



Please ask for Brian Offiler
Direct Line: 01246 345229
Email committee.services@chesterfield.gov.uk

The Chair and Members of Licensing
Committee - Group 2

Councillors Bellamy, Avis Murphy,
Brunt, Derbyshire, Peter Innes,
Redihough, Brown

10 May 2017

Dear Councillor,

Please attend a meeting of the LICENSING COMMITTEE - GROUP 2 to be held on THURSDAY, 18 MAY 2017 at 2.00 pm in Council Chamber, Town Hall, Chesterfield, S40 1LP, 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 Variation Of A Premises Licence By Daniel Thwaites Plc In Respect Of The Ark Tavern, Chesterfield Road, Brimington, Chesterfield, S43 1AD (LC180) (Pages 3 - 60)

Yours sincerely,

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

Local Government and Regulatory Law Manager and Monitoring Officer

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

Telephone: 01246 345 345, Text: 07960 910 264, Email: info@chesterfield.gov.uk

www.chesterfield.gov.uk

FOR PUBLICATION

**APPLICATION FOR A VARIATION OF A PREMISES LICENCE BY
DANIEL THWAITES PLC IN RESPECT OF THE ARK TAVERN,
CHESTERFIELD ROAD, BRIMINGTON, CHESTERFIELD, S43 1AD
(LC180)**

MEETING: LICENSING COMMITTEE
DATE: 18th MAY 2017
REPORT BY: LICENSING OFFICER
WARD BRIMINGTON SOUTH

1.0 **APPLICATION**

1.1 The Applicant is Daniel Thwaites PLC.

1.2 The premise is
The Ark Tavern
Chesterfield Road
Brimington
Chesterfield
S43 1AD

2.0 **PURPOSE OF REPORT**

2.1 For Members to determine an application for a variation of a premises licence in respect of The Ark Tavern.

2.2 Because relevant representations have been made and not withdrawn, the application cannot be granted or refused under officer delegated authority.

3.0 **BACKGROUND**

3.1 The premises are currently licensed for the sale by retail of alcohol, the playing of recorded music and the provision of late night refreshment as below.

The sale by retail of alcohol for consumption ON and OFF the premises

- Mon, Tues, Wed, & Thursday 11:00 - 00:00
- Friday & Saturday 11:00 - 02:00
- Sunday 11:00 - 02:00

With non-standard timings of

- 24th, 26th, 27th and 28th December from 11.00 until 02.00 the following day.
- New Year's Eve from 11.00 on 31st December until 01.00 on 2nd January.

Late Night Refreshment

- Monday to Saturday, other than Christmas Day, Good Friday or New Year's Eve, 23.00 to 23.30
- On New Year's Eve, from 23.00 to 05.00 the following day.

Playing of recorded music (Indoors)

- Mon, Tues, Wed, & Thursday 11:00 - 00:00
- Friday & Saturday 11:00 - 02:00
- Sunday 11:00 - 02:00

With non-standard timings of

- 24th, 26th, 27th and 28th December from 11.00 until 02.00 the following day.
- New Year's Eve from 11.00 on 31st December until 01.00 on 2nd January.

These timings are reflected in the premises opening hours.

- Mon, Tues, Wed, & Thursday 11:00 - 00:30
- Friday & Saturday 11:00 - 02:30
- Sunday 11:00 - 02:30

With the same non-standard timings of

- 24th, 26th, 27th and 28th December from 11.00 until 02.30 the following day.

- New Year's Eve from 11.00 on 31st December until 01.30 on 2nd January.

3.2 The variation seeks to

- Add the activity of live music to the licence from 2300 hours to Midnight each day.
- Remove outdated conditions from the licence as below:
 - Annual testing and inspection of the Electrical Installation at the premises by a qualified engineer.(Public Safety)
 - Please note that the permitted hours for all of the licensable activities and the opening times of the premises are to remain as per the existing licence.(Prevention of Public Nuisance)
 - No person under the age of 18 years allowed access to any part of the premises (except the beer garden) on any day.(Protection of Children from harm)

3.3 The Premises Licence Holder and DPS wish to extend their capacity to provide live music at the premises, having experienced some success with the provision of live entertainment at the venue on weekend evenings and at a “jam night” on Tuesday evenings.

3.4 The provision of live music on the premises is currently permitted without a specific licence under the deregulation granted by the Live Music Act of 2012. This allows the provision of regulated entertainment provided that

- It takes place between 0800 hours and 2300 hours
- The audience for the performance does not exceed 500.

3.5 The premises licence holder and designated premises supervisor seek this variation to give the flexibility to continue passed that 2300 hour exemption until midnight.

4 **APPLICATION**

4.1 A copy of the application form is attached as Appendix 1. The current Premises Licence is attached as Appendix 2.

4.2 Applications for a variation of a Premises Licence are required to be advertised by way of site notice displayed at the premises, an advert in the local press, and copies of the application submitted to all Responsible Authorities.

- 4.3 A copy of the appropriate local press advert taken from the Derbyshire Times on Thursday 30th March 2017 is attached at appendix 3.
- 4.4 The site notices displayed on the premises, advertising the application were viewed by licensing enforcement staff on 1st April 2017 and found to be displayed correctly and completed appropriately.
- 4.5 The application was submitted on line through the internet and as such, the Chesterfield Borough Council Licensing Authority circulated a copy of the application to the responsible Authorities.
- 4.6 The statutory deadline for representation was 19th April 2017.
- 4.7 Responsible Authorities and Interested Parties (persons/bodies representative of businesses or residents in the vicinity of the premises) are entitled to make representations to the Licensing Authority provided they are relevant representations.
- 4.8 A number of representations have been received and accepted from local residents, in relation to one or more of the licensing objectives which are:-
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - protection of children from harm
- 4.9 Redacted copies of the representations are shown at Appendices numbered 4 to 9.

5 REPRESENTATIONS

- 5.1 Any representation received must be relevant to the likely effect of the proposed variation on the promotion of at least one of the 4 licensing objectives which are: (1) the prevention of crime and disorder; (2) public safety; (3) prevention of public nuisance and (4) the protection of children from harm. Representations which are not relevant must be rejected.
- 5.2 If a representation has been made but is subsequently withdrawn it is no longer a relevant representation and provided there are no

other relevant representations the application can be dealt with under officer delegated authority.

