

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

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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representation has been made by Environmental Health Officer, Esther Thelwell in respect of the application and not withdrawn.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,
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