



The Arc
High Street
Clowne
S43 4JY

To: Chair & Members of the Licensing &
Gambling Acts Sub Committee

Contact: Tom Scott
Telephone: 01246 217045
Email: tom.scott@bolsover.gov.uk

Wednesday 23rd February 2022

Dear Councillor

LICENSING & GAMBLING ACTS SUB COMMITTEE

You are hereby summoned to attend a meeting of the Licensing & Gambling Acts Sub Committee of Bolsover District Council to be held at the Council Chamber, The Arc, Clowne on Thursday, 3rd March, 2022 at 10:00 hours.

Risk Assessment Disclaimer

When attending this meeting in person, I confirm that I have read and understood the contents of each of the following risk assessments and agree to act in line with its content.

- Covid-19 ARC RTW RA001
- Working in Offices At The Arc During Covid-19 Pandemic Guidance – ARC – SSW001
- Meetings – EM001 - Committee and Council Meetings during the Covid-19 pandemic

These documents have been emailed to Members and are available on the Modern.Gov App library.



We speak your language
Polish **Mówimy Twoim językiem**
Slovak **Rozprávame Vaším jazykom**
Chinese **我们会说你的语言**

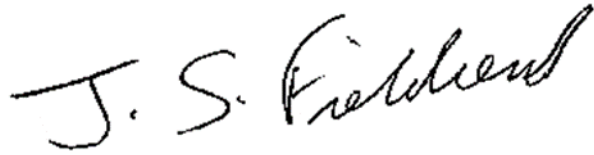
**If you require this agenda in large print
or another format please call us on 01246 217753**

If you require an adjustment to enable you to participate in or access the meeting please contact the Governance Team at least 72 hours before the meeting starts.

Register of Members' Interests - Members are reminded that a Member must within 28 days of becoming aware of any changes to their Disclosable Pecuniary Interests provide written notification to the Authority's Monitoring Officer.

You will find the contents of the agenda itemised onwards.

Yours faithfully

A handwritten signature in black ink, reading "J. S. Fielden". The signature is written in a cursive style with a large, sweeping initial "J".

Interim Monitoring Officer

**LICENSING & GAMBLING ACTS SUB COMMITTEE
AGENDA**

**Thursday, 3rd March, 2022 at 10:00 hours taking place at the Council Chamber, The Arc,
Clowne**

Item No.		Page No.(s)
1.	Apologies for Absence	
2.	Urgent Items of Business	
	To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4(b) of the Local Government Act 1972.	
3.	Declarations of Interest	
	Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of:	
	a) any business on the agenda	
	b) any urgent additional items to be considered	
	c) any matters arising out of those items	
	and if appropriate, withdraw from the meeting at the relevant time.	
4.	Minutes	4 - 6
	To consider the minutes of the Licensing & Gambling Acts Sub Committee meeting held on 24 th November 2021.	
5.	To Hear Representations made under the Licensing Act 2003 and Determine Whether to Grant an Application for a Variation of a Premises Licence	7 - 42

Agenda Item 4

LICENSING & GAMBLING ACTS SUB COMMITTEE

Minutes of a meeting of the Licensing & Gambling Acts Sub Committee of Bolsover District Council held in the Council Chamber on Wednesday 24th November 2021 at 10:00 hours.

PRESENT:-

Members:-

Councillor Ray Heffer in the Chair

Councillors Andrew Joesbury and Rita Turner.

Officers:- Hannah Cash (Legal Executive), Charmaine Terry (Environmental Health Team Manager - Licensing), Lindsey Delamore (Licensing & Enforcement Officer) and Tom Scott (Governance Officer).

Also in attendance at the meeting for Minute Number LGASC10-21/22 was the applicant (Mrs Kelly Allcock), the applicant's business partner (Tamara Bradley), the objector (Mr Kevin Newman), Councillor Mary Dooley and Councillor Maxine Dixon.

LGASC6-21/22 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Rose Bowler and Councillor David Downes.

LGASC7-21/22 URGENT ITEMS OF BUSINESS

There was no urgent business to be considered at the meeting.

