



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)

1. 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,

A handwritten signature in black ink, appearing to be "Amanda Clayton".

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	<p>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:</p> <ul style="list-style-type: none"> • 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 –

1. 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 –
 1. 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.

	<p>2. Under the heading "Prevention of Public Nuisance", condition 4 shall read: <i>"The designated smoking area will be the side beer garden only."</i> 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.</p>
<p>Signed as a correct record:</p>	
<p>Date:</p>	

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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 counter-notice 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

Temporary Event Notice

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)	
1. Your name JOHN SINGLEHURST	
Title MR	<input checked="" type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname SINGLEHURST	
Forenames JOHN	
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)	
Title	Mr Mrs Miss Ms Other (please state)
Surname	
Forenames	
3. Your date of birth	
4. Your place of birth	
5. National Insurance Number	
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)	
ARK TAVERN CHESTERFIELD ROAD BRIMINGTON	
Post town CHESTERFIELD	Postcode
7. Other contact details	
Telephone numbers	
Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)	
Post town	Postcode
9. Alternative contact details (if applicable)	
Telephone numbers:	
Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	

2. The premises
Please give the address of the premises where you intend to carry on the licensable activities or, if it

If no address, give a detailed description (including the Ordnance Survey references)
(Please read note 2)

ARK TAVERN,
CHESTERFIELD ROAD,
BRIMINGTON

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.

Premises licence number PL/VF/0117

Club premises certificate number

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)

OUTDOOR TO THE REAR IN
GARDEN

Please describe the nature of the premises below. (Please read note 4)

PUB

Please describe the nature of the event below. (Please read note 5)

TO ALLOW LIVE MUSIC FOR
BANK HOLIDAY.

3 The licensable activities

Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)

The sale by retail of alcohol



The 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 (Please read note 7)



The provision of late night refreshment

Are you giving a late temporary event notice? (Please read note 8)

Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)

SUNDAY 29th AUGUST

Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 10)

12-00 — 21-00

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11)

100

the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 12)	On the premises only	<input checked="" type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input type="checkbox"/>

Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment (including, but not limited to lap dancing and pole dancing). (Please see note 13)

12-00 - 21-00

4 Personal licence holders (Please read note 14)

Do you currently hold a valid personal licence? Yes No
(Please tick)

If "Yes" please provide the details of your personal licence below.

Issuing licensing authority	CBC
Licence number	PA/VF/1569
Date of issue	OCT 2020
Any further relevant details	

5. Previous temporary event notices you have given (Please read note 15 and tick the boxes that apply to you)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes	No
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year	2	
Have you already given a temporary event notice for the same premises in which the event period	Yes	No
a) ends 24 hours or less before, or	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) begins 24 hours or less after the event period proposed in this notice?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

6. Associates and business colleagues (Please read note 16 and tick the boxes that apply to you)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes	No
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

...answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		


7. Checklist (Please read note 17)
I have: (Please tick the appropriate boxes, where applicable)

Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Made or enclosed payment of the fee for the application	<input type="checkbox"/>
Signed the declaration in Section 9 below	<input type="checkbox"/>

8. Condition (Please read note 18)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the sale or supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 19)
The information contained in this form is correct to the best of my knowledge and belief.

I understand that it is an offence:
(i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount, and
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both.

	
Date	14/07/21
Name of Person signing	J. SINGLEHURST

COUNCIL'S PRIVACY STATEMENT

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also, and on occasions will be required to, share this information with other bodies responsible for auditing or administering public funds for these purposes. For further

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 Daley
Subject: 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 **

Please note, I now have a new direct dial number

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 | Mobile 07980 566 383 | Main switchboard 01246 345345



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like and follow Chesterfield BC Environmental Health



Love
CHESTERFIELD



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