Anglesea  
Red Lion  
261 Chatsworth Road  
Brampton  
Chesterfield  
S40 2BL

Please ask for Mrs Vanessa Carty  
Direct Line 01246 345756  
Fax 01246 345760  
E-Mail [vanessa.carty@chesterfield.gov.uk](mailto:vanessa.carty@chesterfield.gov.uk)

Our Ref VC  
Your Ref  
Date 28/07/15

COPY

Dear Mr Anglesea

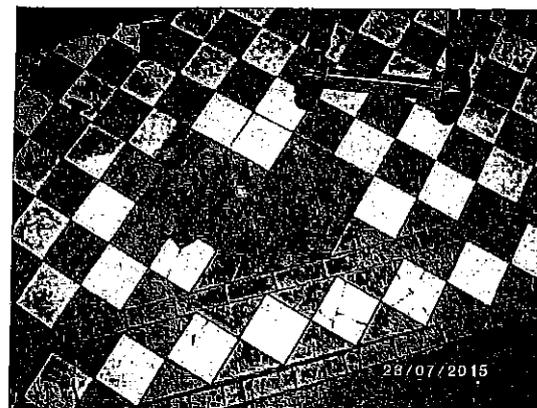
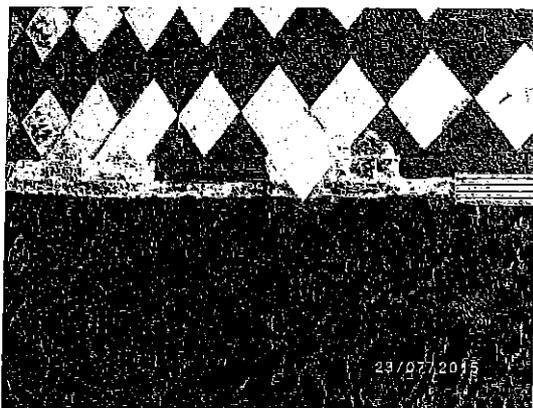
**Re: Red Lion, 261, Chatsworth Road, Brampton, Chesterfield S40 2BL**

As you are aware you failed to attend a meeting arranged at a time which was best suited to you and your daughter Sian at 2.00pm on 27<sup>th</sup> July 2015 when I intended to complete the inspection of the above premise. I have written to you separately requesting you contact me within the next seven days to re-arrange this appointment.

Following my visit to your premise on 23<sup>rd</sup> July 2015 there are a number of health and safety contraventions which require your urgent attention and these are detailed below.

**1 Flooring**

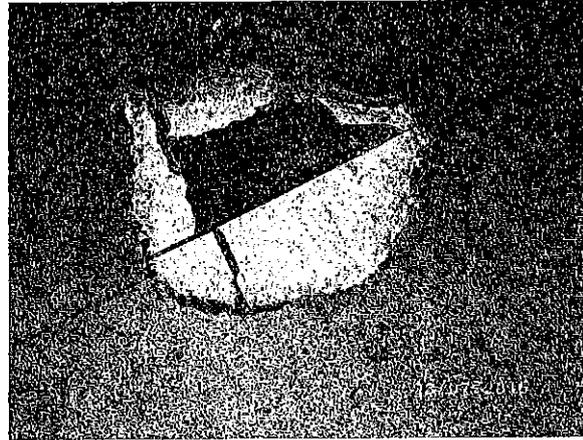
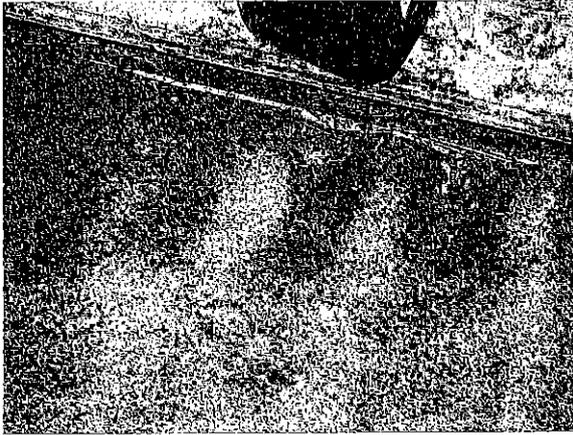
There are a significant number of missing or damaged floor tiles in the main bar areas creating trip hazards and areas of damaged floor covering behind the bar – please refer to the examples shown in the photographs below.



Chesterfield Borough Council, Town Hall, Rose Hill, Chesterfield S40 1LP

Telephone: 01246 345 345, Text: 07960 910 264, Email: [info@chesterfield.gov.uk](mailto:info@chesterfield.gov.uk)

[www.chesterfield.gov.uk](http://www.chesterfield.gov.uk)



I have served Improvement Notice serial number 3940 by separately recorded delivery and a copy is enclosed requiring you to carry out suitable and sufficient repairs to the tiles and flooring by Thursday 27<sup>th</sup> August 2015.

In addition I have served Improvement Notice serial number 3941 on you by recorded delivery at 64, Station Road, Brimington, Chesterfield S43 1JT – a copy of this notice is also enclosed.

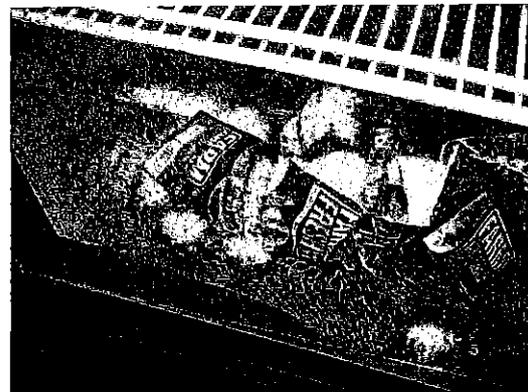
Please be advised failure to comply with the requirements of an Improvement Notice is an offence.

### **Regulation 12 – Workplace (Health, Safety & Welfare) Regulations 1992**

#### **2 Housekeeping & Cleanliness**

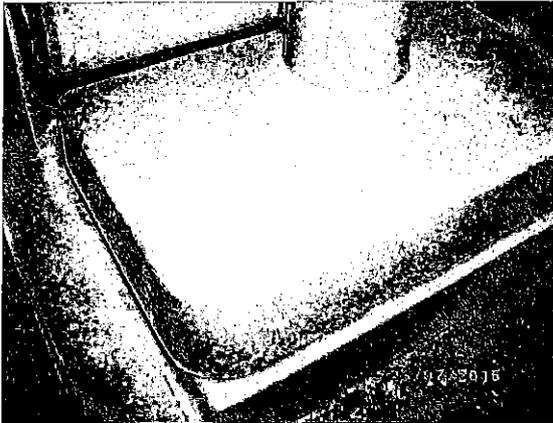
The following matters must be actioned within the next seven days;

- a) The container on the bar holding the mouldy sliced lemons and flies must be thoroughly cleaned and the mouldy lemons in the chiller cabinet must be disposed of. Please refer to the photographs below.

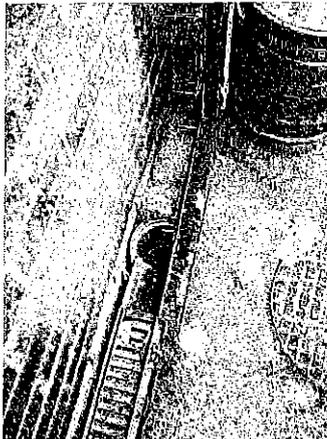


- b) Suitable hand washing and drying facilities must be in place in the ladies and gentleman's toilets as well as toilet tissue.

- c) The premise must be thoroughly cleaned paying particular attention to the bar and bar wash hand basins – please refer to the photographs. Suitable hand washing and drying facilities should be put in place.



- d) The external yard and smoking area must be cleared of animal faeces, discarded cigarette butts, damaged sections of wood and broken glass from the overflowing waste bins. Please refer to the photographs below.