LGASC8-21/22 DECLARATIONS OF INTEREST

There were no declarations made at the meeting.

LGASC9-21/22 MINUTES

Moved by Councillor Ray Heffer and seconded by Councillor Rita Turner.

RESOLVED that the minutes of a meeting of the Licensing & Gambling Acts Sub Committee held on 5th August 2021 be approved as a true and correct record.

LGASC10-21/22 TO HEAR REPRESENTATIONS MADE UNDER THE LICENSING ACT 2003 AND DETERMINE WHETHER TO GRANT AN APPLICATION FOR A VARIATION OF A PREMISES LICENCE

The applicant (Mrs Kelly Allcock) attended the meeting for Committee to determine whether or not to grant an application for a variation of a premises licence at The Headstocks, 47 Wharf Road, Pinxton.

LICENSING & GAMBLING ACTS SUB COMMITTEE

The applicant was accompanied by her business partner (Tamara Bradley).

Also in attendance was Mr Kevin Newman to present his submitted representation against the application as detailed in Appendix 4 of the report.

The Environmental Health Team Manager - Licensing and the Licensing and Enforcement Officer presented the report. They both explained that the specific licence variation applied for was summarised in paragraph 2.2 of the report, and the application also sought to vary the plan attached to the Premises Licence (proposed plan in Appendix 3). They added that Appendix 5 showed the mediation between the applicant and the objector during the consultation period, during which Mrs Allcock proposed that the outside area would not be used after 22.00 hours.

The Hearing Procedure (Licensing Act 2003 / Gambling Act 2005) was followed.

In providing more detail on the premises, Mrs Kelly Allcock believed that in the two years The Headstocks had been open, it had been a responsibly run establishment that had always consulted with neighbours on noise and anti-social behaviour.

In presenting the representation against the application, Mr Kevin Newman believed that the beer garden was often blocking the back access, and broken pint glasses had been left on residents' windowsills on a number of occasions.

Councillor Andrew Joesbury moved and Councillor Rita Turner seconded a five minute adjournment to allow the Environmental Health Team Manager – Licensing and the Legal Executive to clarify a Planning Application issue.

When the meeting reconvened, the Environmental Health Team Manager – Licensing informed the panel that Planning officers had not received a new Planning Application from The Headstocks, but since Licensing and Planning applications were completely different, the panel should not bear this in mind when making its decision. The Legal Executive advised that Mrs Allcock should seek to address this as soon as possible.

The applicant, her business partner, the objector, the Environmental Health Team Manager – Licensing, the Licensing and Enforcement Officer, Councillor Mary Dooley and Councillor Maxine Dixon left the meeting whilst the Committee deliberated and returned for the announcement of the decision.

Moved by Councillor Rita Turner and seconded by Councillor Andrew Joesbury:

RESOLVED that the Sub Committee –

1. Grants the variation application with the following conditions:
 - (i) After closing time, the staff must check for glass and litter in the outside area.
 - (ii) The beer garden is not to be used after 10.00 pm.
 - (iii) The back access must be kept clear at all times.

(Environmental Health Team Manager – Licensing/Licensing and Enforcement Officer/
Legal Executive)

LICENSING & GAMBLING ACTS SUB COMMITTEE

The meeting concluded at 11:08 hours.



Bolsover District Council

Meeting of the Licensing & Gambling Acts Sub Committee 03 March 2022

To hear representations made under the Licensing Act 2003

Report of the Environmental Health Team Manager (Licensing)

Classification	This report is Public
Report By	Charmaine Terry, Environmental Health Team Manager (Licensing), 01246217228, Charmaine.terry@ne-derbyshire.gov.uk
Contact Officer	Charmaine Terry, Environmental Health Team Manager (Licensing), 01246217228, Charmaine.terry@ne-derbyshire.gov.uk

PURPOSE/SUMMARY OF REPORT

To hear representations made under the Licensing Act 2003 and determine whether to grant an application for a variation to the premises licence at **The Elm Tree Inn And Norfolk Restaurant, Main Road, Elmton, Chesterfield, S80 4LS.**

REPORT DETAILS

1. Background

1.1 Bolsover District Council is responsible for the licensing and regulation of Premises Licences under the Licensing Act 2003. As part of those responsibilities the Licensing and Gambling Acts Sub-Committee is required to consider any application for a premises licence where valid representations have been received and not withdrawn.

