

FOR PUBLICATION

AGENDA ITEM

APPLICATION FOR A NEW PREMISES LICENCE BY SHAUN DARREL NOBLE IN RESPECT OF BAR CENTRO, 5 HOLYWELL STREET, CHESTERFIELD, DERBYSHIRE, S41 7SA

MEETING: LICENSING COMMITTEE

DATE: 26TH JUNE 2014

REPORT BY: LICENSING OFFICER

WARD ST LEONARDS

1.0 APPLICATION

1.1 The Applicant is Shaun Darrel Noble.

1.2 The premise is Bar Centro, 5 Holywell Street, Chesterfield, Derbyshire, S41 7SA.

2.0 PURPOSE OF REPORT

2.1 For Members to determine an application for a new premises licence in respect of Bar Centro, 5 Holywell Street, Chesterfield, Derbyshire, S41 7SA.

2.2 The application is made by Shaun Darrel Noble, 19 Rugby Drive, Stonegravels, Chesterfield, Derbyshire, S41 7GW

2.3 Because relevant representations have been made and not withdrawn, the application cannot be granted or refused under officer delegated authority.

3.0 APPLICATION FOR A NEW PREMISES LICENCE.

- 3.1 An application for a new Premises Licence was submitted to the Council on 9th May 2014 to licence the premises for the following activities:

Live and recorded music (indoors and outdoors) and sale by retail of alcohol ('On' the premises only) between 10.00 am – 3.00 am on Sunday to Thursday, and on Friday and Saturday between 10.00 am – 4.00 am. The hours when the premises are open to the public will be between 10.00 am - 3.30 am Sunday to Thursday, and on Friday and Saturday between 10.00 am – 4.30 am.

- 3.2 The Designated Premises Supervisor is specified as Nicholas John Carter, 49 John Street, Brampton, Chesterfield, S40 1DF.

- 3.3 A copy of the application form and location plan are attached as Appendix 1 and 1a.

- 3.4 Applications for a new 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. These have been checked and accepted by the Licensing Authority.

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.

- 3.5 A representation has been received on 5th June 2014 from Derbyshire Constabulary (Responsible Authority) highlighting concerns relating to the prevention of crime and disorder and public safety objectives (Attached as Appendix 2).

- 3.6 A representation has been received on 5th June 2014 from the Council's Licensing Authority (Responsible Authority) highlighting concerns relating to the cumulative impact of crime and disorder. (Attached as Appendix 3).

- 3.7 A representation has been received on 3rd June 2014 from Environmental Protection (Responsible Authority) highlighting concerns relating to the cumulative impact of crime and disorder and to the prevention of public nuisance licensing objective (Attached as Appendix 4).
- 3.8 A representation has been received on 19th May 2014 from a local resident (Interested Party) highlighting concerns relating to the prevention of crime and disorder, public safety, and the prevention of public nuisance licensing objectives (Attached as Appendix 5).
- 3.9 A representation has been received on 20th May 2014 from a local company (Interested Party) on behalf of a number of local residents highlighting concerns relating to the prevention of crime and disorder, public safety and prevention of public nuisance licensing objectives. (Attached as Appendix 6).

4.0 **BACKGROUND.**

- 4.1 The Licence for these premises was converted in accordance with the Licensing Act 2003, Licence Number PL/VF/0218 on 24th November 2005 in the name of J A Hill as the Premises Licence Holder, and Nicholas Carter as the Designated Premises Supervisor. This was transferred to Nicholas Carter on 5th September 2006 and the Premises Licence PL/VF/0218 was surrendered on 27th October 2006.
- 4.2 An application for a new Premises Licence, PL/VF/0315 was granted from 3rd September 2007 in the name of Nicholas Carter as the Premises Licence Holder and Designated Premises Supervisor. From the 1st May 2013 the Designated Premises Supervisor was Toby Ian Eyre.
- 4.3 On 16 December 2013, Derbyshire Constabulary made an application to the Council for a summary review of the Premises Licence in respect of Bar Centro pursuant to section 53A of the Licensing Act 2003 on the ground that police were of the opinion that the premises were associated with serious crime. The details being that, between October 2013 and December 2013, a policing operation had been conducted on the premises relating to the sale of controlled drugs and during this operation there had been several incidents of drug related activity.