5.3 The representations that have been made come from local residents and address the prevention of crime and disorder, public safety and prevention of public nuisance licensing objectives. They state there are problems with the following issues:

- The music from the premises is so loud as to intrude into private homes, disturbing residents.
- Music going on until late at night, disturbing the sleep of residents.
- Customer parking intruding onto nearby residential streets, causing congestion and obstruction.
- Noisy breaking down of band equipment at the end of the performance.
- The lack of suitability of the venue for live music performances due to a lack of sound proofing, air conditioning, parking space and the fact that the premises is sited in a conservation area surrounded by residential properties.
- Disorderly behaviour of patrons as they leave the premises after the live music ceases at 2300 hours.
- A fear that the scuffles, drunken behaviour and disorder that currently take place outside the venue will be worsened if customers are leaving at a later time.
- Very loud music on bank holidays.
- Windows and doors left open allowing noise to be transmitted more easily.

The representation at appendix 4 also includes a qualifying letter at appendix 4a.

The representation at appendix 5 includes two aerial photographs listed as appendix 5a and 5b.

6.0 ADDITIONAL INFORMATION

6.1 As part of the application process the applicant is required to describe in the operating schedule the additional steps that are intended to be taken in order to promote the licensing objectives for the variation of the licence that has been requested.

- 6.2 The applicant has volunteered the following step in relation to the protection of children from harm objective.
- No person under the age of eighteen years shall be permitted to remain on the premises after 21.00.
- 6.3 The applicant has volunteered no further conditions although it should be noted that the licence holder and the designated premises Supervisor, Mr Walker have taken several steps to address the issue of noise since his tenure at the venue began. These include:
- The placing of sound boards at the premises windows to reduce the transmission of noise through the windows to outside.
 - The use of heavy drape curtains
 - The building of a porch over the back door of the premises (thus reducing noise escaping from the premises when patrons move from within to the beer garden).
 - The planned installation of an air conditioning system to reduce the need to open windows in summer.
 - The installation of triple glazed windows to the property with sound insulation properties.
- 6.4 Some residents have commented that these measures have reduced the noise from the premises somewhat but qualify that statement with a request that no later hours be granted.
- 6.5 The premise has been subject to noise complaints previously and has received attention from Environmental Health noise pollution officers. Evening site visits have been conducted and the noise levels experienced have not led to any enforcement action.
- 6.6 An e-mail from Mr Daley, a technical officer from Pollution Control is attached at appendix 10. He describes his work at the venue and states he would not make any representation in respect of this application.
- 6.7 There had been an instance of the premises playing live music until too late into the evening in the summer of 2016. This had resulted from a mistake. The premises licence authorises recorded music until 0200 hours and the applicant had mistakenly thought this applied to live music. Once the error was identified and suitable advice given, there have been no further similar complaints.

6.8 In February 2017, a leaflet was circulated to local residents asking them to contact the Chesterfield Borough Council Licensing Authority if they had issues with the noise caused by the Ark Tavern. 8 individuals contacted the department and of these, 6 had no complaint to make about the property and 2 were concerned at the noise levels caused by the venue.

7 OPTIONS

- 7.1 When carrying out its licensing functions, the Licensing Authority must do so with a view to promoting the 4 licensing objectives and also with regard to its Statement of Licensing Policy and the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.
- 7.2 The Licensing Committee may grant the application as requested, grant it subject to conditions, or refuse the application.
- 7.3 Where either the applicant or a person who made relevant representations is aggrieved by the decision of the Licensing Authority, appeal is to the Magistrates' Court.

8 RECOMMENDATION

- 8.1 That the Committee
- consider the representations made by local residents and the remedial activities that have taken place at the Ark Tavern
 - and determine whether the application for a variation of a Premises Licence made by Daniel Thwaites PLC, for the premises at The Ark Tavern be granted, granted with conditions, or refused.

LICENSING OFFICER

For more information on this report please contact the author,
Steve Ashby on 01246 345230 or email
steve.ashby@chesterfield.gov.uk

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Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Daniel Thwaites Plc

(Insert name(s) of applicant)

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

Premises licence number

PL/VF/0117

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

The Ark Tavern
Chesterfield Road
Brimington
Chesterfield
Derbyshire

Post town Brimington

Postcode

S43 1AD

Telephone number at premises (if any)

(01246) 769701

Non-domestic rateable value of premises

£12,750

Part 2 – Applicant details

Daytime contact
telephone number

01254 686868

E-mail address (optional)

Current postal address if
different from premises address

Star Brewery
Penny Street
Blackburn
Lancashire

Post town

Blackburn

Postcode

BB1 6HL

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes

No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

The variation is add live music to the permitted licensable activities from 11:00 to 00:00 each day; and also to remove outdated conditions from the premises licence.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

N/A

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 4)					
Mon								
Tue								
Wed						State any seasonal variations for performing plays (please read guidance note 5)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat								
Sun								

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 5)
Tue			
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 6)
Fri			
Sat			
Sun			


D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	11:00	00:00			
Tue	11:00	00:00			
Wed	11:00	00:00			
			State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur	11:00	00:00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri	11:00	00:00			
Sat	11:00	00:00			
Sun	11:00	02:00			
			From 11:00 to 02:00 on 24 th , 26 th , 27 th and 28 th December. From 11:00 on New Year's Eve to 01:00 on 2 nd January.		
			00:00		

22/3/17 Amended by Steve Ashby
 after consultation with solicitor, applicant.
 Typing error showed 0200 terminal how for
 Sunday where it should have read 00.00.


 Steve Ashby
 17.06
 22/3/17

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

H

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

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)			
Mon						
Tue			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)			
Wed						
Thur			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)			
Fri						
Sat						
Sun						

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

None currently anticipated.

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Annual testing and inspection of the electrical installation at the premises by a qualified engineer.

Please note that the permitted hours for all of the licensable activities and the opening times of the premises are to remain as per the existing licence.

No person under the age of eighteen years to be allowed access to any part of the premises (except the beer garden) on any day.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

N/A

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

As per existing premises licence.

b) The prevention of crime and disorder

As per existing premises licence.

c) Public safety

As per existing premises licence.

d) The prevention of public nuisance

As per existing premises licence.

e) The protection of children from harm

No persons under the age of eighteen years shall be permitted to remain on the premises after 21:00.

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee; or I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 11)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	22 nd March 2017
Capacity	Duly Authorised Solicitors and Agents

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)			
Malcolm F Ireland Naphthens LLP, Solicitors Darwen House, Walker Business Park Walker Road			
Post town	Blackburn	Post code	BB1 2QE
Telephone number (if any)	07786 076433		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) Malcolm.Ireland@naphthens.co.uk			

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.
2. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
4. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
14. This is the address which we shall use to correspond with you about this application.