1.2 The Licensing Act 2003 is clear that four statutory objectives, each of equal importance, must be addressed by the Council when discharging its functions under the legislation.

Those licensing objectives are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

1.2 In addition to the legislation, the Council must have regard to the Revised [Guidance issued under section 182](#) of the Licensing Act 2003 and to the [Council's own licensing policy](#).

- 1.3 The legislation and statutory guidance are clear that each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions.
- 1.4 A premises may only undertake licensable activities where it holds both planning permission and a premises licence to enable it to do so. Planning and Licensing are separate systems of regulatory control; planning deals with the use of the land, and licensing with the detailed operation of a premises where licensable activities take place. Similar considerations are likely to arise in both and there is overlap between the two, but each regime involves consideration of different, albeit related matters and each operate independently. The guidance provides that licensing committees are not bound by decisions made by a planning committee and vice versa.
- 1.5 In 2018 the Council adopted a revised Licensing Act 2003 Policy. The Council must have regard to this policy when making a determination. A number of paragraphs within the policy have been identified as particularly relevant in this case. These paragraphs are set out below:

7.3 Levels of noise from licensed premises, which may be acceptable at certain times of day, may not be acceptable later in the evening or at night when ambient noise levels are much lower. The main impact of customers arriving, queuing and leaving should be confined to principal pedestrian routes as far as possible. The impact of noise arising from patrons that are temporarily outside the premises (e.g. smoking), must be recognised and mitigated against.

7.5 Applicants should consider the benefits of stopping serving alcohol before other licensable activities stop and a suitable time before the premises close and customers must leave. In noise sensitive areas operators should consider ceasing the playing of dance music and switching to quieter, slower tempo music with a less pronounced beat for a period prior to the closure of the premises.

- 7.13 Examples of recommended management practice for preventing nuisance:*
- Keeping doors and windows of licensed premises closed to minimise noise break out.*
 - Sound limiting devices, or insulation to contain sound and vibration so as to address noise break out not only from music but also, for example, from air handling equipment, generators or patrons.*
 - With popular premises that attract queues ensuring that the direction of any queue is away from residential accommodation.*
 - Proper and adequate door supervision.*
 - Erecting prominent notices at the exits to premises asking customers to leave quietly and not to slam car doors and repeating such requests verbally.*

- *Reducing the volume of music towards the end of the evening and where appropriate playing quieter, more soothing music as the evening winds down.*
- *Arrangements with licensed taxis or private hire vehicles to take patrons from the premises.*
- *In appropriate cases door supervisors or a manager patrolling nearby streets to assess for themselves whether there is a problem and how best to deal with it.*
- *Banning people who regularly leave in a noisy fashion and liaising with other premises on such bans.*
- *Where the premises have a membership scheme, including provisions in the conditions of membership concerning conduct and noise when leaving the premises.*
- *Adequate provisions for dealing with litter/refuse arising from the operation of premises.*
- *Appropriate times for and methods of dealing with bottle delivery, disposal and collection.*
- *The licensee providing a help line or contact number for concerned residents.*

Further information can be found in the Council's Licensing Act 2003 Policy.