- 4.4 On 17 December 2013, the Council's Licensing Committee convened to consider whether it was necessary to impose any interim steps pending a full review hearing. After hearing submissions from both Derbyshire Constabulary and the Premises Licence Holder, the Licensing Committee decided that because the incidents related to serious crime at the premises, it was necessary, in order to prevent any further crime and to protect the public, to suspend the Premises Licence with effect from 21:00 hours on 17 December 2013 pending a full review hearing.
- 4.5 The Licensing Committee met again on 20 December 2013 to consider the Premises Licence holder's further representations against the interim decision made on 17 December 2013. The Licensing Committee decided to suspend the Premises Licence with immediate effect pending the outcome of the full review hearing.
- 4.6 The Licensing Committee at the full Review hearing on 13th January 2014 decided it was necessary and proportionate in order to promote the licensing objectives relating to the prevention of crime and disorder and public safety to revoke the licence pursuant to section 53C of the Licensing Act 2003. The Interim steps of suspending the licence would continue in force pending the outcome of any appeal to the Magistrates Court.
- 4.7 The Council were notified by Banner Jones Solicitors on 7th February 2014 that the appellant had lodged an appeal (against the Council's decision to revoke the licence) to the North East Derbyshire & Dales Magistrates Court.
- 4.8 The North East Derbyshire & Dales Magistrates Court held the appeal hearing on 28th May 2014 and the appeal was dismissed.

5.0 **ISSUES.**

- 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.

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.

- 5.2 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 new premises licence that has been requested. These volunteered proposed steps will under the Licensing Act 2003 be attached to the premises licence as conditions which must be complied with. These are set out in section M of the application form (Appendix 1).
- 5.3 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.

6.0 **OPTIONS**

- 6.1 The Licensing Committee may grant the application as requested, grant it subject to conditions, or refuse the application.
- 6.2 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.

7.0 **RECOMMENDATION**

- 7.1 That the Committee determine whether the application for a new Premises Licence made by Shaun Darrel Noble, for the premises at Bar Centro, 5 Holywell Street, Chesterfield, Derbyshire, S41 7SA, be granted, granted with conditions, or refused.

LICENSING OFFICER

For more information on this report please contact the author,
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kate.brookbank@chesterfield.gov.uk

Environment Services, Customer Service Centre, 85 New Square, Chesterfield, S40 1AH

Application for a premises licence to be granted under the Licensing Act 2003

RECEIVED
09 MAY 2014
LICENSING

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 Shaw Dazza Noble
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
BAR CENTRO 5 HOLYWELL STREET CHESTERFIELD			
Post town	CHESTERFIELD	Postcode	S41 7SA

Telephone number at premises (if any)	07770 775555
Non-domestic rateable value of premises	£ 22,250

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)

- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or
- a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Noble			First names SHAWN DAEREL		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address		19 RUGBY DRIVE STONEGRAVELS CHESTERFIELD			
Post town	CHESTERFIELD		Postcode	S41 7GN	
Daytime contact telephone number			01170 715555		
E-mail address (optional)		SAS-DJO@HETRAL.CO.UK.			