Licensing Act 2003

Premises Licence

PL/VF/0117

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 and OFF the premises

Part 2

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

Daniel Thwaites Brewery
www.thwaites.co.uk

Star Brewery, Penny Street, Blackburn, Lancashire, BB1 6HL.

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

Richard Andrew WALKER

Ark Tavern, Chesterfield Road, Brimington, Chesterfield, Derbyshire, S43 1AD.
Telephone 01246 769701

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/1318

Issued by Chesterfield

ANNEXES

ANNEX 1 - MANDATORY CONDITIONS

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.

Irresponsible Promotions

3. The responsible person shall take all reasonable steps to ensure that staff on the licensed
premises do not carry out, arrange or participate in any irresponsible promotions in relation to
the premises. In this condition, an irresponsible promotion means any one or more of the



Licensing Act 2003

PL/VF/0117

Premises Licence

ANNEXES continued ...

following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-

(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 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;

(c) 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.

Dispensing alcohol directly into the mouth

4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

Free Potable water

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

In conditions numbered 3, 4 and 5 above, "responsible person" means-

(i) the holder of a premises licence in respect of the premises,

(ii) the designated premises supervisor (if any) under such a licence, or

(iii) any individual aged 18 or over who is authorised for the purposes of this section by such a holder or supervisor.





Licensing Act 2003

PL/VF/0117

Premises Licence

ANNEXES continued ...

Age-verification

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

(2) 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 holographic mark or ultraviolet feature.

Smaller Measures

7. The responsible person shall 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; and

(b) customers are made aware of the availability of these measures; and

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

(d) staff must make customers aware of the availability of small measures when customers ask for a drink without specifying the size.

Exhibition of Films

The admission of any person aged under 18 to the exhibition of any film at the premises is restricted in accordance with Section 20 of the Licensing Act 2003.

Door Supervision

Each individual carrying out a security activity at the premises must be licensed by the Security Industry Authority.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE



Licensing Act 2003

Premises Licence

PL/VF/0117

ANNEXES continued ...

An application to vary the Premises Licence was received by the Council on 23rd May 2007 requesting to remove a Condition within the Operating Schedule in relation to the prevention of public nuisance and to replace it with a re-worded condition. (see sentence under the heading of Public Nuisance.

The following text is from the Operating Schedule:-

General - All Four Licensing Objectives

None offered.

The Prevention of Crime and Disorder

Be a member and active supporter/participant of the local pubwatch scheme.

Any advice of the Police Crime Prevention Officer will be complied with.

All members of staff concerned with sales of alcohol will be trained in relation to sales of alcohol to persons under the age of 18 years.

A zero tolerance drugs policy is in place.

Pre-opening safety checks will be carried out at the premises before each trading session.

The DPS will consider the use of door supervision as part of the risk assessment at times when regulated entertainment is provided.

Public Safety

Annual testing and inspection of the Gas installation at the premises by a qualified engineer.

Annual testing and inspection of the Electrical Installation at the premises by a qualified engineer.

Annual testing and inspection of the Emergency Lighting at the premises by a qualified engineer.

Annual testing and inspection of the Fire Alarm at the premises by a qualified engineer.

All escape routes and exits maintained so as not to cause hindrance in the event of evacuation.

The Prevention of Public Nuisance

Signs posted at the exits reminding customers to leave quietly and with respect for local residents.

A 'wind down period' will occur for 30 minutes prior to closing when quieter music is played.

The beer garden will cease to be used by customers for the purposes of the consumption of alcohol at 23.00 each day.

No music will be played in any external parts of the premises after 22.00.

The management will ensure that the grounds of the premises will be kept tidy and without





Licensing Act 2003

Premises Licence

PL/VF/0117

ANNEXES continued ...

nuisance to other neighbouring businesses or residents.

Please note that the permitted hours for all of the licensable activities and the opening times of the premises are to remain as per the existing licence.

The Protection of Children From Harm

Any S.34 gaming machines at the premises are positioned within sight of the bar servery in order that full supervision can be given to those playing on such.

All members of staff concerned with sales of alcohol will be trained in relation to sales of alcohol to persons under the age of 18 years.

Persons aged under 18 years of age to be excluded from the premises on occasions which the management deem appropriate and subject to the activities taking place.

A PASS accredited ID scheme is in place to assist in relation to underage sales of alcohol as well as access to the premises.

No person under the age of 18 years allowed access to any part of the premises (except the beer garden) on any day.

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

There was no hearing in relation to this application, so no conditions were imposed by the Licensing Authority.



Licensing Act 2003

PL/VF/0117

Premises Licence Summary

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 and OFF the premises

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Daniel Thwaites Brewery

Star Brewery, Penny Street, Blackburn, Lancashire, BB1 6HL.

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

Richard Andrew WALKER

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).

APPENDIX 3

Infirmay Road, Chesterfield (East Side)
From a point 361 metres south of its junction with Wharf Lane in a southerly direction for a distance of 46 metres

Elder Way, Chesterfield (East Side)
From its junction with Saltergate in a southerly direction for a distance of 17 metres
From its junction with Knifesmithgate in a northerly direction for a distance of 12 metres

Avondale Road, Chesterfield (West Side)
From a point 230 metres north of its junction with Hawksley Avenue in a southerly direction for a distance of 4 metres

Lower Grove Road, Chesterfield (Both Sides)
From its junction with Rutland Road in an easterly direction for a distance of 7 metres

Albion Road, Chesterfield

North Side
From its junction with Foljambe Road in an easterly direction for a distance of 5 metres

South Side
From its junction with Foljambe Road in an easterly direction for a distance of 9 metres

Foljambe Road, Chesterfield (West Side)
From its junction with West Bars in a northerly direction for a distance of 147 metres
From a point 183 metres north of its junction with West Bars in a northerly direction for a distance of 30 metres

Clarence Road, Chesterfield (East Side)
From a point 45.5 metres south of its junction with Saltergate in a southerly direction for a distance of 7.5 metres
From its junction with Albion Road in a southerly direction for a distance of 7 metres

PERMIT HOLDERS ONLY
8am to 6pm, Monday to Saturday

Albion Road, Chesterfield (North Side)
From a point 5 metres east of its junction with Foljambe Road in an easterly direction for a distance of 16 metres

Foljambe Road, Chesterfield (West Side)
From a point 141 metres north of its junction with West Bars in a northerly direction for a distance of 42 metres
From a point 207 metres north of its junction with West Bars in a northerly direction for a distance of 24 metres

