

## APPENDIX 9

**From:** Emma Marriott  
**Sent:** 02 July 2018 15:52  
**To:** Steve Ashby  
**Subject:** Objection for Ark Tavern

Please find attached objection from Licensing for the Ark tavern's variation.

Emma  
Licensing Officer  
Chesterfield Borough Council  
85 New Square, Chesterfield, S40 1AH

The Ark Tavern is a premise on Chesterfield Road, Brimington, Chesterfield, Derbyshire, S43 1AD.

The premises licence permits the following licensable activities.

- any playing of recorded music
- the sale by retail of alcohol
- provision of late night refreshment
- a performance of live music

In March 2017 the premises was subject to a minor variation which extended the terminal hour performances of live music from 2300 hours to midnight.

This application attracted a number of representations from local residents and was eventually heard before Chesterfield Borough Council's Licensing Committee in May 2017.

After deliberation, the variation was granted as requested.

We now have a further variation application submitted in June 2018, which seeks to extend the area where the sale and supply of alcohol is permitted. The additional area extends from the beer garden doors at the rear of the premises and encompasses a wooden bar structure adjacent to the rear wall of the property within the beer garden.

Chesterfield Borough Council's licensing department objects to this application under the licensing objectives of

- prevention of public nuisance and
- prevention of crime and disorder

for the following reasons.

1. The additional area requested would benefit from the current hours permitted for the sale and supply of alcohol i.e.
  - a. 1100 am to midnight Monday to Thursday and

- b. 1100 am to 0200 am Friday and Saturday.
- 2. There are already several instances of complaints of noise nuisance associated with the premises both outside and within. Extending the capacity to sell alcohol outdoors will not assist in addressing these matters.
- 3. There are also complaints of breaches of the licence conditions particularly:-
  - a. The beer garden will cease to be used by customers for the purposes of the consumption of alcohol at 23.00 each day.
- 4. The sources for this complaint are diverse. As the premises is currently unable to meet its obligations in terms of adhering to existing license conditions, we have concerns that increasing the access to alcohol outside the premises will only add to the current level of non-compliance.

In the interests of preventing public nuisance and crime and disorder, the licensing Department is therefore unable to support the application and must make representation against it.