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Please ask for Amanda Clayton Direct Line: 01246 345273 Email committee.services@chesterfield.gov.uk

The Chair and Members of Licensing
Committee - Group 1
Councillors A Murphy, Perkins, T
Murphy, Rogers and Thornton

21 July 2021

Dear Councillor,

Please attend a meeting of the LICENSING COMMITTEE - GROUP 1 to be held on WEDNESDAY, 28 JULY 2021 at 10.00 am in the Council Chamber, Town Hall, Rose Hill, Chesterfield, S40 1LP, the agenda for which is set out below.

AGENDA

Part 1(Public Information)

- Declarations of Members' and Officers' Interests relating to items on the agenda
- 2. Apologies for Absence
- 3. Minutes (Pages 3 6)
- 4. Application for a Temporary Event Notice in respect of The Ark Tavern, Chesterfield Road, Brimington (Pages 7 16)

Yours sincerely,

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

Local Government and Regulatory Law Manager and Monitoring Officer

LICENSING COMMITTEE RECORD OF DECISIONS

Date of Hearing and Determination:	Tuesday, 22nd June, 2021
Members Present:	Councillor A Murphy (Chair) Flood P Niblock Rayner

Declarations of Interest:	No declarations of interest received.					
Minutes:	Minutes of the Licensing Committee meeting held on 9 June, 2021 were signed by the Chair as a correct record.					
Minute No:	2(21/22)					
Subject:	Application for a Variation of a Premises Licence by Townes Brewery Ltd in respect of Speedwell Inn, Lowgates, Staveley, S43 3TT (LC000)					
Meeting in Public Private	Public					
Name of Applicant:	Townes Brewery Ltd					
Applicant's Representatives:	Ms Hazelwood of John Gaunt & Partners					
Responsible Authorities who made Representations:	Environmental Health withdrew their representation					
Premises Licence Holder	Mr Charles Lawrie Evans					
Interested Parties who made Representations:	Mr Simon Wallhead Chesterfield Borough Council Housing Services Ms Charette Gillespie Mr Korben Slater Mr John Hazelhurst Ms Tracey Rawlinson Mr Donald Parsons					
Record of Decision	 That the Application for a Variation of a Premises Licence by Townes Brewery Ltd in respect of Speedwell Inn, Lowgates, Staveley, S43 3TT be granted in accordance with the amended application subject to: The licensable activities will be as per the original application except for the deletion of the activity specified as H in the application form (anything of a similar description to that falling within E, F or G). (This was a proposed amendment by the Applicant). The standard days and timings of the licensable activities 					

will be as per the original application except for the following –

- The rear beer garden will close at 22:00 hours on Sunday to Thursday. On Friday to Saturday it will close at 23:00 hours.
- 2. No regulated entertainment will be undertaken in the side beer garden after 23:00 hours.
- 3. Live music on Friday and Saturday will cease at 00:00 hours (midnight).

[all of the above as amendments proposed by the Applicant]

- The non-standard days and timings of the licensable activities will be extended by an additional hour in respect of Bank Holidays, national holidays, Christmas Eve, Boxing Day, New Year's Day, Good Friday, Easter Monday and National Saints Days. In relation to New Year's Eve the hours will be extended from the usual closure time on that day to the start time on New Year's Day [these were proposed amendments by the Applicant].
- The embedded restrictions in Annex 1 of the Premises Licence are deleted in their entirety. For the avoidance of doubt, the Committee decided not to grant the Applicant an additional 20 minutes' drinking-up time the reason being that in view of the extension to the hours that had been granted it would be neither necessary nor proportionate to do so and to uphold the licensing objectives in particular in relation to the prevention of crime and disorder and the prevention of public nuisance.
- The Premises Licence will be subject to the relevant mandatory conditions.
- The Premises Licence will be subject to the conditions proposed and volunteered by the Applicant and which were set out at pages 166 to 168 inclusive of the report to the Committee subject to the following modifications (shown in bold italic) imposed by the Committee –
 - Under the heading "Prevention of Crime and Disorder", condition 3 shall read: "The premises to undertake a risk assessment as to the provision of SIA door supervisors when undertaking unusual events and the risk assessment to be made available to an authorised officer of the Licensing Authority, Derbyshire Constabulary and the Environmental Protection Authority at least 7 days in advance of such an event." The Committee decided it was necessary and proportionate to impose the modification in order to promote all 4 licensing objectives. Page 4