Lower Grove Road, Chesterfield (North Side)
From a point 8 metres east of its junction with Rutland Road in an easterly direction for a distance of 16 metres

Lower Grove Road, Chesterfield (South Side)
From a point 50 metres west of its junction with Clarence Road in a westerly direction for a distance of 23 metres

West Street, Chesterfield (East Side)
From a point 46 metres south of its junction with Cross Street in a southerly direction for a distance of 16.5 metres

PERMIT HOLDERS ONLY
8am to 8pm, Monday to Saturday

Highfield Road, Chesterfield (West Side)
From a point 75 metres north of its junction with Sheffield Road in a northerly direction for a distance of 30 metres

Higher Albert Street, Chesterfield (East Side)
From a point 42 metres north of its junction with St Helen's Street in a northerly direction for a distance of 37.5 metres
From a point 53.5 metres north of its junction with St Helen's Street in a northerly direction for a distance of 37.5 metres

Wharf Lane, Chesterfield (South Side)
From a point 34.5m north east of its junction with Sheffield Road in a north easterly direction for a distance of 62.5 metres
From a point 104m north east of its junction with Sheffield Road in a north easterly direction for a distance of 41 metres

LIMITED WAITING
Waiting Limited to 2 hours No Return Within 1 hour 8am to 6pm, Monday to Saturday

Permit Holders Exempt

Clarence Road, Chesterfield (East Side)
From a point 7 metres south of its junction with Albion Road in a southerly direction for a distance of 41 metres

DISABLED PARKING PLACES

Wharf Lane, Chesterfield (South Side)
From a point 97 metres north east of its junction with Sheffield Road in a north easterly direction for a distance of 6.5 metres

Higher Albert Street, Chesterfield (East Side)
From a point 47 metres north of its junction with St Helens Street in a northerly direction for a distance of 6.5 metres

Highfield Road, Chesterfield (West Side)
From a point 105 metres north of its junction with Newbold Road in a northerly direction for a distance of 6.5 metres

LOADING BAY

Elder Way, Chesterfield (East Side)
From a point 28 metres north of its junction with Knifesmithgate in a northerly direction for a distance of 16 metres

PAY AND DISPLAY PARKING PLACES

LOCATION DESCRIPTION	VEHICLE CLASSES	TIMES OF OPERATION	SCALE OF CHARGES
Devonshire Street, Chesterfield	Motor Cars	Monday to Saturday 8am - 6pm 4 hours maximum stay no return within 1 hour	Up to 30mins - £0.50 Up to 1 Hour - £1.30 Up to 2 Hours - £1.70 Up to 4 Hours - £3.00
Devonshire Street North East Side			
From a point 4 metres south-west of its access road to Chesterfield Borough Council Car Park in a south-westerly direction for a distance of 25 metres			

Exemptions will be made to enable vehicles used in connection with any building operation or demolition; removal of any obstruction to traffic; carrying out of statutory powers or duties taking in petrol etc, from any garage situated within the lengths of road; or as part of a funeral or wedding cortege. The usual exemptions for disabled persons' vehicles will also apply to the no waiting at any time restrictions.

A copy of the Order and documents giving more detailed particulars of the Order are available for inspection at the offices of the Derbyshire County Council, Main Reception, County Hall, Matlock between 9am and 5pm, Monday to Friday, and at Chesterfield Library, Central Studies Library, New Beetwell Street, Chesterfield, S40 1QN between 9am and 7pm Monday to Friday and between 9am and 4pm Saturday until 05 May 2017.

Any person who wishes to question the validity of the Order, or any provision contained in it, on the ground that it is not within the powers of The Road Traffic Regulation Act 1984, or on the ground that a requirement of that Act or any relevant regulation made under it has not been complied with may, within 6 weeks from 23 March 2017 make application for the purpose to the High Court.

Dated: 30 March 2017
Mike Ashworth, Strategic Director - Economy, Transport and Communities, Derbyshire County Council, County Hall, Matlock DE4 3AG.

DERBYSHIRE COUNTY COUNCIL
TEMPORARY PEDESTRIAN SUBWAY CLOSURE
LOUDSLEY GREEN ROAD, LOUNDSLEY GREEN
WHEN: 03 April 2017 to 28 April 2017
WHERE: Close Pedestrian Subways on Loundsley Green Road between Holmebrook Valley Road and rear of Gower Crescent; and also between Quantock Way and Taddington Road.
REASON: To facilitate repair to subway structure.
ALTERNATIVE ROUTE: Diversion will be in place for pedestrians.
** Only One Subway Will be Closed At Any One Time **
Access will be maintained, whenever reasonably possible, on the affected length of road. The road will re-open as soon as the work is finished. This may be earlier than advertised.
Derbyshire County Council apologises for any inconvenience caused while work takes place. Anyone needing further information should ring Call Derbyshire 01629 533190.
The County Council has made an Order under Section 14 of the Road Traffic Regulation Act 1984 (as amended) to prohibit its use by traffic.
Mike Ashworth, Strategic Director - Economy, Transport and Communities, County Hall, MATLOCK DE4 3AG

DERBYSHIRE COUNTY COUNCIL
TEMPORARY ROAD CLOSURE
MATLOCK ROAD / DALE HILL, SOUTH WINGFIELD
WHEN: 18 April 2017 between 1000hrs and 1200hrs and 28 April 2017 between 1000hrs and 1200hrs
WHERE: Close Matlock Road / Dale Hill, South Wingfield from its junction with Birches Lane, to its junction with Belper Road.
REASON: To facilitate machinery access to river bank.
ALTERNATIVE ROUTE: A615 Matlock Road - Un-Named Road signed Shirland (Wessington) - B6013 Belper Road - Dale Hill and Vice Versa.
Access will be maintained, whenever reasonably possible, on the affected length of road. The road will re-open as soon as the work is finished. This may be earlier than advertised.
Derbyshire County Council apologises for any inconvenience caused while work takes place. Anyone needing further information should ring Call Derbyshire 01629 533190.
The County Council intends to make an Order under Section 14 of the Road Traffic Regulation Act 1984 (as amended) to prohibit its use by traffic.
Mike Ashworth, Strategic Director - Economy, Transport and Communities, County Hall, MATLOCK DE4 3AG