2. Details of Proposal or Information

- 2.1 On 20th January 2022 Bolsover District Council's Licensing Section received an application to vary the premises licence at **The Elm Tree Inn And Norfolk Restaurant at Main Road, Elmtun, Chesterfield, S80 4LS** ('the Premises') from **TLT LLP** acting on behalf of **Punch Taverns Limited** whose head office is located at Jubilee House, Second Avenue, Burton Upon Trent, Staffordshire, DE14 2WF.
- 2.2 A copy of the application and the proposed plan can be found attached as **Appendix 1** and **Appendix 2**.
- 2.3 The Premises has been licenced with Bolsover District Council since 24 November 2005 and a copy of the current premises licence can be found attached as **Appendix 3**.
- 2.4 The application seeks to modify the following:
- The layout of the premises to add the external areas shown in **Appendix 2**.
 - The conditions attached to the premises licence
- 2.5 The application has been processed in line with the legislation and the consultation deadline for the application was 17 February 2022.
- 2.6 On 21 January 2022 a relevant representation was received from the Councils Environmental Health team which relates to the prevention of public nuisance. A copy of the representation can be found attached as **Appendix 4**.
- 2.7 This party has a legal right to make a representation.

2.8 The applicants' agent and the Environmental Health team have entered into mediation but have been unable to reach an agreement.

3. Reasons for Recommendation

3.1 None.

4 Alternative Options and Reasons for Rejection

4.1 None.

RECOMMENDATION(S)

The Licensing Sub-Committee may;

1. Grant the variation application as applied for;
2. To vary the application, with or without further conditions; or
3. Refuse the application.

Approved by the Portfolio Holder – N/A

IMPLICATIONS:

Finance and Risk: Yes No

Details: An appeal against this decision would incur costs in preparing a defence case and to attend Court. Costs may be recovered at the discretion of the Magistrates in the event that the application is dismissed. Costs could be awarded against the Authority in the event that the appeal is successful.

On behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details:
All parties have the right to make an appeal to the Magistrates' Court if they are not satisfied with the outcome/conduct of the hearing.

On behalf of the Solicitor to the Council

Staffing: Yes No

Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:</p> <p>Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p>Is the decision subject to Call-In? <i>(Only Key Decisions are subject to Call-In)</i></p>	No

District Wards Significantly Affected	Elmton with Creswell
<p>Consultation: Leader / Deputy Leader <input type="checkbox"/> Executive <input type="checkbox"/> SLT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input checked="" type="checkbox"/> Other <input checked="" type="checkbox"/></p>	<p>Details: Statutory Consultation with Responsible Authorities and the Public</p>

Links to Council Ambition: Customers, Economy and Environment.
Supporting our Communities to be Healthier, Safer, Cleaner and Greener.

DOCUMENT INFORMATION	
Appendix No	Title
1	Application Form
2	Proposed Plan
3	Current Premises Licence
4	Representation from Environmental Health

Background Papers
<i>(These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Executive you must provide copies of the background papers).</i>
None

Application to vary a premises licence under the Licensing Act 2003

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 Punch Taverns Limited

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number PL0137
--

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Elm Tree Elmton Creswell			
Post town	Chesterfield	Postcode	S80 4LS

Telephone number at premises (if any)	n/a
Non-domestic rateable value of premises	£50,000 (Band C)

Part 2 – Applicant details

Daytime contact telephone number	03330 061119		
E-mail address (optional)	PunchLicensing@TLTsolicitors.com		
Current postal address if different from premises address	Jubilee House Second Avenue		
Post town	Burton Upon Trent	Postcode	DE14 2WF

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

This is an application to vary the layout and design of the premises in accordance with the submitted plan (drawing no G21-9323-01 A).

The changes consists of permitted the use of the external areas marked on the enclosed plan for licensable activities within the currently permitted hours for the premises licence.

The locations of fire safety and other safety equipment subject to change in accordance with the requirements of the responsible authorities or following a risk assessment.

Any detail shown on the plan that is not required by the licensing plans regulations is indicative only and subject to change at any time.

Conditions proposed below to relate to the use of external area for licensable activities;

A site specific Event Management Plan (EMP) for pre-booked events taking place within the external areas will be developed and shared with the Licensing Authority, Police and other responsible authorities (as requested) on an ongoing basis. The EMP will include details on subjects such as (but not limited to):

- Risk Assessments
- Fire Risk Assessment
- Capacity control
- The use of glass drinking vessels
- Drugs Policy
- Noise Management Plan
- Residents and Local Community Engagement

The EMP (and appendices) will be 'living' documents which will be reviewed and revised in the planning phases of any events at the premises. These documents to be shared with Local Authority Licensing and Police Licensing for consideration prior to implementation.