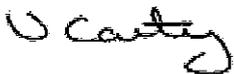
#### **Regulations 9 & 21 Workplace (Health, Safety & Welfare) Regulations 1992**

You confirmed that you have been open and trading for approximately twelve months and our records show you have failed to register your business as a Food Business – please find enclosed a registration form which must be completed returned to our office in the pre-paid envelope provided.

There are additional matters identified at my last visit which will be discussed with you further at our next meeting.

If you require any further information please do not hesitate to contact me.

Yours sincerely



Mrs Vanessa Carty  
Environmental Health Technical Officer

(E)



CHESTERFIELD  
BOROUGH COUNCIL

COPY

Mr M Anglesea  
Red Lion  
261 Chatsworth Road  
Brampton  
Chesterfield  
S40 2BL

Please ask for Mrs Vanessa Carty  
Direct Line 01246 345756  
Fax 01246 345760  
E-Mail [vanessa.carty@chesterfield.gov.uk](mailto:vanessa.carty@chesterfield.gov.uk)

Our Ref VC /  
Your Ref

28/07/15  
RECORDED DELIVERY

Dear Mr Anglesea

**Health and Safety at Work etc Act 1974**  
**Re: Red Lion, 261, Chatsworth Road, Brampton, Chesterfield S40 2BL**

Further to my visit at the premises on 23<sup>rd</sup> July 2015 I have served a Health and Safety at Work Improvement Notice serial number 3940. I enclose this for your attention.

The Improvement Notice requires matters contained in the schedule to be dealt with by the date specified on the front of the notice. I have enclosed a copy of the booklet – T420 – Making a claim to an employment tribunal.

Should you require an extension of time to comply with the notice, please ensure that you apply in writing to me before the expiry of the time period given. If you wish to discuss the Improvement Notice or any proposed remedial works prior to undertaking them, please do not hesitate to contact me.

***Failure to comply with an Improvement Notice by the stated date is an offence.***

Yours sincerely

Mrs Vanessa Carty  
Environmental Health Technical Officer



**IMPROVEMENT NOTICE**

Name: Mark Anglesea  
Address: Red Lion, 261, Chatsworth Road, Brampton, Chesterfield S40 2BL  
Trading as\*: Red Lion  
I, Vanessa Carty  
Environmental Health Technical Officer

COPY

Inspector's full name

Inspector's Official designation

Official address

being an Inspector appointed by an instrument in writing made pursuant to section 19 of the said Act and entitled to issue the notice

of Chesterfield Borough Council, Town Hall, Rose Hill, Chesterfield S40 1LP

Telephone number 01246 345345

hereby give you notice that I am of the opinion that

Location of premises or place of activity

at Red Lion, 261, Chatsworth Road, Brampton, Chesterfield S40 2BL

~~you, as an employer/self employed person/a person wholly or partly in control of premises/other\*~~

~~are contravening/have contravened in circumstances that make it likely that the contravention will continue or be repeated\*~~ the following statutory provisions:

Section 2(1) & 3(1) Health & Safety at Work etc. Act 1974

Regulation 12 – Workplace (Health, Safety & Welfare) Regulations 1992

The reasons for my said opinion are: You have failed to ensure that the floor tiles in the bar areas and the floor covering behind the bar, are of a construction such that they are suitable for the purpose for which it is used. There are missing and damaged tiles in multiple places and damaged floor covering behind the bar.

and I hereby require you to remedy the said contraventions or, as the case may be, the matters occasioning them by 27<sup>th</sup> August 2015 (and I direct that the measures specified in the Schedule which forms part of this notice shall be taken to remedy the said contravention or matters)\*

Signature: U Carty

Date: 28<sup>th</sup> July 2015

\*An Improvement Notice is also being served on Mark Anglesea of 64, Station Road, Brimington, Chesterfield S43 1JT related to the matters contained in this notice.

Environment and Safety Information Act 1989

This is a relevant notice for the purposes of the Environment and Safety Information Act 1988 YES/NO  
This page only will form the register entry\*

Signature: U Carty

Date: 28<sup>th</sup> July 2015

\*Delete as appropriate

YOUR ATTENTION IS DRAWN TO THE NOTES ON THE REVERSE OF THIS NOTICE

- 1 Failure to comply with this Improvement Notice is an offence as provided by section 33(1)(g) of the Health and Safety at Work etc Act 1974 and section 33(2) and Schedule 3A of this Act renders the offender liable on summary conviction to imprisonment for a term not exceeding 6 months, or to a fine, or both, or, on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both.
- 2 An Inspector has power to withdraw an Improvement Notice or to extend the period specified in the notice, before the end of the period specified in it. If you wish this to be considered you should apply to the Inspector who issued this notice, but you must do so before the end of the period given in it. Such an application is not an appeal against this notice.
- 3 The issue of this notice does not relieve you of any legal liability for failing to comply with any statutory provision referred to in the notice or to perform any other statutory or common law duty resting on you.
- 4 You can appeal against this notice to an Employment Tribunal. Details of the method of making an appeal, a form to use (ETS19) and information about where to send it are contained in booklet URN 09/891 which is enclosed with this notice. Copies are also available from the Employment Tribunal Enquiry Line (Telephone: 0845 795 9775).

#### TIME LIMIT FOR APPEAL

A notice of appeal must be sent to the Employment Tribunal within 21 days from the date of service on the appellant of the notice, or notices, appealed against, or within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the notice of appeal to be presented within the period of 21 days. If posted, the appeal should be sent by recorded delivery.

The entering of an appeal suspends the Improvement Notice until the appeal has been determined, but does not automatically alter the date given in this notice by which the matters contained in it must be remedied.

The rules for the hearing of an appeal are given in The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004 (SI 2004 No 1861), and The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2001 (SI 2001 No 1170).

#### PUBLIC REGISTERS OF ENFORCEMENT NOTICES UNDER THE ENVIRONMENT AND SAFETY INFORMATION ACT 1988

- 1 Under the requirements of the Environment and Safety Information Act 1988, the Local Authority maintains at its Offices public registers of information on notices which do not impose requirements or conditions solely for the protection of persons at work. These are called "relevant notices" under this Act and will be identified by the inspector serving the notice (see overleaf). Entries will be kept in the public register for a period of at least 3 years.
- 2 The entry in the register will be made within 14 days either of the expiry of the right of appeal or of the disposal of an appeal. Where a notice is cancelled on appeal no entry will be made. Where an inspector is satisfied that a notice has been complied with, a further entry will be made in the register within 7 days to show this. If a notice is withdrawn or amended the entry on the register will be withdrawn or amended within 7 days.
- 3 The entry on the register will normally be the front page of the notice form. If you think that the entry for this notice would disclose information about a trade secret or secret manufacturing process, you should give written notice to the Local Authority within 14 days. The Local Authority will then draft an entry which it believes will not reveal the secret and serve this on you. In the meantime the entry in the register will specify only your name and address, any place involved and the relevant legal provisions.
- 4 If you are not satisfied with the redrafted entry you have a further right of appeal to the Secretary of State within 14 days. The Local Authority will give you further information about appeals to the Secretary of State at this time.

#### PUBLIC AVAILABILITY OF INFORMATION ON OTHER NOTICES

- 1 Under the Code of Practice on Access to Government Information the Local Authority is committed to make available on request information about its actions and decisions, which includes information about the notices it has issued. In general the information that the Local Authority will make available about a notice is the information on the front page.
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- 3 If you think that the information in the notice would disclose commercially confidential information you should give written notification to the Local Authority within 14 days. The Local Authority will then redraft the information in such a way that it believes will not reveal the commercially confidential information. In the meantime the only information that the Local Authority would make available would be your name and address, any place involved and the relevant legal provisions.
- 4 If you are not satisfied with the redrafted information there is no further appeal. However, the Local Authority will make every effort to agree with you a form of words which would not reveal any commercially confidential information.