LICENSING ACT 2003
Application to Vary
Premises Licence
We, Daniel Twittles plc, HEREBY GIVE NOTICE that an application has been submitted to Chesterfield Borough Council for a variation of the Premises Licence in relation to The Ark Tavern, Chesterfield Road, Brintington Chesterfield S43 1AD, a brief description of the nature of the proposed variation being as follows: To allow live music from 11:00 to 00:00 each day and to remove some out of date conditions from the operating schedule and to amend a condition on the operating schedule. Any interested party or responsible authority may make representations in connection with the application. Any such representations must be made in writing and made by no later than 19th April 2017 to the relevant Licensing Authority, the postal address and, where appropriate, the world wide web address (where the register of the Authority is kept and when the record of the application may be inspected) being as follows: Chesterfield Borough Council Licensing Department, Customer Service Centre, 85 New Square Chesterfield S40 1AH (www.chesterfield.gov.uk). Note: It is an offence to knowingly or recklessly make a false statement in connection with an application. A person is liable to an unlimited fine on conviction should such a false statement be made.
Naphens LLP, Blackburn 7496703

Duckmanton for Henry Boot Developments L
Reason for Advertisement - Major Application
CHE/15/00832/FUL - Hybrid planning applic
listed building application, comprising of full pl permission for restoration & conversion of the 11* listed Walton Works building to 4 ground retail units (370.65sqm) with 26 apartments; Mill Terrace to 11 dwellings with associated p Outline planning permission (all matters reser the erection of additional residential units, units (1574sqm & 1858sqm) & a public house (5 units received 31/10/2016 & 23/03/2017 (latest r relate only to works to the listed building) at Walton Works, Factory Street, Chesterfield for Robison.

Reason for Advertisement - Major Application
Accordance with the Local Plan, Conservatio Setting of a Listed Building
CHE/15/00843/LBC - Hybrid planning applic
listed building application, comprising of full permission for restoration & conversion of th 11* listed Walton Works building to 4 grou retail units (370.65sqm) with 26 apartmen Mill Terrace to 11 dwellings with associat Outline planning permission (all matters rese the erection of additional residential units, units (1574sqm & 1858sqm) & a public house (with parking & associated works - revised info received 31/10/2016 & 23/03/2017 (latest i relate only to works to the listed building) at Walton Works, Factory Street, Chester Robison PLC
Reason for Advertisement - Listed Building C

A copy of each application and the documents and plans with it are available for inspection during the normal office hours (8.30 am and 5.00 pm (4.30 pm on Fridays) at the Customer Centre, New Square, Chesterfield or on the Council's website www.chesterfield.gov.uk

Any person who wishes to make representations to the Council in connection with an application should make them in writing within 21 days of the date of publication of the notice to the Development Management, Planning Service, Town Hall, Chesterfield. Under the Local Government (Access to Information) Act 1998, any person who wishes to make representations to the Council should do so in writing. A public inspection of the application will be held at the Council's offices on the date of the public inspection. Any correspondence will be published on the Council's website. For householders, minor commercial and signage applications, representations received from interested parties made at the public inspection will be sent to the secretary of State should there be a need for a further opportunity to comment.

Where decisions are made by planning committees the Borough Council allows the public to address planning committees. Guidance on how to do this is available on the Council's website www.chesterfield.gov.uk
H BOWEN - Chief Executive

Bolsover District Council
TOWN AND COUNTRY PLANNING ACT 1990
Any comments on the following application should be made within 21 days. Notice is hereby given that Bolsover District Council has received details of the following proposal:
Application No: 17/00114/FUL
Application Type: Full Planning Permission
Proposal: Residential development for 10 town houses with associated parking spaces and landscaping
Location: Site Of Bolsover District Council Meadow Lane South Normanton
Applicant: Dragonfly Developments Ltd.
A copy of the proposal, including the plans and documents submitted with it, may be inspected at the Main Reception during office hours, or alternatively viewed on the Councils web site at www.bolsover.gov.uk Anyone who wishes to make comments or representations about this application should write to The Planning Department, Bolsover District Council, The Arc, High Street, Clow Derbyshire, S43 4JY quoting the above application number. All correspondence should be received at the Council within the period specified above and with the date of this notice. Please note that comments will be made available for inspection by anyone and will be posted to the Council's website remain available for public inspection until the decision has been made.
D. Swaine, Chief Executive Officer
Date: 30th March 2017

Goods Vehicle Operator's Licence
ASHTAD PLANT HIRE LTD trading at 102 DALTON AVENUE, BIRCHWARRINGTON, WA3 6YE is applying for a new goods vehicle licence as follows: To keep 2 goods vehicles and 42 trailers at a centre at LIVE TRAKWAY, MANSFIELD, BRAMLEY VALE, CHESTERFIELD, Derbyshire. Owners or occupiers of land (including the operating centre(s) who believe they should make written representations to the Commissioner at Hillcrest House, 102 Dalton Avenue, Leeds, LS9 6NF, stating their reasons for objection. Representor should send a copy of their representations to the applicant at the address given at the time of notice. A Guide to Making Representations is available from the Traffic Commission.

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This Representation relates to the following licensing objective(s)

Please tick one or more boxes ✓

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

X

Please state the ground(s) for making the Representation (please read guidance note 1)

The Prevention of Crime and Disorder
Public Safety
<p>The Prevention of Public Nuisance</p> <p>We have live across from the Ark Tavern for the past 16 years, and until the last year, there have not really been any issues, having lived so long in the centre of Brimington, we understand that there can be some rowdiness on occasions, people come to the local pubs to enjoy themselves, relax and meet friends, we get that, and we ourselves have many friends in the area and enjoy the socialising in the local bars and restaurants, it is a very important part of the community, we understand that and want it to carry on.</p> <p>That said, the Ark Tavern has undergone some changes in how it operates over this last year, and what it offers to its customers, with the introduction of live bands and jamming sessions, initially this was not a problem, as myself and my wife like to listen to music in its many forms, but this is now having a serious negative impact on our lives, the music sessions seem to happen 4 days a week more on bank holidays. The difficulty for us is that these sessions have gone on long after midnight, which I would consider to be unreasonable in the week, as I and my wife are up for work at 6am on a daily basis.</p> <p>The music is so loud now, with the vibrations as well as sound being heard and felt by most of the residents on our close and surrounding area, but during the summer time it gets much, much worse, in fact it is unbearable at times, as the Taverns windows and doors are left open allowing the sound to travel further, the noise is bad enough when they are closed. Also on Bank holidays and weekends there can be numerous bands, playing, which can be playing throughout the day, well into the night, on many occasions midnight or later. I live so close to the Tavern, this stops me enjoying my hobbies of gardening, or even spending time outside with family and friends, as the music can be overpowering. We cannot even take refuge in our house as the music can still be heard inside, and at night time, two of our bedrooms face the Ark Tavern and bear the brunt of this onslaught.</p> <p>As if the endless music sessions are not enough, we have to tolerate people from the pub leaving their cars outside our and other resident's houses on [] parking is very limited for the people who already live there, so this just adds insult to injury. The haphazard parking is also a serious concern to all the residents, as it poses a potential</p>

danger, should the unthinkable happen and the emergency services need access to any of the properties on [redacted] this would be almost impossible to do on one of the jam and music session nights or Bank holiday weekends.