	2. Under the heading "Prevention of Public Nuisance", condition 4 shall read: "The designated smoking area will be the side beer garden only." The Committee decided it was necessary and proportionate to impose the modification in order to promote the licensing objective relating to public nuisance and the Committee took into account that the Applicant had informed the Committee that only the side beer garden was used as a designated smoking area and the Committee also took the view that customers had a choice of either using the designated smoking area in the side beer garden or the rear beer garden which would be smoke-free. For the avoidance of doubt, no other area within the curtilage of the premises should be used as a designated smoking area.
Signed as a correct record:	
Date:	



For publication

Application for a Temporary Event Notice by Mr. John Singlehurst in respect of The Ark Taven, Chesterfield Road, Brimington, Chesterfield,

Derbyshire, S43 1AD

Meeting: Licensing Committee

Date: 28 July 2021

Cabinet portfolio: Health and Wellbeing

Report by: Meredith Ezard, Licensing Officer

For publication

1.0 **Purpose of report**

- 1.1 For Members to determine whether or not to issue a counternotice in respect of the application for a temporary event notice following an objection made by Chesterfield Borough Council Environmental Health.
- 1.2 Relevant representation has been made by Environmental Health Officer, Esther Thelwell in respect of the application and not withdrawn. Consequently, the application cannot be granted or refused under officer delegated authority.

2.0 **Report Details.**

- 2.1 On 14 July 2021 the Licensing Authority received an application from Mr. John Singlehurst for a Temporary Event to take place at the Ark Tavern, Chesterfield Road, Brimington, Chesterfield, Derbyshire. The premises is a public house and seeks authorisation for a live music event which includes the sale by retail of alcohol for consumption on the Premises and the provision of regulated entertainment between 12pm 9pm on 29 August 2021. This event is to be held outdoors in the garden at the rear of the Premises.
- 2.2 Mr Singlehurst has stated in his application that there will be a maximum of 100 persons at any one time (the maximum permitted number of persons at any one time at a temporary event under the Licensing Act 2003 is 499). A copy of the application is attached to the report as Appendix 1.
- 2.3 Mr Singlehurst is a Personal License holder and is entitled under the Licensing Act 2003 to apply for a maximum of 50 temporary events each calendar year and he is within that limit.

3.0 **Objection by Environmental Health**

- 3.1 The Licensing Authority received notice of an objection from Environmental Health on 14 July 2021. A copy of the objection is attached to the report as Appendix 2.
- 3.2 The Ark Tavern had applied for and been granted a Temporary Event Notice for an event held on 26 June 2021 which resulted in noise complaints being made by members of the public to the Council. As a result, a joint visit between Licensing and Environmental Health was made to the applicant to ensure that the applicant was aware of the terms and conditions of the license. A further application was made by the applicant for a Temporary Event Notice for an event held on 10 July 2021

and was granted. An Environmental Health Officer attended the area during the time of the event and due to their findings they have objected to this Temporary Event Notice being granted. A further submission will be obtained with details of the complaints, investigation and outcome.