**HEALTH AND SAFETY AT WORK ETC ACT 1974**

**Serial No: 3940**

**Sections 21, 23 and 24**

**To:** Mark Anglesea

**Address:** 261, Chatsworth Road, Brampton, Chesterfield S40 2BL

**Re:** Red Lion, 261, Chatsworth Road, Brampton, Chesterfield S40 2BL

**Schedule to Improvement Notice Number 3940**

In order to comply with this notice you must;

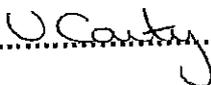
Replace or carry out suitable and sufficient repairs to the damaged and/or missing floor tiles in the bar areas; and

Replace any missing edge strips to the flooring in the bar areas; and

Repair or replace the damaged floor covering behind the bar with a suitable floor covering.

Or;

Take any other equally effective means for securing compliance with this notice.

Signature ..... 

Date: 28<sup>th</sup> July 2015

All works must be undertaken in accordance with The Health and Safety at Work etc Act 1974 and its relevant statutory provisions

Advice not forming part of this notice

L24 - Workplace (Health, Safety and Welfare) Regulations 1992  
ISBN 978 0 7176 6583 9

(F)



CHESTERFIELD  
BOROUGH COUNCIL

COPY

Mr M Anglesea  
64 Station Road  
Brimington  
Chesterfield  
S43 1JT

Please ask for Mrs Vanessa Carty  
Direct Line 01246 345756  
Fax 01246 345760  
E-Mail [vanessa.carty@chesterfield.gov.uk](mailto:vanessa.carty@chesterfield.gov.uk)

Our Ref VC /  
Your Ref

28/07/15  
**RECORDED DELIVERY**

Dear Mr Anglesea

**Health and Safety at Work etc Act 1974**

**Re: Red Lion, 261, Chatsworth Road, Brampton, Chesterfield S40 2BL**

Further to my visit at the premises on 23<sup>rd</sup> July 2015 I have served a Health and Safety at Work Improvement Notice serial number 3941. I enclose this for your attention.

The Improvement Notice requires matters contained in the schedule to be dealt with by the date specified on the front of the notice. I have enclosed a copy of the booklet – T420 – Making a claim to an employment tribunal.

Should you require an extension of time to comply with the notice, please ensure that you apply in writing to me before the expiry of the time period given. If you wish to discuss the Improvement Notice or any proposed remedial works prior to undertaking them, please do not hesitate to contact me.

***Failure to comply with an Improvement Notice by the stated date is an offence.***

Yours sincerely

Mrs Vanessa Carty  
Environmental Health Technical Officer



**IMPROVEMENT NOTICE**

COPY

Name: Mark Anglesea  
Address: 64, Station Road, Brimington, Chesterfield S43 1JT  
Trading as\*: Red Lion, 261, Chatsworth Road, Brampton, Chesterfield S40 2BL  
I, Vanessa Carty

Inspector's full name

Inspector's Official designation

Environmental Health Technical Officer

being an Inspector appointed by an instrument in writing made pursuant to section 19 of the said Act and entitled to issue the notice

Official address

of Chesterfield Borough Council, Town Hall, Rose Hill, Chesterfield S40 1LP

Telephone number 01246 345345

hereby give you notice that I am of the opinion that

Location of premises or place of activity

at Red Lion, 261, Chatsworth Road, Brampton, Chesterfield S40 2BL

you, as an employer/self-employed person/a person wholly or partly in control of premises/other\*

are contravening/have contravened in circumstances that make it likely that the contravention will continue or be repeated\* the following statutory provisions:

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Regulation 12 – Workplace (Health, Safety & Welfare) Regulations 1992

The reasons for my said opinion are: You have failed to ensure that the floor tiles in the bar areas and the floor covering behind the bar, are of a construction such that they are suitable for the purpose for which it is used. There are missing and damaged tiles in multiple places and damaged floor covering behind the bar.

and I hereby require you to remedy the said contraventions or, as the case may be, the matters occasioning them by 27<sup>th</sup> August 2015 (and I direct that the measures specified in the Schedule which forms part of this notice shall be taken to remedy the said contravention or matters)\*

Signature: VCarty Date: 28<sup>th</sup> July 2015

\*An Improvement Notice is also being served on Mark Anglesea of 261, Chatsworth Road, Brampton, Chesterfield S40 2BL related to the matters contained in this notice.

Environment and Safety Information Act 1988

This is a relevant notice for the purposes of the Environment and Safety Information Act 1988 YES/NO  
This page only will form the register entry\*

Signature: VCarty Date: 28<sup>th</sup> July 2015

\* Delete as appropriate

YOUR ATTENTION IS DRAWN TO THE NOTES ON THE REVERSE OF THIS NOTICE

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Sections 21, 23 and 24

To: Mark Anglesea

Address: 64, Station Road, Brimington, Chesterfield S43 1JT

Re: Red Lion, 261, Chatsworth Road, Brampton, Chesterfield S40 2BL

**Schedule to Improvement Notice Number 3941**

In order to comply with this notice you must;

Replace or carry out suitable and sufficient repairs to the damaged and/or missing floor tiles in the bar areas; and

Replace any missing edge strips to the flooring in the bar areas; and

Repair or replace the damaged floor covering behind the bar with a suitable floor covering.

Or;

Take any other equally effective means for securing compliance with this notice.

Signature ..... *O. Carty* .....

Date: 28<sup>th</sup> July 2015

**All works must be undertaken in accordance with The Health and Safety at Work etc Act 1974 and its relevant statutory provisions**

**Advice not forming part of this notice**

L24 - Workplace (Health, Safety and Welfare) Regulations 1992  
ISBN 978 0 7176 6583 9



**CHESTERFIELD**  
BOROUGH COUNCIL

Mr M Anglesea  
Red Lion  
261 Chatsworth Road  
Brampton  
Chesterfield  
S41 2BL

Please ask for Mrs Vanessa Carty  
Direct Line 01246 345756  
Fax 01246 345760  
E-Mail [vanessa.carty@chesterfield.gov.uk](mailto:vanessa.carty@chesterfield.gov.uk)

Our Ref VC  
Your Ref  
Date 04/08/15

COPY

Dear Mr Anglesea

**Re: Health and Safety Inspection – Red Lion, 261, Chatsworth Road**

I understand from our telephone conversation that due to circumstances beyond your control you were unable to attend our last meeting at the Red Lion.

Our records show that you informed me for a second time you would provide me with your health and safety documentation and this has not yet been received. In addition you were requested to contact me within seven days to rearrange the site visit to the Red Lion and I have not received any communication from you.

Please could you contact me on the above telephone number or e-mail no later than Friday 14<sup>th</sup> August 2015 to arrange a mutually convenient appointment for me to complete my inspection of the premise.

Yours sincerely

Mrs Vanessa Carty  
Environmental Health Technical Officer



**CHESTERFIELD**  
BOROUGH COUNCIL

**COPY**

Mr M Anglesea  
The Red Lion  
261 Chatsworth Road  
Brampton  
Chesterfield  
S40 2BL

Please ask for Mrs Vanessa Carty  
Direct Line 01246 345756  
Fax 01246 345760  
E-Mail [vanessa.carty@chesterfield.gov.uk](mailto:vanessa.carty@chesterfield.gov.uk)

Our Ref VC  
Your Ref

18/08/15

Dear Mr Anglesea

**Health and Safety at Work etc Act 1974**

**Re: The Red Lion, 261, Chatsworth Road, Brampton, Chesterfield**

I note from my records that Improvement Notice number 3940 is due to expire at midnight on 27<sup>th</sup> August 2015. Should you be unable to comply with the requirements of this Improvement Notice prior to its expiry you should apply in writing to me for a notice of extension stating the following;

- The reason for the request;
- The measures taken to comply;
- Temporary measures you intend to take to comply.