Therefore the proposed extending of the music licence to midnight, fills us with dismay and despair, currently the music licence is to 11pm, which often carries on after this time, then they have to breakdown the equipment and remove to various vehicles, this can take some time to do, which increases the external noise, and adds to the inconvenience to the nearby community, so if this was to happen until midnight, the noise would carry on well into the early hours of the morning, which I would consider to be beyond unreasonable. The Ark Tavern was never designed as Live Music Venue, no Sound proofing, no Air Conditioning, inadequate parking, in Conservation Area with residential housing all way round it.

The Protection of Children from Harm

Please use this box if you wish to provide further details, additional sheets can be used if necessary.

Councillor Andy Bellamy

Chesterfield Borough Council

I would like to take the opportunity to introduce myself, I have lived and worked in Brimington for over 35 years, my family have grown up in the area, and attended schools in Brimington, we feel very much a part of the community, and have been very happy to live in the area, until recently that is, where we feel our lives have been transformed in to a living nightmare.

We have live across from the Ark Tavern for the past 16 years, and until the last year, there have not really been any issues, having lived so long in the centre of Brimington, we understand that there can be some rowdiness on occasions, people come to the local pubs to enjoy themselves, relax and meet friends, we get that, and we ourselves have many friends in the area and enjoy the socialising in the local bars and restaurants, it is a very important part of the community, we understand that and want it to carry on.

That said, the Ark Tavern has undergone some changes in how it operates over this last year, and what it offers to its customers, with the introduction of live bands and jamming sessions, initially this was not a problem, as myself and my wife like to listen to music in its many forms, but this is now having a serious negative impact on our lives, the music sessions seem to happen 4 days a week more on bank holidays. The difficulty for us is that these sessions have gone on long after midnight, which I would consider to be unreasonable in the week, as I and my wife are up for work at 6am on a daily basis.

The music is so loud now, with the vibrations as well as sound being heard and felt by most of the residents on our close and surrounding area, but during the summer time it gets much, much worse, in fact it is unbearable at times, as the Taverns windows and doors are left open allowing the sound to travel further, the noise is bad enough when they are closed. Also on Bank holidays and weekends there can be numerous bands, playing, which can be playing throughout the day, well into the night, on many occasions midnight or later. I live so close to the Tavern, this stops me enjoying my hobbies of gardening, or even spending time outside with family and friends, as the music can be overpowering. We cannot even take refuge in our house as the music can still be heard inside, and at night time, two of our bedrooms face the Ark Tavern and bear the brunt of this onslaught.

As if the endless music sessions are not enough, we have to tolerate people from the pub leaving their cars outside our and other resident's houses, parking is very limited for the people who already live there, so this just adds insult to injury. The haphazard parking is also a serious concern to all the residents, as it poses a potential danger, should the unthinkable happen and the emergency services need access to any of the properties, this would be almost impossible to do on one of the jam and music session nights or Bank holiday weekends.

Therefore the proposed extending of the music licence to midnight, fills us with dismay and despair, currently the music licence is to 11pm, which often carries on after this time, then they have to breakdown the equipment and remove to various vehicles, this can take some time to do, which increases the external noise, and adds to the inconvenience to the nearby community, so if this was to happen until midnight, the noise would carry on well into the early hours of the morning, which I would consider to be beyond unreasonable. The Ark Tavern was never designed as Live Music Venue, no Sound proofing, no Air Conditioning, inadequate parking, in Conservation Area with residential housing all way round it.

I would welcome at your earliest convenience, the opportunity to speak to you further on this, any advice you could give, would be greatly appreciated, as we would dearly love to resolve this contentious issue.

Yours gratefully

This Representation Relates to the Following Licensing Objective(s)

Please tick one or more boxes ✓

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for making the Representation (please read guidance note 1)

The Prevention of Crime and Disorder:

A change to the licence agreement, allowing the loud music to continue playing beyond 11pm, will increase the amount of people turning out of the Ark Tavern immediately prior to and just after midnight. The extra noise and occasional associated bad behaviour would not be acceptable around midnight, as it is bad enough as it is at around 11pm. There are quite often incidents of shouting and screaming outside of the Ark Tavern and at times there have been fights, scuffles and drunken behaviour in the road outside. On one occasion a car was driven into our close and into the front of one of the houses, badly damaging the wall. It was reported that the occupants were drunk and had just left the Ark Tavern.

Public Safety:

The Prevention of Public Nuisance

The licensee is applying for a change to his existing licence conditions and we have strong objections to one part of his application. Our objection is to the application to extend the hours that the landlord can play live music, including heavy rock bands. This is because of the proximity of the Ark Tavern to our home (see attached maps) and the noise levels currently experienced.

We have been told that the landlord has taken several measures to try and reduce the noise levels. This approach has been appreciated, but sadly it has not really worked for us, to eliminate the noise nuisance fully. Although we are not 100% happy with the current situation, we are however willing to compromise and accept the status quo, so long as the music volume does not increase again. However, we strongly object to the request for extending the hours until midnight, as we feel this is a very unreasonable request. We feel that 11pm is plenty late enough for such disturbance, especially with young children and older citizens also living within near proximity of the premises (see attached maps).

We have lived at this address for over 24 years and we have only had such continual noise issues from the Ark Tavern in the last two to three years.

Continued on further detail section.

The Protection of Children from Harm:

Please use this box if you wish to provide further details, additional sheets can be used if necessary.

Unfortunately, we have had to make several complaints regarding the Ark Tavern over the last couple of years due to the high levels of noise from the live music played by various groups, including heavy rock and pop bands.

Currently the music stops at 11pm and although we can still hear the music, we are willing to accept that is a reasonable time for the music to stop. However, when the music stops at 11pm the public house remains open.

If the new application is granted this will enable the music to be played until 12pm (midnight) and we think that would be very unfair to the residents who live in near proximity to the Ark Tavern. Residential properties surround the Ark Tavern (see attached maps), the nearest of which is only about 15 metres away and directly opposite the public house, only separated by the width of the road and pavements.