To also amend condition under Annex 2 – Conditions consistent with the operating schedule "Accompanied children will not be allowed on the premises after 21:00 hours", so it now reads as follows;

Accompanied children will not be allowed on the premises after 21:00 hours, except for those who are attending a pre-booked function or seated for a table meal and can remain on the premises until the conclusion of their meal and bill has been paid.

All other hours, activities and conditions currently permitted by the premises are to remain unchanged by this application.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

n/a

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

- | Provision of regulated entertainment (Please see guidance note 3) | Please tick all that apply |
|---|-----------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

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 8)			Will the performance of a play take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
			State any seasonal variations for performing plays (please read guidance note 6)		
Tue					
			Non standard timings. Where you intend to use the premises for <u>the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Wed					
Thur					
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 5)					
Mon								
Tue								
Wed						State any seasonal variations for the exhibition of films (please read guidance note 6)		
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 7)		
Sat								
Sun								

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)	
Day	Start	Finish		
Mon			State any seasonal variations for indoor sporting events (please read guidance note 6)	
Tue				
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 7)
Fri				
Sat				
Sun				

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)					
Mon								
Tue								
Wed						<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Thur								
Fri						<u>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</u> (please read guidance note 7)		
Sat								
Sun								

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 5)					
Mon								
Tue								
Wed						State any seasonal variations for the performance of live music (please read guidance note 6)		
Thur								
Fri						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 7)		
Sat								
Sun								

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 5)					
Mon								
Tue								
Wed						State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Thur								
Fri						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 (please read guidance note 7)		
Sat								
Sun								

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Thur					
Fri			<u>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</u> (please read guidance note 7)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 5)		
Wed			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)		
Thur			<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 7)		
Fri					
Sat					
Sun					

1

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	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 5)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6)		
Thur					
Fri			<u>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</u> (please read guidance note 7)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6)					
Mon								
Tue								
Wed								
Thur						<u>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</u> (please read guidance note 7)		
Fri								
Sat								
Sun								

K

<p>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 10).</p> <p>N/A</p>

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)	
Day	Start	Finish		
Mon				
Tue				
Wed				
Thur				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 7)
Fri				
Sat				
Sun				

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

To amend condition under Annex 2 – Conditions consistent with the operating schedule “Accompanied children will not be allowed on the premises after 21:00 hours”, so it now reads as follows;
Accompanied children will not be allowed on the premises after 21:00 hours, except for those who are attending a pre-booked function or seated for a table meal and can remain on the premises until the conclusion of their meal and bill has been paid.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

As per current licence (PL0137) save for those amendments made to the operating schedule by this application.

The locations of fire safety and other safety equipment subject to change in accordance with the requirements of the responsible authorities or following a risk assessment.

Any detail shown on the plan that is not required by the licensing plans regulations is indicative only and subject to change at any time.

Conditions proposed below to relate to the use of external area for licensable activities;

A site specific Event Management Plan (EMP) for pre-booked events taking place within the external areas will be developed and shared with the Licensing Authority, Police and other responsible authorities (as requested) on an ongoing basis. The EMP will include details on subjects such as (but not limited to):

- Risk Assessments
- Fire Risk Assessment
- Capacity control
- The use of glass drinking vessels
- Drugs Policy
- Noise Management Plan
- Residents and Local Community Engagement

The EMP (and appendices) will be 'living' documents which will be reviewed and revised in the planning phases of any events at the premises. These documents to be shared with Local Authority Licensing and Police Licensing for consideration prior to implementation.

b) The prevention of crime and disorder

As per current licence.

c) Public safety

As per current licence.

d) The prevention of public nuisance

As per current licence.

e) The protection of children from harm

As per current licence, save to amend condition under Annex 2 – Conditions consistent with the operating schedule “Accompanied children will not be allowed on the premises after 21:00 hours , so it now reads as follows;
Accompanied children will not be allowed on the premises after 21:00 hours, except for those who are attending a pre-booked function or seated for a table meal and can remain on the premises until the conclusion of their meal and bill has been paid.