An extension of time for compliance with an Improvement Notice will only be granted if there are valid reasons.

I would remind you that failure to comply with an Improvement Notice is an offence as provided by section 33(1)(g) of the Health and Safety at Work etc. Act 1974.

It is my intention to re-visit after 27<sup>th</sup> August 2015 to check compliance with this Improvement Notice.

Yours sincerely

Mrs Vanessa Carty  
Environmental Health Technical Officer



**CHESTERFIELD**  
BOROUGH COUNCIL  
**COPY**

Mr M Anglesea  
64 Station Road  
Brimington  
Chesterfield  
S43 1JT

Please ask for Mrs Vanessa Carty  
Direct Line 01246 345756  
Fax 01246 345760  
E-Mail [vanessa.carty@chesterfield.gov.uk](mailto:vanessa.carty@chesterfield.gov.uk)

Our Ref VC  
Your Ref

18/08/15

Dear Mr Anglesea

**Health and Safety at Work etc Act 1974**  
**Re: The Red Lion, 261, Chatsworth Road, Brampton, Chesterfield**

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It is my intention to re-visit after 27<sup>th</sup> August 2015 to check compliance with this Improvement Notice.

Yours sincerely

Mrs Vanessa Carty  
Environmental Health Technical Officer

This page is intentionally left blank

Environment Services  
 Customer Service Centre  
 85 New Square  
 Chesterfield  
 Derbyshire S40 1AH



**CHESTERFIELD**  
 BOROUGH COUNCIL

E-Mail: [trevor.durham@chesterfield.gov.uk](mailto:trevor.durham@chesterfield.gov.uk)

Ms Emma Marriott,  
 Licensing Section,  
 85 New Square,  
 Chesterfield,  
 S40 1AH

Please ask for  
 Direct Line 01246 345203  
 Fax 01246 345235  
 Our Ref  
 Your Ref

Date 12 November 2015

Dear Emma,

### **Review of premises licence – Red Lion, 261 Chatsworth Rd, Chesterfield**

On behalf of Chesterfield Borough Council, a responsible authority under the Licensing Act 2003, I would like to make a representation in support of the review document submitted by Mrs V Carty from Environmental Health on 11/11/15.

I chair a monthly meeting of responsible authorities and the Red Lion has been of concern to us for some time. A review of the premises licence was being considered earlier this year but was not pursued as the pub was offered for sale at auction, finally being sold on 10 September 2015. After that date the pub did not appear to be trading until last weekend when council officers found after hours sales were taking place.

My concerns regarding the Red Lion are that it operates on the very edge of legitimacy and that the premises licence holder, Mr Mark Anglesea, has frequently breached the terms and spirit of his premises licence.

My concerns include:

1. 08/11/15 – Seen trading at 02.43 when sales of alcohol should have ceased at 00.30.
2. 29/06/15 – the annual fee is paid at the last possible moment and only on threat of suspension.
3. 07/04/15 – The premises licence holder, Mark Anglesea, accepts a formal caution for selling alcohol without having an appointed DPS on 19 and 21 December 2014.
4. There has been ongoing police concern regarding drug activity within the premises.

Chesterfield Borough Council, Town Hall, Rose Hill, Chesterfield S40 1LP  
 Telephone: 01246 345 345, Text: 07960 910 264, Email: [info@chesterfield.gov.uk](mailto:info@chesterfield.gov.uk)

5. A succession of premises supervisors have resigned at short notice but will not elaborate on the reasons. There have been five DPS's since July 2014.
6. 17/11/14 – Warning letter sent after the rear yard of the pub was used for the consumption of alcohol and by customers after 10.30pm, both of which breach the premises licence. The rear yard leads from the pub to Barker Lane.
7. 02/11/14 – Premises still open at 01.05 when should have ceased trading at 00.30. There is a disturbance and the police are called.
8. 09/06/14 – The annual fee is paid at the last moment on threat of licence suspension.

Yours sincerely,



Trevor Durham  
Licensing Manager

**Kate Brookbank (Govt Connect)**

---

**From:** Holden, Glenn, 229 <Glenn.Holden.229@Derbyshire.PNN.Police.UK>  
**Sent:** 17 November 2015 15:54  
**To:** Kate Brookbank (Govt Connect)  
**Subject:** review  
**Attachments:** Review joining master.doc

fyi

PC 229 Glenn Holden  
Licensing Officer  
Divisional Operational Support Unit  
C Division Operations  
Derbyshire Constabulary  
Beetwell Street  
Chesterfield S40 1QP

Tel: 0300 122 8517 (internal 68517)  
Mobile 07525233292  
Mobex 737 1492

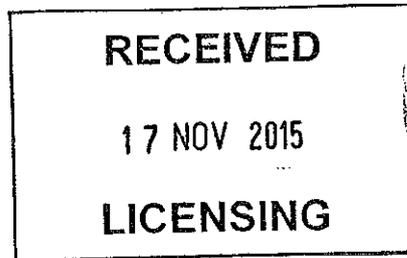
E-mail: [glenn.holden.229@derbyshire.pnn.police.uk](mailto:glenn.holden.229@derbyshire.pnn.police.uk)  
Web: <http://www.derbyshire.police.uk>

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Contact: PC 229 Holden

Direct Dial: 0300 122 8517

Ext: 75 68517

Fax: 0300 122 8443

Our Ref: Licensing

Your Ref:

Ms Emma Marriott,  
Licensing Section,  
85 New Square,  
Chesterfield.  
S40 1AH

13 November 2015

Dear Emma,

On behalf of the Chief Officer of Police, I give formal notice that we wish to make a representation in respect of the application to Review the premises licence for the **Red Lion, 261 Chatsworth Rd, Chesterfield.**

The reasons for this being

- Alleged criminal activity on behalf of the premises Licence Holder, Mr Mark Anglesea.
- Drug related criminality on the premises, that necessitated a bespoke Police Operation
- the frequent concerns that have arisen regarding the conduct of the premises all of which have the propensity to compromise the licencing objectives as defined by the 2003 licensing Act.

If you have any queries in respect of this please do not hesitate to contact us.

Yours sincerely

PC 229 HOLDEN  
'C' Divisional Licensing Team

Date: 20th November 2015

APPENDIX 8

Zara Gillibrand  
2 Barker Lane  
Brampton  
Chesterfield  
Derbyshire  
S40 1du

Tel: \_\_\_\_\_

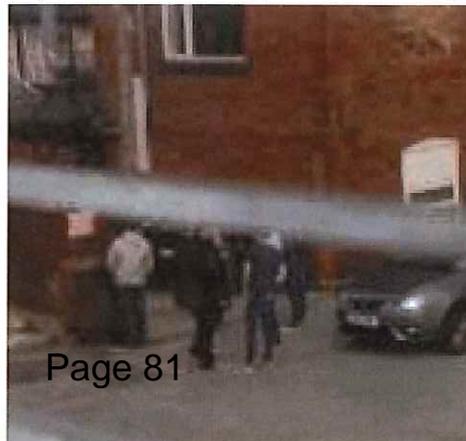
Email: \_\_\_\_\_

Re: Review of premises licence - Red Lion Brampton

I am writing in response to the notification display on the Red Lion at Brampton that they are having a license review, I have a few concerns with the running of the Red Lion I don't find it to be run in a safe and considerate manner. Over the past few years the manager / owner have not complied with the conditions that were added to there licence to help prevent noise nuisance.