To allow the music to be played after 11pm we feel would be very unfair to us and other residents in the immediate area, it does have an impact on our lives, as people go to work etc. and have to get up early in the mornings. People also work at the weekend these days, not only in the week. So, to be kept up until after midnight, because of the loud music, we feel is unacceptable.

I will also be making a complaint to the noise pollution department regarding the granting of future Temporary Event Notices. I can provide you with a copy if required.



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This Representation relates to the following licensing objective(s)

Please tick one or more boxes ✓

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for making the Representation (please read guidance note 1)

The Prevention of Crime and Disorder	
Public Safety	
The Prevention of Public Nuisance	<p>OUR ADDRESS IS SIDE WAYS ON TO THE ARK TAVERN, THE NOISE COMING FROM THE PUBLIC HOUSE IS EXTREMELY LOUD THIS CAN CARRY ON UNTIL A RIDICULOUS HOUR, WHAT I HAVE WITNESSED ON A NUMBER OF OCCASIONS VIOLENCE CAUSED BY CUSTOMERS STUMBLING OUT OF THE ARK TAVERN. LASTLY WE HAVE NOTICED AN INCREASE OF VEHICLES PARKING ON OUR CUL-DE SAC, THIS IS NOT ACCEPTABLE AS IT MAKES IT VERY DIFFICULT FOR US TO EXIT OUR ROAD.</p>
The Protection of Children from Harm	

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This Representation relates to the following licensing objective(s)

Please tick one or more boxes ✓

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

✓
✓

Please state the ground(s) for making the Representation (please read guidance note 1)

The Prevention of Crime and Disorder	<p>THE LICENSEE IS WANTING TO CHANGE HIS LICENCE AGREEMENT ALLOWING LOUD MUSIC MOSTLY HEAVY ROCK BANDS + JAM SESSION NIGHTS, TO MORE NIGHTS A WEEK + ALL TILL AFTER 12AM.</p> <p>THIS WILL INCREASE MORE INCIDENTS OF SHOUTING, ARGUING AND VERY OFTEN FIGHTING + COMING INTO OUR CLOSE TO URNATE AS THEY LEAVE THE PUB. LAST WEEKEND EVEN THE WANDLADY WAS SHOUTING, ARGUING IN THE MIDDLE OF THE STREET </p> <p> WHAT KIND OF BEHAVIOUR DOES THIS SHOW TO HER CUSTOMERS. I DIDNT WITNESS THIS</p>
Public Safety	<p>PEOPLE WHO WAS IN THE PUB TOLD ME AS THIS CUST HER HUSBAND WENT OUTSIDE TO CHECK EVERYTHING OKAY</p>
The Prevention of Public Nuisance	<p>THE LICENSEE IS APPLYING FOR A CHANGE TO HIS EXISTING LICENCE HE NOW HOLDS WE OBJECT TO THIS VERY STRONGLY WE HAVE LIVED HER 28 YEARS AND THIS HAS ONLY HAPPENED THESE LAST FEW YEARS AND IS CAUSING A NUISANCE.</p> <p>THE OBJECTION TO THIS APPLICATION IF HE WANTS TO EXTEND THE HOURS + ALSO MORE NIGHTS TO PLAY MUE MUSIC WHICH IS MOSTLY HEAVY ROCK BANDS ^{EVERY} + LOUD JAM SESSIONS. WE LIVE IN THE CLOSE ACROSS FROM THE ARK TAVERN SO THE NOISE CARRIES STRAIGHT ACROSS AS NOTHING IN THE WAY TO STOP THIS.</p>
The Protection of Children from Harm	<p>WE DON'T WANT TO BE UNREASONABLE IN THIS SITUATION AND HAVE OURSELVES VISITED THE ARK TAVERN ON A FEW OCCASSIONS AS TO MEET FRIENDS WHO LIKE A CERTAIN BAND BUT FEEL 11O'CLOCK IS LATE ENOUGH TO CONSIDER OTHER PEOPLE ON OUR CLOSE WITH YOUNG CHILDREN + PEOPLE WHO WORK AT WEEKENDS AS NOW RETAIL DEMANDS.</p>

Please use this box if you wish to provide further details, additional sheets can be used if necessary.

UNFORTUNATELY ON 2 BANK HOLIDAYS HAD TO
~~COME~~ TO MAKE A COMPLAINT DUE TO THE LOUD
LEVELS OF NOISE COMING FROM ROCK BARS.
AND FIND MANY RESIDENTS OF THE CLOSE
NOW GOING OUT DAYS ROUND BANK HOLIDAYS.
THIS SHOULDN'T HAVE TO BE. !!!

WE CANNOT OPEN WINDOWS AT WEEKENDS NOW.
~~AS IS~~ ~~SAVED~~ ~~THE~~ ~~AS~~ ~~THE~~ ~~ARE~~ ~~THE~~ ~~ARE~~ ~~THE~~
~~TOO~~ ~~AS~~ ~~THE~~ ~~ARE~~ ~~THE~~ ~~ARE~~ ~~THE~~ ~~ARE~~ ~~THE~~

HAVING FRIENDS VISIT DOES CAUSE EMBARRASSMENT
(SITTING OUT IN THE GARDEN WHICH IS A RARE
THING BECAUSE OF OUR WEATHER, IS GOING TO
BE A THING OF THE PAST DUE TO THE NOISE
COMING FROM THE ALE TAVERN.) ~~AS~~ ~~THE~~ ~~ARE~~ ~~THE~~ ~~ARE~~ ~~THE~~ ~~ARE~~ ~~THE~~

This Representation relates to the following licensing objective(s)

Please tick one or more boxes ✓

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for making the Representation (please read guidance note 1)

<p>The Prevention of Crime and Disorder</p>
<p>Public Safety</p> <p>Later licence for music will mean people drinking longer coming out onto a main rd . Brimington is a small village and would require greater policing.</p>
<p>The Prevention of Public Nuisance</p> <p>Noise is a main concern with a large amount off residents. Please remember you have a nursing home for people with special needs less than a 100 meters away as well as general residents.</p>

The Protection of Children from Harm

Please use this box if you wish to provide further details, additional sheets can be used if necessary.

An additional letter is attached.

My property backs onto the rear of the Ark Tavern and I have just found out the pub has applied for an even latter licence to play live music than it has at the moment going on till 12pm.

A little back ground information.

I moved into my property 12 years ago and the noise we experienced over the first weekend was horrific from the Ark Tavern, I spoke to the then manager to try to stop the noise and was told "the live music makes me money" and that I would have to live with this.