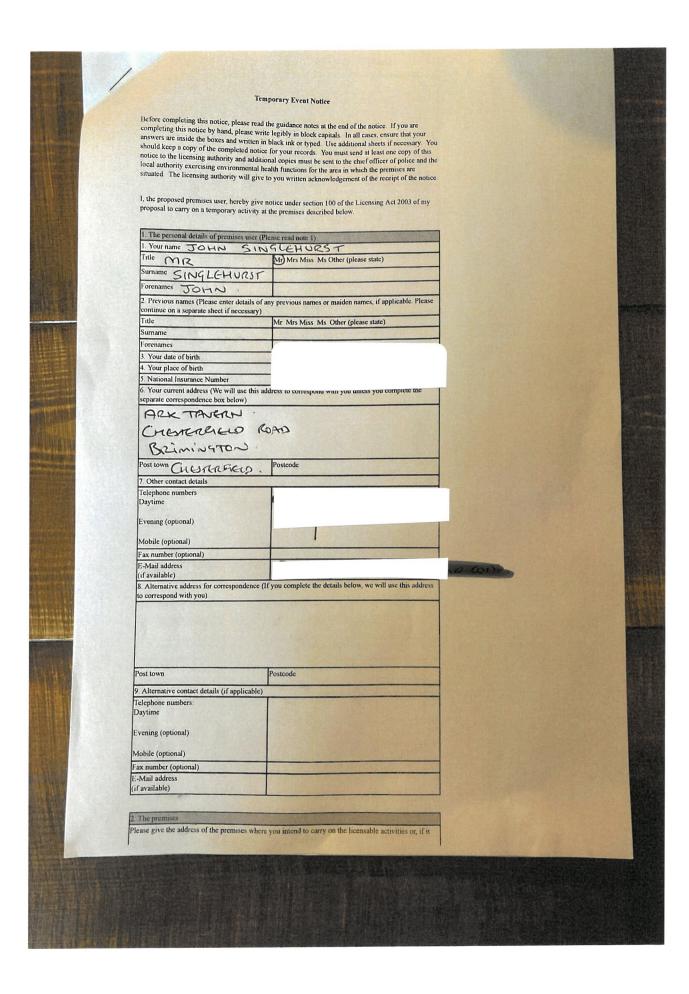
4.0 **Conclusion**

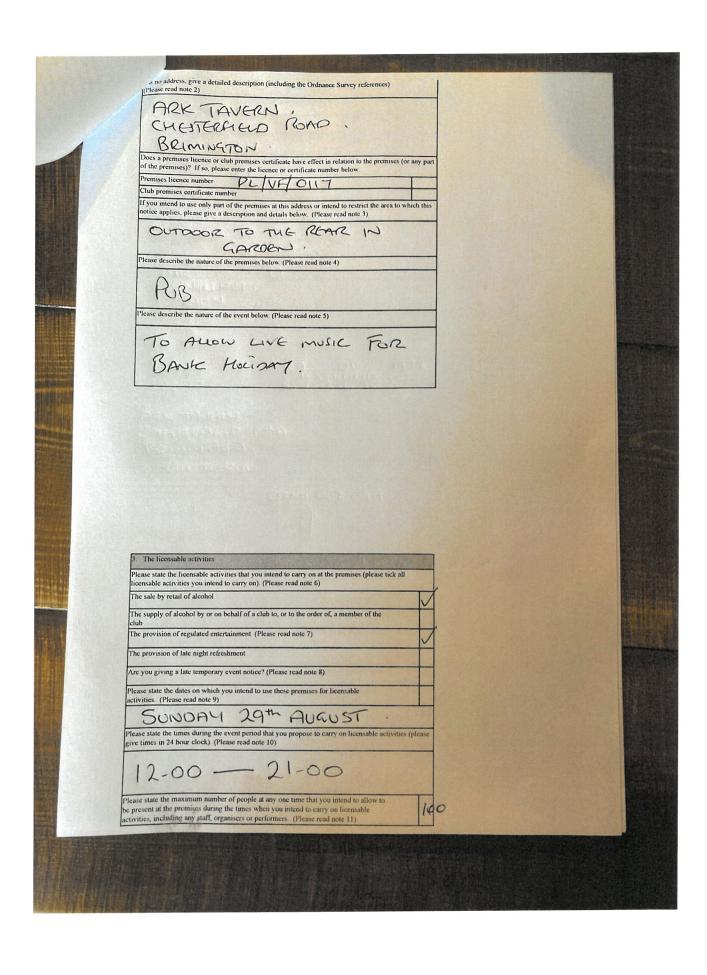
- 4.1 The Licensing Act 2003 (section 105) states that in the event of an objection being raised by a "relevant persons" to a Temporary Event Notice Application the Licensing Authority must hold a hearing to consider the objection notice.
- 4.2 Having regard to the objection notice given by Environmental Health the Committee can decide to issue a counter notice (if it is necessary to do so to promote all four licensing objectives), in which case the licensable activity at the temporary event is prohibited, or the Committee decides not to issue a counter notice (if it is satisfied that the four licensable objections will not be undermined), in which case the licensable activities will be permitted. The Committee can also decide not to issue a counter notice but can impose one or more conditions on the standard temporary event notice from the existing conditions on the premises licence if it is appropriate for the promotion of the licensing objectives to do so.
- 4.3 The Licensing Act 2003 (section 106) does give the Police or Environmental Health as "relevant persons" the power, with the agreement of the applicant, to modify the temporary event notice at any time before a hearing is held or dispensed with. If the Police (or EHA) did decide to exercise that power and the applicant agreed to modify the temporary event notice, then the objection made by the Police (or EHA) is treated as being withdrawn. At the time of writing this report, no such agreement has been reached between the