Most weekends we suffer from the noise coming from the Red Lion with a mix of noise from the disco with windows open or the music being so loud that even with their windows closed we can still hear the music over our television, if they complied with the simple conditions on their licence by keeping the doors and windows closed and using the noise restricter that they should be using this problem would not be still occurring. The other noise is from their customers who use the back garden as a beer garden the noise and foul language that comes from there is appalling and wakes our son many times each night at weekends and also on some Sunday afternoons in the warmer weather our son isn't able to play in our garden because the noise and language isn't suitable for him to witness. We have always tried to contact the Red Lion directly if we had a problem with the noise but they have never answered the telephone once on all the occasions we have tried, I have contacted the council many times and shown evidence of the noise nuisance and on several occasions the problem has been so bad I have contacted the police. I have witnessed the Red Lion serving / opening well after the times set out in the licence and have come to the conclusions that the Manager / Owner has no regard for following the rules.

The use of the back yard was meant for people to smoke in only but again this is a licence condition that has never been complied with also, which itself leads to a whole list of problems as well as the noise problem, I have witnessed many drug deals taking place in the rear of the property. As well as a lot of anti social behaviour i'd prefer my young son not to be witness too, like urinating up the neighbours garden, fighting,



Page 81



police drug raids.

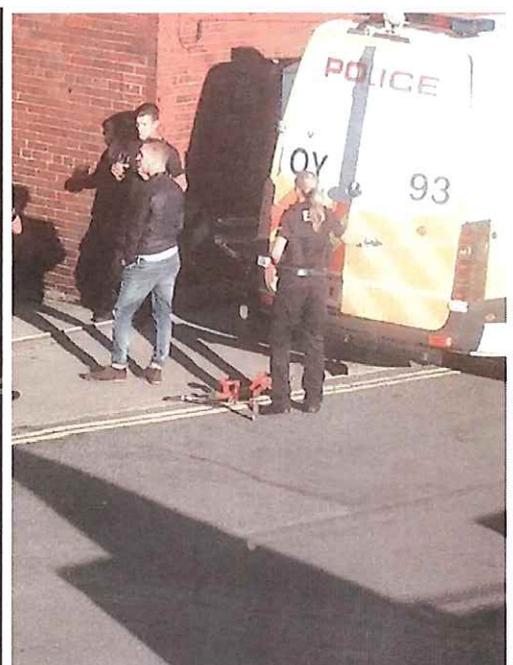
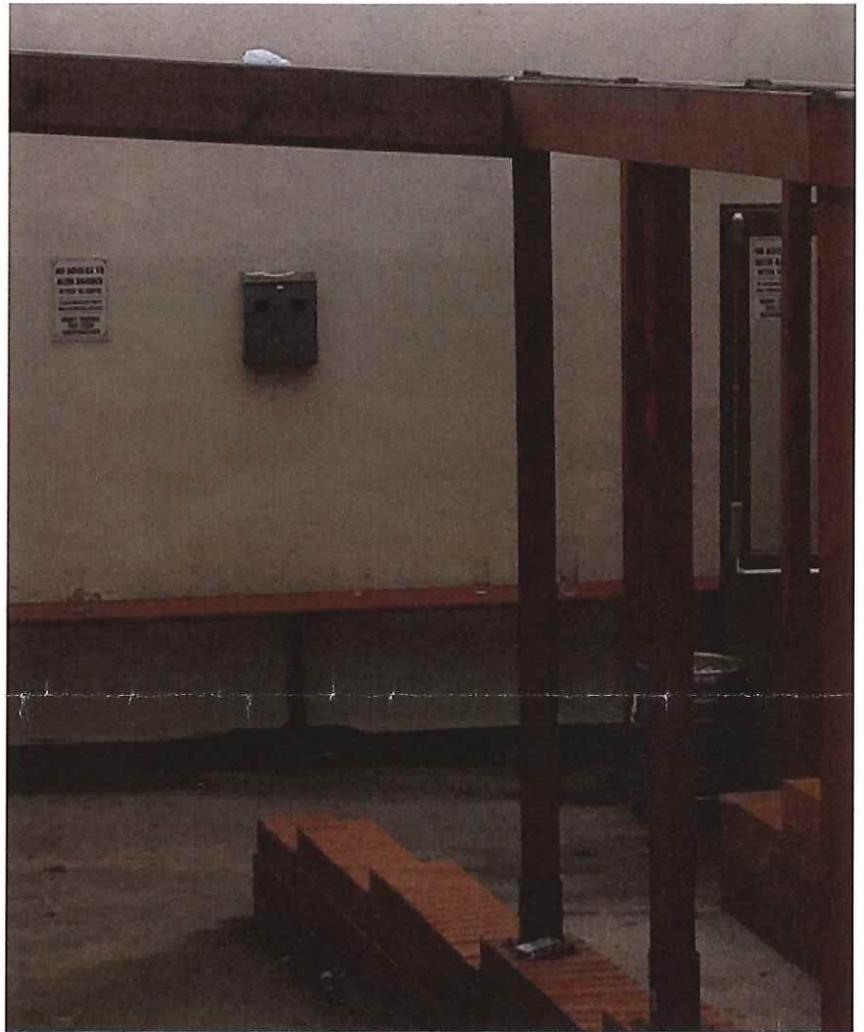
The back yard is being used for drinking in and well after the hours that are stated in the current licence meaning that the anti social behaviour and noise can go on past midnight stopping our son from sleeping and causing him upset from the loud shouting and constant sound of breaking glass.

There is also a lot of mess with broken glass, vomit and on occasions blood left surrounding the property and on no occasion have I ever seen anyone who work at Red Lion clean this up. This makes it dangerous and well as unpleasant for the public using the surrounding pavements / area.

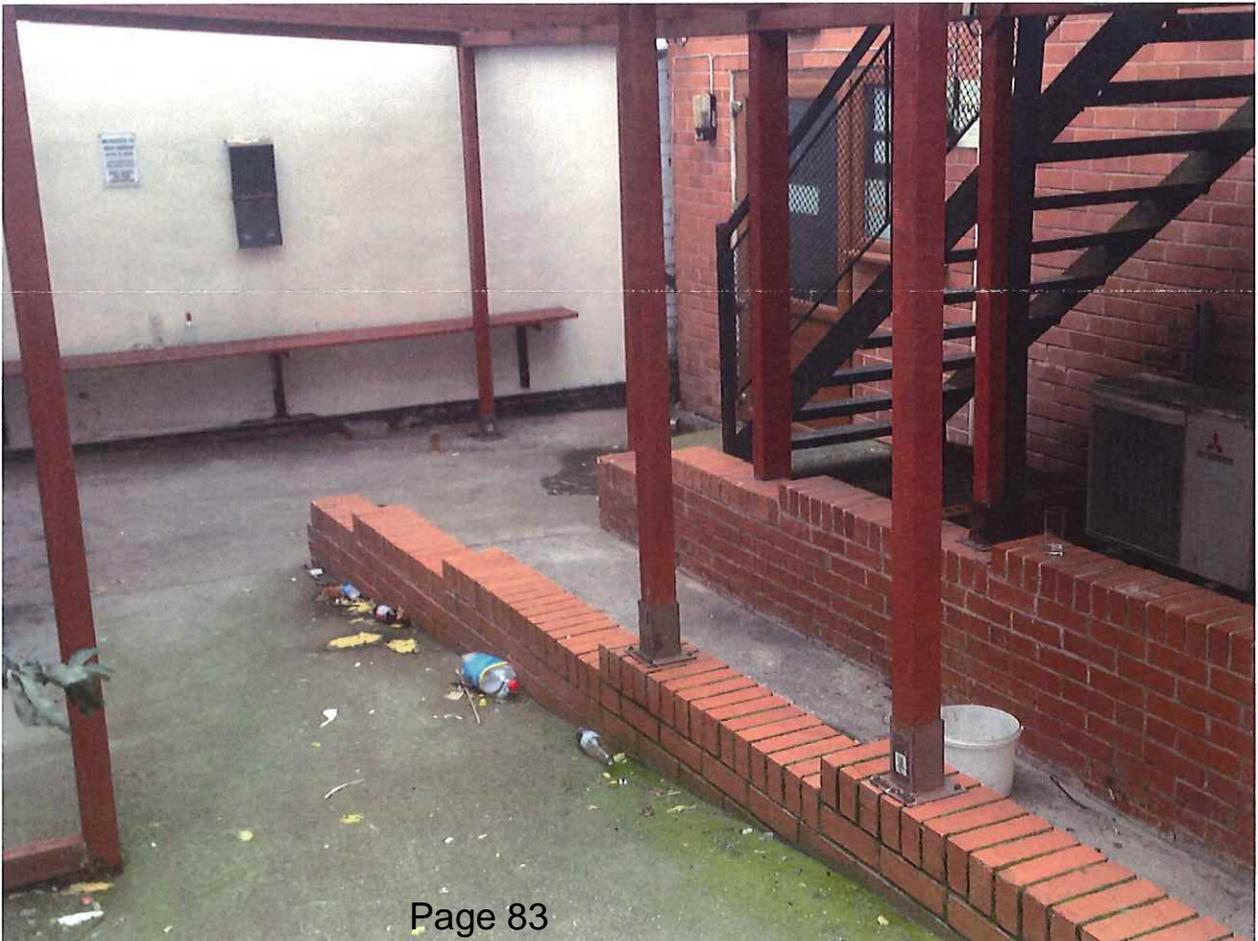
Over the past few years I have supplied evidence of all the mentioned happening and on a regular basis, I would like all the other correspondence I have