Over the next 7 years or so I had numerous meetings with the manager trying to sort this and even involved the Environmental health. The noise was eventually reduced but to nowhere near enough in my opinion and the problem persisted over the years.

Then the previous managers left and the pub closed temporarily and it was a god send, simply to be able to enjoy a drink in my own garden or watch tv in the house without it having to be turned up to drown out the music from the Ark Tavern.

When the present managers took over I immediately went around to talk to them, about the problems I had been having with noise. I was pleasantly surprised to be told they would only be having music on every few Fridays.

This lasted a few months and then the music was every weekend yet again. This soon progressed to then include a JAM night on Tuesdays. Again I went around to talk to the management about the noise levels and was told they would keep the rear door shut to reduce the volume.

Which they did as much as possible, which did reduce the noise levels but certainly did not stop it.

Soon after this they then increased the amount of days they had live music on to include Sunday afternoons so the only days we don't have live music is Monday and Thursdays.

The noise was that bad when the rear doors were open I gave them two air conditioning units to help stop the heat and the doors being opened.

Since they have moved in to take over the Ark Tavern the amount of noise has reduced and at the worst I only have to endure this until around 12pm. Yes the music does stop usually around 11pm but then you have a good hour were people are shouting and laughing as they are leaving the pub.

That said I do appreciate that the present managers have done a lot to negate the noise levels in comparison to the previous ones and for that I am grateful.

To recap, the Ark Tavern has music on Tuesdays, Thursdays, Fridays, Saturdays and Sunday afternoons.

So to increase this by just an hour to 12PM and then you will have people leaving after that is just unacceptable.

As I have stated earlier my back garden joins onto the back garden of the Ark Tavern. the play area for the children is within 2 meters of my fence, so every weekend there is nice weather we have noise from children right up until around 8PM and then the music until 11PM at present.

The Ark might be a business but my house is my home and any increase in noise lasting longer is simply unbearable,

Also Brimington is in a conservation area, it is a lovely little local village which already has 3 public houses that play music there is simply no public need to have yet another one.

Allowing another public house to have live music on latter causing more noise, larger amounts of people leaving latter and drinking more is not really in my eyes the right decision and if you had to live next to it I don't think it would be yours either either.

This Representation relates to the following licensing objective(s)

Please tick one or more boxes ✓

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for making the Representation (please read guidance note 1)

The Prevention of Crime and Disorder

Public Safety

The Prevention of Public Nuisance THIS ESTABLISHMENT IS ALREADY CREATING A SIGNIFICANT NOISE NUISANCE WITH ITS CURRENT 23.00 ENTERTAINMENT LICENCE. LIVING SO CLOSE TO THE PREMISES IT IS IMPOSSIBLE TO HAVE YOUR WINDOWS OPEN WHILST BANDS ARE PERFORMING OR RECORDED MUSIC BEING PLAYED. THIS NOISE CAN ALSO STILL BE HEARD DESPITE HAVING DOUBLE GLAZED WINDOWS. NOT ONLY IS IT DIFFICULT TO GET TO SLEEP ON OCCASIONS THE MUSIC IS SO LOUD IT HAS WOKEN ME UP. THE LANDLORD HAS HAD "MUSIC FESTIVALS" WHERE BANDS HAVE PERFORMED OUTSIDE AND DOORS & WINDOWS ARE LEFT OPEN. IN ADDITION TO THE EXTRA HOURS OF NOISE THIS WILL EXTEND TO DISRUPTION CAUSED BY ROWDY / DRUNK PEOPLE EXITING THE PUB AND WILL MAKE THIS WORSE BY EXTENDED DRINKING TIME. THERE HAVE BEEN MANY OCCASIONS WHERE ARGUMENTS AND FIGHTS HAVE TAKEN PLACE WITH POLICE ATTENDANCE REQUIRED. THIS IS FRIGHTENING TO MY YOUNG GRANDCHILDREN WHO STAY WITH ME. - CONTINUED OVER THE PAGE.

The Protection of Children from Harm

Please use this box if you wish to provide further details, additional sheets can be used if necessary. THE LICENCEE / STAFF / MANAGERS HAVE MADE ~~NO~~ NO ATTEMPT TO ENGAGE WITH THE LOCAL COMMUNITY TO EXPLAIN WHY THIS EXTENSION HAS BEEN APPLIED FOR THEREFORE DEMONSTRATING A TOTAL LACK OF RESPECT OR CONSIDERATION FOR HIS NEIGHBOURS OR THE LOCAL COMMUNITY. IF PEOPLE WANT LATE NIGHT ENTERTAINMENT THERE ARE MANY ESTABLISHMENTS AVAILABLE IN CHESTERFIELD. THIS IS A LOCAL VILLAGE PUB AND I CAN SEE NO POSITIVE BENEFIT OTHER THAN ADDITIONAL SALES / PROFIT FOR THE ESTABLISHMENT. THIS IS THE ONLY PUB IN THE LOCALITY THAT CAUSES NOISE NUICEANCE ~~AT~~ AND ALLOWING THIS APPLICATION WILL MAKE A BAD SITUATION FOR LOCAL RESIDENTS EVEN WORSE. ~~I STRONGLY~~ I WOULD ASK THAT THE LOCAL RESIDENTS ARE PROTECTED FROM FURTHER NUICEANCE BY REJECTING THIS APPLICATION.

APPENDIX 10

From: Andy Daley

Sent: 27 March 2017 14:55

To: Steve Ashby

Subject: Ark Tavern Full Variation Application

Hi Steve

I write on behalf of responsible authority Pollution Control in respect to this application.

I will not be raising any objections to this application for the following reasons.

1. The only complaints this section have received in recent years regarding noise from this premise is due to their outdoor TEN events, which are limited in occurrence and always within social hours. It is not unusual for pubs to hold such events in the warmer months, usually for charity, but one off like this, finishing at reasonable times are extremely unlikely to give rise to Statutory Nuisance.
2. Myself and yourself have spent a fair bit of time discussing the issues around extending the premises licence to allow Regulated Entertainment to be added to the Premises Licence to terminate at midnight. This has included monitoring visits to the area to assess the noise from the premise. I am aware that the applicant has had specialist triple glazing retro fitted to all windows of the pub fronting Chesterfield Road, and a lobby built to the rear of the premise. Air conditioning has also been installed in the premise. All these measures will help reduce noise breakout from the premise. Indeed monitoring carried out on a Saturday night following the retro fit of the specialist glazing did indicate a reduction of noise breakout from the premise.

Thanks

Andy

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