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
09	05	2014

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

A TOWN CENTRE LATE NIGHT BAR WHICH PROVIDES ENTERTAINMENT.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

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What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any 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 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur					
Fri			<u>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</u> (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon				
Tue				
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)	
Thur				
Fri			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 5)	
Sat				
Sun				

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
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 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
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 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	10.00	3.00	Please give further details here (please read guidance note 3)	Both	<input checked="" type="checkbox"/>
Tue	10.00	3.00			
Wed	10.00	3.00	State any seasonal variations for the performance of live music (please read guidance note 4)	N/A	
Thur	10.00	3.00			
Fri	10.00	4.00	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 5)	N/A	
Sat	10.00	4.00			
Sun	10.00	3.00			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon	10:00	3:00			
Tue	10:00	3:00			
			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Wed	10:00	3:00	N/A		
Thur	10:00	3:00			
			<u>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</u> (please read guidance note 5)		
Fri	10:00	4:00	N/A.		
Sat	10:00	4:00			
Sun	10:00	3:00			

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed					
Thur					
			State any seasonal variations for the performance of dance (please read guidance note 4)		
Fri					
Sat					
Sun					
			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 (please read guidance note 5)		

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)</p>		
Fri					
Sat			<p><u>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</u> (please read guidance note 5)</p>		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur					
Fri			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 5)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input checked="" 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 4)		
Mon	1000	300			
Tue	1000	300			
Wed	1000	300			
Thur	1000	300			
Fri	1000	400			
Sat	1000	400			
Sun	1000	300	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 5)		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name	NICHOLAS JOHN CARTER
Address	39 JOHN STREET STAMPTON CHESTER
Postcode	CH1 0DF
Personal licence number (if known)	PA-VS-0200
Issuing licensing authority (if known)	CHESTER BOROUGH COUNCIL

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 8).

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	1000	3.30	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 (please read guidance note 5)
Tue	1000	3.30	
Wed	1000	3.30	
Thur	1000	3.30	
Fri	1000	4.30	
Sat	1000	4.30	
Sun	1000	3.30	

M Describe the steps you intend to take to promote the four licensing objectives:

a) General - all four licensing objectives (b, c, d and e) (please read guidance note 9)

WE HAVE CONSIDERED THE FOUR LICENSING OBJECTIVES WITHIN OUR RISK ASSESSMENTS AND OPERATIONAL PLANS.

b) The prevention of crime and disorder

NO ALCOHOLIC DRINKS WILL BE SERVED TO UNDER 18'S AND IN ANY INSTANCES OF DOUBT OVER THE AGE OF A CUSTOMER, PROOF OF AGE IS DEMAND.

PROVIDING A 30 MINUTE EXTENSION OF OPENING HOURS AFTER THE END OF THE SALE OF ALCOHOL WILL MEAN THAT THE CUSTOMER'S LAST DRINK IS CONSUMED LESS QUICKLY AND THIS WILL PREVENT A LARGE

c) Public safety

DOOR SUPERVISION WILL BE EMPLOYED ON FRIDAY AND SATURDAY NIGHTS. TIGHTENED GLASS WILL BE USED WHEREVER AVAILABLE. OUTSIDE AREAS WILL BE MONITORED AT REGULAR INTERVALS. BOTTLES AND GLASSES ARE TO BE REGULARLY CHECKED BY STAFF. ENTRY TO THE BEER GARDEN IS TO BE THROUGH THE PUBLIC HOUSE ONLY.

d) The prevention of public nuisance

ALL WINDOWS WILL BE KEPT CLOSED AFTER 23.00. BEER GARDEN RECEDED MUSIC ALSO TURNED OFF AFTER 23.00. ALL CUSTOMERS WILL BE ASKED TO LEAVE QUIETLY WITH PROMINENT AND UNOBSTRUCTED NOTICES AT EVERY EXIT. WE ARE MINDFUL THAT THE BAR SHOULD NOT BE A DIBLE IN LOCAL NOISE SENSITIVE DWELLINGS.

e) The protection of children from harm

THE RESTRICTIONS SET OUT IN THE LICENSING ACT 2003 WILL APPLY. WE HAVE A POLICY OF PROHIBITED PERSONS UNDER 18 FROM PLAYING AWP'S. ALL CUSTOMERS WILL BE MONITORED AND CHALLENGED WHEN NECESSARY IF IT IS SUSPECTED THEY ARE UNDER 18 AND DRINKING IN THE PUBS.