sent previous and the various photos / Videos I have sent as evidence to also be considered at the review, I find the current Manager / Owner unable to work to the terms of his public licence and has had many chances to get this right over the last few years without any improvements.

Zara Gillibrand



Below are photos that were taken yesterday morning Sunday 22nd Nov 2015 just to show that even though he knows that he is about to have a review of his licence he still has no interest to working within his licence terms already set and is still allowing people to use the backyard for drinking which meant we had another night of disturbed sleep from the noise of the people using the back yard.



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**WITNESS STATEMENT**

(Criminal Procedure Rules, r 27.1(1));

Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s. 5B)

Statement of: ZARA GILLIBRAND.

Age if under 18yrs: OVER 18 Occupation: GRAPHIC DESIGNER.

(If over 18 insert 'over 18')

This statement (consisting of pages (signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature:

[Redacted Signature]

Date:

5 NOV 2014

SATURDAY 1ST NOVEMBER 2014

I WENT TO BED WITH MY SON AT 9PM ON SATURDAY NIGHT I WAS WOKEN UP AT 9.45PM BY PEOPLE SHOUTING IN THE BEER GARDEN TO THE REAR OF THE RED LION PUB. THE SHOUTING AND PEOPLE CONSTANTLY EXITING THE GARDEN SHOUTING ALSO WAKE MY SON UP, THIS NOISE & THE NOISE OF THE MUSIC WENT ON TILL ABOUT 11.15PM. DURING MY TIME AWAKE I WITNESS PEOPLE LEAVING THE REAR OF THE RED LION ONE GUY WAS SICK ALL IN FRONT OF MY NEIGHBOURS PROPERTY. AND A COUPLE OF GUYS WALKING OF WITH HALF FULL PINT PETS. I FINALLY GOT MY

Signature: .....

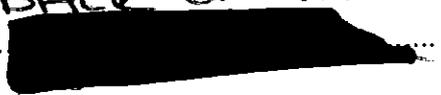
[Redacted Signature]

Witnessed by: .....

SON BACK TO SLEEP & WENT BACK TO SLEEP MYSELF ONLY TO BE WOKEN AGAIN BY A GROUP (ABOUT 12 PEOPLE) LEAVING THE RED LION FIGHTING AMONST THEMSELVES, THE GROUP FINALLY MOVED OF DOWN ALONG BARKER LANE. STILL SHOUTING, BUT THEN CAME BACK MEETING WITH OTHER PEOPLE LEAVING THE RED LION AT ABOUT 1:15AM. EVENTUALLY THE POLICE ARRIVED WHICH MADE THE GROUP DISPERSE. THE POLICE ENTERED THE RED LION VIA THE REAR AND AS A RESULT AT 1:20AM ANOTHER 6-8 PEOPLE LEFT THE PREMISES VIA THE REAR OF THE PROPERTY. EVENTUALLY AFTER THE POLICE DEPARTED IT WENT QUITE. THIS NOISE & DISTURBANCE FROM THE RED LION HADENK MOST ~~REASONS~~ THE NOISE IS LOUD ENOUGH TO WAKE US FROM OUR SLEEP - ENOUGH THE DOUBLE GLAZING.

THE LEVEL OF ANTI SOCIAL BEHAVIOUR IS APPALING. AS YOU WILL SEE FROM THE VIDEO CLIPS ATTACHED CUSTOMERS OF THE RED LION ARE CONSTANTLY USING OUR STREET AND SOMETIMES OUR PROPERTY TO RELIEVE THEMSELVES AND ALSO EXPOSING THEMSELVES WHILE PERFORMING THIS ACT. THE AMOUNT OF FOUL LANGUAGE IS INAPPROPRIATE AND I'M NOW RELUCTANT FOR MY YOUNG SON TO PLAY IN HIS YARD ON A SUNDAY AFTERNOON BECAUSE OF THIS LANGUAGE. I ALSO WITNESSED A GUY SELLING DRUGS FROM THE BACK OF THE RED LION ON A SUNDAY.

Signature: .....



Witnessed by: .....

AFTERNOON (PHOTO ATTACHED)

I HAVE ENCLOSED A CD & DVD WITH CLIPS OF THE NOISE & ANTI SOCIAL BEHAVIOUR, COLLECTED OVER THE PAST MONTHS BELOW I WILL OUTLINE EACH CLIP.

CD - 4 SHORT CLIPS RECORDED ON MY PHONE

IMG 1817 THE SUNDAY OF AUGUST BANK HOLS  
CLIP OF MAN DRINKING IN REAR GARDEN OF THE RED LION WHO THEN URINATES IN MY NEIGHBORS GARDEN.

IMG 1816 THE SUNDAY OF AUGUST BANK HOLS  
GROUP OF LADS DRINKING IN REAR GARDEN / STREET AT THE BACK OF THE RED LION URINATING UP TELEGRAPH POLE.

IMG 1794 SUNDAY 17TH SEPTEMBER 10.45 AM  
NOISE RECORDED FROM INSIDE OUR PROPERTY OF PEOPLE USING BEER GARDEN OF RED LION.

IMG 3065 SATURDAY 18TH OCTOBER 10.55 PM  
NOISE RECORDED FROM INSIDE OUR PROPERTY OF PEOPLE USING THE RED LION GARDEN, ALSO PEOPLE LEAVING FROM BACK OF PROPERTY & URINATING IN THE STREET, EXPOSING HIMSELF.

DVD 10 CLIPS RECORDED ON CAMCORDER

CLIP 1 - AUGUST BANK HOLIDAY - SUNDAY AFTERNOON.

LARGE GROUP DRINKING IN THE REAR OF THE RED LION / STREET, VERY NOISY, LITTERING & URINATING IN RUBBIC

Signature: .....

Witnessed by: .....

CLIP 2. BANK HOLIDAY AUGUST - SUNDAY / AFTERNOON  
LARGE NOISY GROUP DRINKING IN THE REAR OF  
THE RED LION / STREET, USING INTIMIDATING  
ANTI SOCIAL BEHAVIOUR, THE BOUNCER COMES OUT  
ASKS THE GROUP TO GET OFF STREET AND BACK  
INTO THE YARD BUT INSTEAD OF REMOVING DRINKS  
HE STANDS & HAS A SMOKE WITH THEM.

CLIP 3. SATURDAY 22ND 22.41pm  
NOISEY OFFENSIVE LANGUAGE FROM PEOPLE  
DRINKING IN REAR OF RED LION.