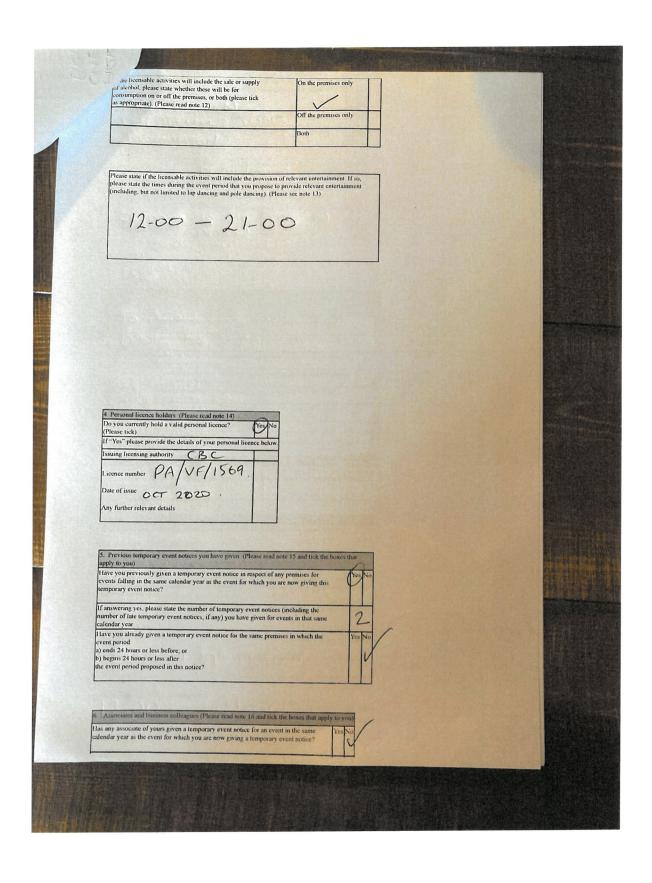
Environmental Health Officer and the applicant, but Members will be informed if that happens.

Meredith Ezard LICENSING OFFICER 20.07.2021

For more information on this report please contact the author, Meredith Ezard email Meredith.Ezard@chesterfield.gov.uk







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lare manner	ng yes, please state the total number of of late temporary event notices, if are events in the same calendar year.	f temporary event notices (including ty) your business colleague(s) have			
7. Checklist	(Please read note 17)				
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Rachel Appleyard

From: Esther Thelwell
Sent: 14 July 2021 16:42

To: Meredith Ezard; North Division Licensing; Chesterfield Pollution Control

Cc:EastAreaAdmin; Food Safety; Steven Payne; Andy DaleySubject:RE: CBC - TEN - Ark Tavern - 29.08.2021 - OBJECTION

Application: TEN

Date: 29th August 2021 EH ref: PR202107-11714

On Saturday 10th July 2021 I carried out noise monitoring at a residential property near to the Ark Tavern. The evening observation was carried out to monitor the noise levels from the live band as part of the TEN application at that time.

The music was unbearable at the time of my arrival (6:50pm) and made conversation in the garden impossible.

The band did have a break and whilst on their break recorded music was then played – this too was at a volume that made conversation in the garden difficult.

Occasional swearing and reference to drugs over the microphone was also audible during my observation.

I used a decibel app on my phone – which reads similar to our calibrated sound level meter (within 1, 2 dB) and max. noise level in complainants garden was 82dB(A).

On the basis of my observations on 10th July and the absence of any noise management. I have no option but to refuse this TEN application.

Regards, Esther

Esther Thelwell
Senior Environmental Health Officer
Environmental Protection Team
Leisure, Culture and Community Wellbeing

**I am currently working from home. Please contact me by email or use the team email pollution@chesterfield.gov.uk **

Stonegravels Depot, Old Brick Works Lane, Stonegravels, Chesterfield Derbyshire, S41 7LF Email (direct) esther.thelwell@chesterfield.gov.uk Email (team) pollution@chesterfield.gov.uk Direct dial 01246 959539 Extn 6539 Molile 07980 566 383 molile 0

follow us @CBCEnvironment

like and follow Chesterfield BC Environmental Health

^{**}Please note, I now have a new direct dial number**













From: Meredith Ezard < Meredith. Ezard@chesterfield.gov.uk >

Sent: 14 July 2021 16:05

To: North Division Licensing < NorthDivLicensing@Derbyshire.Police.UK>; Chesterfield Pollution Control

<Chesterfield.Pollution@Chesterfield.gov.uk>

Cc: EastAreaAdmin < EastAreaAdmin@derbys-fire.gov.uk>; Food Safety < Food.Safety@chesterfield.gov.uk>

Subject: CBC - TEN - Ark Tavern - 29.08.2021

Hi,

Please see the attached application for a TEN for Ark Tavern to hold an event on 29 August 2021.

Objections must be raised by 19 July 2021

Many Thanks

Meredith Ezard
Licensing Officer
Chesterfield Borough Council,
Customer Service Centre,
85 New Square, Chesterfield. S40 1AH
Working Days – Monday, Wednesday and Thursday