CLIP 4. SATURDAY 22ND 22.43pm  
NOISEY OFFENSIVE LANGUAGE FROM PEOPLE  
DRINKING IN REAR OF RED LION.

CLIP 5. SUNDAY 23RD 22.38pm  
NOISEY OFFENSIVE LANGUAGE FROM RED LION.

CLIP 6. SATURDAY 1ST NOV 22.38pm  
NOISE FROM REAR OF RED LION, PEOPLE  
EXISTING RED LION NOISY FROM REAR.

CLIP 7. SATURDAY 1ST NOV 22.51pm  
NOISE FROM REAR OF RED LION.

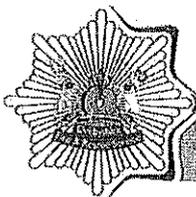
CLIP 8: SATURDAY 1ST NOV 22.55pm  
2 GUYS LEAVING THE REAR OF THE RED LION  
WITH HALF EMPTY PINT POTS, WHICH ONE GUY  
LEAVES ON PAVEMENT OUTSIDE NEIGHBOURS HOUSE.

CLIP 9. SATURDAY 1ST NOV 23.12am  
BIG FIGHT / ARGUMENTS WAKES US UP, WITH LARGE  
GROUP LEAVING THE RED LION.

CLIP 10. SATURDAY 1ST NOV 1.20am  
POLICE ARRIVE DISPERSING THE LARGE GROUP  
THAT ENTERS THE REAR OF RED LION WHERE ANOTHER  
GROUP OF PEOPLE EXIT.

Signature: .....

Witnessed by: .....



Contact Name & Address  
P Bryan

Our Reference  
J229-781/PB/SLR

Your Reference

For the Attention of Trevor Durham  
Licensing Manager

North Area – Chesterfield Office  
Chesterfield Community Fire Station  
Spire Walk Business Park  
Braidwood Way  
Chesterfield  
Derbyshire  
S40 2WH

Date  
2 December 2015

Contact Telephone No & Ext  
01246 223500

Dear Sir

**REGULATORY REFORM (FIRE SAFETY) ORDER 2005  
THE RED LION 261 CHATSWORTH ROAD CHESTERFIELD DERBYSHIRE S40 2BL**

An initial fire safety visit was made on the 23 July 2015 to carry out an audit as required by the Fire Safety Order 2005. Following this visit an Enforcement Notice was served on Mr Mark Angelsea. The Enforcement Notice detailed failures of the Fire Safety Order. These failures were as follows:-

- Duties to take general fire precautions.
- Lack of Fire Risk Assessment.
- Inadequate fire detection
- Lack of evacuation plan
- Lack of maintenance of firefighting equipment
- Lack of maintenance of emergency lighting system
- Lack of maintenance to building fire protection
- Lack of training to employees.

Further visits were made on the 4 September 2015 and 30 November 2015. Efforts have also been made to contact Mr Angelsea by text and telephone to arrange visits.

At present, due to not being able to gain entry, I am not able to determine whether the Enforcement Notice dated 29 July 2015 (enclosed) has been complied with.

Derbyshire Fire & Rescue Service as a Responsible Authority has concerns under the Public Safety Licensing Objective and would wish to join the application for Review under the Licensing Act 2003.

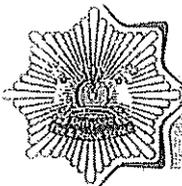
Yours faithfully

Phil Bryan  
Fire Inspector

email: [reception@derbys-fire.gov.uk](mailto:reception@derbys-fire.gov.uk)  
[www.derbys-fire.gov.uk](http://www.derbys-fire.gov.uk)

Chief Fire Officer / Chief Executive  
Terry McDermott MA





# Derbyshire Fire & Rescue Service

Making Derbyshire Safer

The Red Lion  
261 Chatsworth Road  
Chesterfield  
Derbyshire  
S40 2BL

For the Attention of Mr Mark Anglesea

Headquarters  
The Old Hall, Burton Road,  
Littleover, Derby. DE23 6EH

Contact Name & Address  
P Bryan

North Area – Chesterfield Office  
Chesterfield Community Fire  
Station  
Spire Walk Business Park  
Braidwood Way  
Chesterfield  
Derbyshire S40 2WH  
Contact Telephone No & Ext  
01246 223500

Telephone No  
01332 771221  
Fax No  
01332 270360  
Minicom Number  
01332 271900  
Our Reference  
J229-781A/PB/SLR  
Your Reference

Date  
29 July 2015

Dear Sir

## ENFORCEMENT NOTICE

**THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005  
THE RED LION 261 CHATSWORTH ROAD CHESTERFIELD DERBYSHIRE S40 2BL**

Derbyshire Fire and Rescue Authority is the enforcing authority, under Article 25 of the above legislation.

Following a fire safety audit of the above premises on 23 July 2015 I confirm that the matters and steps specified on the attached Schedule need to be carried out to remedy your failure to comply with the above legislation.

The attached Enforcement Notice is a legal requirement to which you have a right of appeal to a Magistrates' Court. Your attention is drawn to the notes that accompany this Notice.

If you are in any doubt as to the obligations placed upon you, or there is any relevant matter upon which you require clarification, you may write or alternatively telephone your enquiry to the inspector named above.

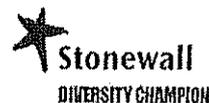
Yours faithfully

For and on behalf of Derbyshire Fire and Rescue Authority

Enc: Enforcement Notice  
Schedule to Enforcement Notice  
Notes and Standard Terms and Definitions

email: [enquiries@derbys-fire.gov.uk](mailto:enquiries@derbys-fire.gov.uk)  
[www.derbys-fire.gov.uk](http://www.derbys-fire.gov.uk)

Chief Executive  
Joy Smith  
MBA FCIPD



Enforcement Notice Number: J229-781/PB/1  
**DERBYSHIRE FIRE AND RESCUE AUTHORITY**  
**ENFORCEMENT NOTICE**  
**NOTICE REQUIRING STEPS TO BE TAKEN UNDER ARTICLE 30 OF THE**  
**REGULATORY REFORM (FIRE SAFETY) ORDER 2005**

<b>Name:</b>	<b>MR MARK ANGLESEA</b>
<b>Premises:</b>	<b>THE RED LION 261CHATSWORTH ROAD CHESTERFIELD DERBYSHIRE S40 2BL</b>
<b>Address:</b>	<b>261CHATSWORTH ROAD CHESTERFIELD DERBYSHIRE S40 2BL</b>

I Philip John Brian on behalf of the Derbyshire Fire and Rescue Authority, The Old Hall, Burton Road, Littleover, Derby, DE23 6EH, hereby give you notice that the Derbyshire Fire and Rescue Authority (the Fire and Rescue Authority) is of the opinion that, as a person being under an obligation to do so, you have failed to comply with the requirements placed upon you by The Regulatory Reform (Fire Safety) Order 2005 in respect of the above named premises and the persons who may be on the premises or who may be affected by a fire on the premises.

The provisions of The Regulatory Reform (Fire Safety) Order 2005 which have not been complied with and the matters which, in the opinion of the Fire and Rescue Authority, result in the failure to comply with the aforementioned provisions of the Regulatory Reform (Fire Safety) Order 2005 are specified in the schedule to this notice.

The Fire and Rescue Authority is further of the opinion that the steps identified in the schedule to this notice must be taken to remedy the specified failure(s) to comply with The Regulatory Reform (Fire Safety) Order 2005.

Unless the steps identified in the Schedule to this notice have been complied with by **30 September 2015** you will be regarded as not being in compliance with this notice and the Fire and Rescue Authority may consider a prosecution against you. You may, however, apply for an extension to this time limit. (See notes).

You have the right to appeal against this notice (see notes), by way of complaint for an order, to the Clerk to the Court of the Magistrates' Court acting for the petty sessions area in which your premises is located. If you wish to bring an appeal, you must do so within 21 days of the date this notice is served on you. The Magistrates' Courts Act 1980 will apply to the proceedings. The bringing of an appeal shall have the effect of suspending the operation of this Enforcement Notice until the appeal is finally disposed of or, if the appeal is withdrawn, until the withdrawal of the appeal.

Date: 29/7/2015

Signed:   
 (On behalf of and duly authorised by Derbyshire Fire and Rescue Authority)

**SCHEDULE REFERRED TO IN ENFORCEMENT NOTICE NUMBER: J229-781/PB/1  
REQUIRING STEPS TO BE TAKEN UNDER ARTICLE 30 OF THE REGULATORY REFORM  
(FIRE SAFETY) ORDER 2005  
ISSUED BY DERBYSHIRE FIRE AND RESCUE AUTHORITY ON 29 JULY 2015**

**Name and Address of Premises:**

**THE RED LION 261 CHATSWORTH ROAD CHESTERFIELD DERBYSHIRE S40 2BL**

Where appropriate, a plan may form part of this Schedule to illustrate the steps which, in the opinion of the Fire and Rescue Authority, need to be taken in order to comply with The Regulatory Reform (Fire Safety) Order 2005.

Note: Notwithstanding any consultation undertaken by the Fire and Rescue Authority, **before** you make any alterations to the premises, **you** may need to apply for approval from either the Local Authority Building Control or an Approved Inspector and/or the approval of any other bodies having a statutory interest.

The matters which are considered to be failures to comply with The Regulatory Reform (Fire Safety) Order 2005 and the steps to remedy those matters are detailed below; guidance may be obtained from the following publication:

**"Fire Safety Risk Assessment in Small and Medium Places of Assembly  
ISBN: 978 1 85112 820 4"**

**Failure number: 1.**

**Duty to take General Fire Precautions**

**Failure**

To take such general fire precautions as will ensure, so far as reasonably practicable, the safety of employees.

**Legislation Applicable**

Article 8 (1) (a) of the Regulatory Reform (Fire Safety) Order 2005 supported by Article 4, which determines what is meant by general fire precautions (see appendix one).

**Duty to take General Fire Precautions**

**Failure**

In relation to relevant persons who are not his employees, take such general fire precautions as may reasonably be required in the circumstances of the case to ensure that the premises are safe.

**Legislation Applicable**

Article 8 (1) (b) of the Regulatory Reform (Fire Safety) Order 2005 supported by Article 4, which determines what is meant by general fire precautions (see appendix one).

**Steps to remedy the failure:**

All openings in the walls, floors, partitions and ceilings for the passage of service piping, ducts or cables, to be adequately sealed using materials affording at least half hour standard of fire resistance in order to minimise the danger of spread of smoke, heat or fumes.

Particular attention should be given to the cellar area.

---

**Failure number: 2.**

**Risk Assessment**

**Failure**

A Fire Safety Risk Assessment has not been carried out.

**Legislation Applicable**

Article 9 (1) of the Regulatory Reform (Fire Safety) Order 2005.

**Steps to remedy the failure:**

Undertake a suitable and sufficient fire risk assessment for the premises and implement the significant findings. The fire risk assessment should be carried out by a competent person. The assessment should also consider the matters in this notice.

---

**Failure number: 3.**

**Fire Safety Arrangements**

**Failure**

To make and give effect to such arrangements for planning, organising, controlling, monitoring and review of the preventative and protective measures.

**Legislation Applicable**

Article 11 (1) of the Regulatory Reform (Fire Safety) Order 2005.

**Steps to remedy the failure:**

Management should be able to demonstrate, in a recorded form, that they have appropriate arrangements in place for the day-to-day running of the business, which includes recognition that fire safety is an important consideration.

---

**Failure number: 4.**

**Fire Fighting and Fire Detection**

**Failure**

The fire detection system is inadequate.

**Legislation Applicable**

Article 13 (1) (a) & 13 (2) of the Regulatory Reform (Fire Safety) Order 2005.

**Steps to remedy the failure:**

The fire detection system was not working during the audit. An assessment should be made of the suitability of the fire alarm system and it should be either repaired or replaced.

---

**Failure number: 5.**

**Procedures for Serious and Imminent Danger and for Danger Areas**

**Failure**

The procedures, including safety drills, to be followed in the event of serious and imminent danger to relevant persons were inadequate.

**Legislation Applicable**

Article 15 (1) (a) of the Regulatory Reform (Fire Safety) Order 2005.

**Steps to remedy the failure:**

Produce and implement a fire evacuation plan for the premises; the responsible person is under a duty to provide appropriate procedures to be followed in the event of a fire. The procedures should be supported by appropriate training and instruction including safety drills which should be recorded as staff training.

---

**Failure number: 6.**

**Maintenance**

**Failure**

The manual fire fighting equipment is inadequately maintained.

**Legislation Applicable**

Article 17 (1) of the Regulatory Reform (Fire Safety) Order 2005.

**Steps to remedy the failure:**

Fire extinguishers should be covered by a suitable system of maintenance and maintained by a competent person in an efficient state. They should be tested annually and checked monthly. Records of testing should be kept.

---

**Failure number: 7.**

**Maintenance**

**Failure**

The fire alarm system is inadequately maintained.

**Legislation Applicable**

Article 17 (1) of the Regulatory Reform (Fire Safety) Order 2005.

**Steps to remedy the failure:**

The fire alarm system should be suitably maintained. It needs to be regularly checked and properly maintained (including inspection and testing by a competent person as necessary) at suitable intervals and any faults rectified as soon as possible.

---

**Failure number: 8.**

**Maintenance**

**Failure**

The emergency lighting is inadequately maintained.

**Legislation Applicable**

Article 17 (1) of the Regulatory Reform (Fire Safety) Order 2005.

**Steps to remedy the failure:**

The emergency lighting system must be suitably maintained. It needs to be regularly checked and properly maintained (including inspection and testing by a competent person as necessary) at suitable intervals and any faults rectified as soon as possible.

---

**Failure number: 9.**

**Maintenance****Failure**

The structural fire precautions are inadequately maintained.

**Legislation Applicable**

Article 17 (1) of the Regulatory Reform (Fire Safety) Order 2005.

**Steps to remedy the failure:**

Structural fire precautions (i.e. fire doors) must be covered by a suitable system of maintenance and maintained by a competent person in an efficient state. A monthly check that fire doors are in good working order and closing correctly and that the frames and seals are intact is considered suitable. Fire doors should be capable of resisting the passage of smoke and fire for long enough so that people can escape from the building. Fire doors should not be wedged open as a matter of routine and should be kept closed whilst not in use. Records of testing must be kept.

---

**Failure number: 10.**

**Provision of Information to Employees****Failure**

To provide comprehensible and relevant information to employees on appropriate procedures and drills to be followed in the event of serious and imminent danger.

**Legislation Applicable**

Article 19 (1) (c) of the Regulatory Reform (Fire Safety) Order 2005.

**Steps to remedy the failure:**

You should ensure that your staff are informed of relevant significant findings from your fire risk assessment especially issues which impact on evacuation procedures.

---

**Failure number: 11.**

**Training****Failure**

Inadequate safety training is provided to enable the employees to safeguard themselves and other persons on the premises.

**Legislation Applicable**

Article 21 (2) (a) of the Regulatory Reform (Fire Safety) Order 2005.

**Steps to remedy the failure:**

Undertake staff training in general fire precautions, principles of prevention and evacuation procedures. Keep a written record of the type and content of fire training given. Staff would also require additional training where they are expected to assist less abled persons.

---

You may take other means to comply with this Notice but they must be equally effective; you are advised to seek advice from either a Derbyshire Fire and Rescue Authority Fire Inspector or other specialist before you do so.