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee; or (paid online)
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable (submitted online)
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

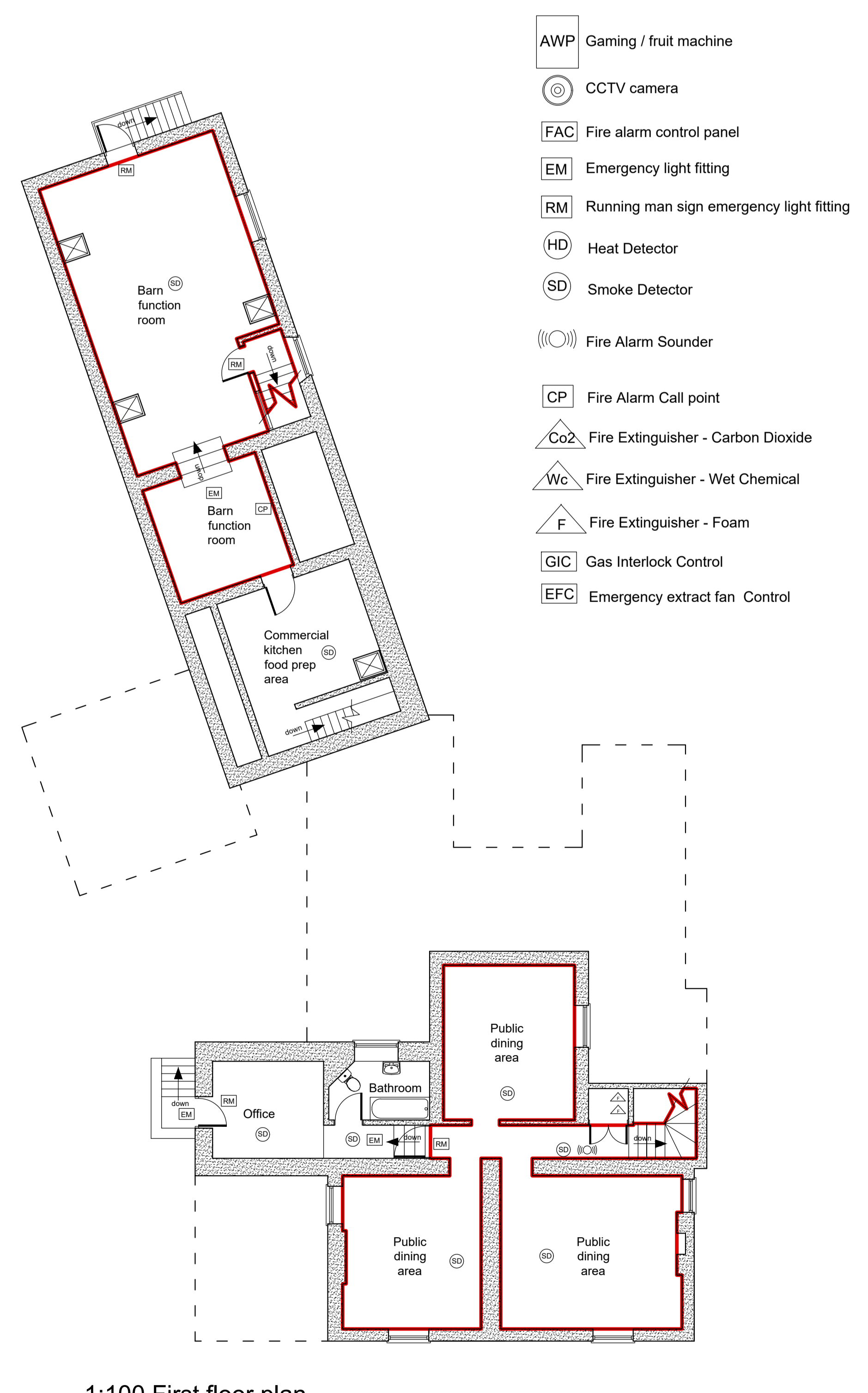
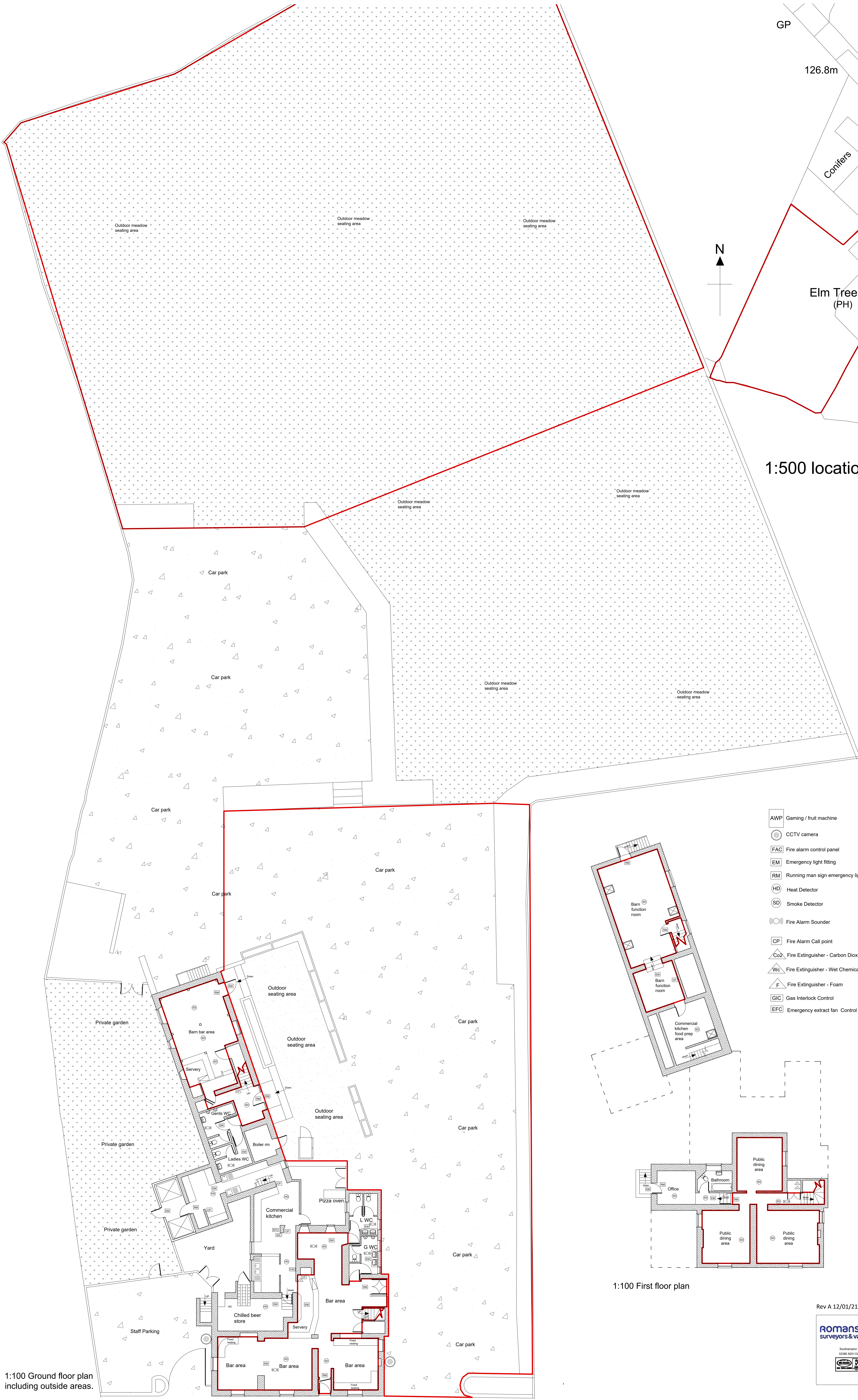
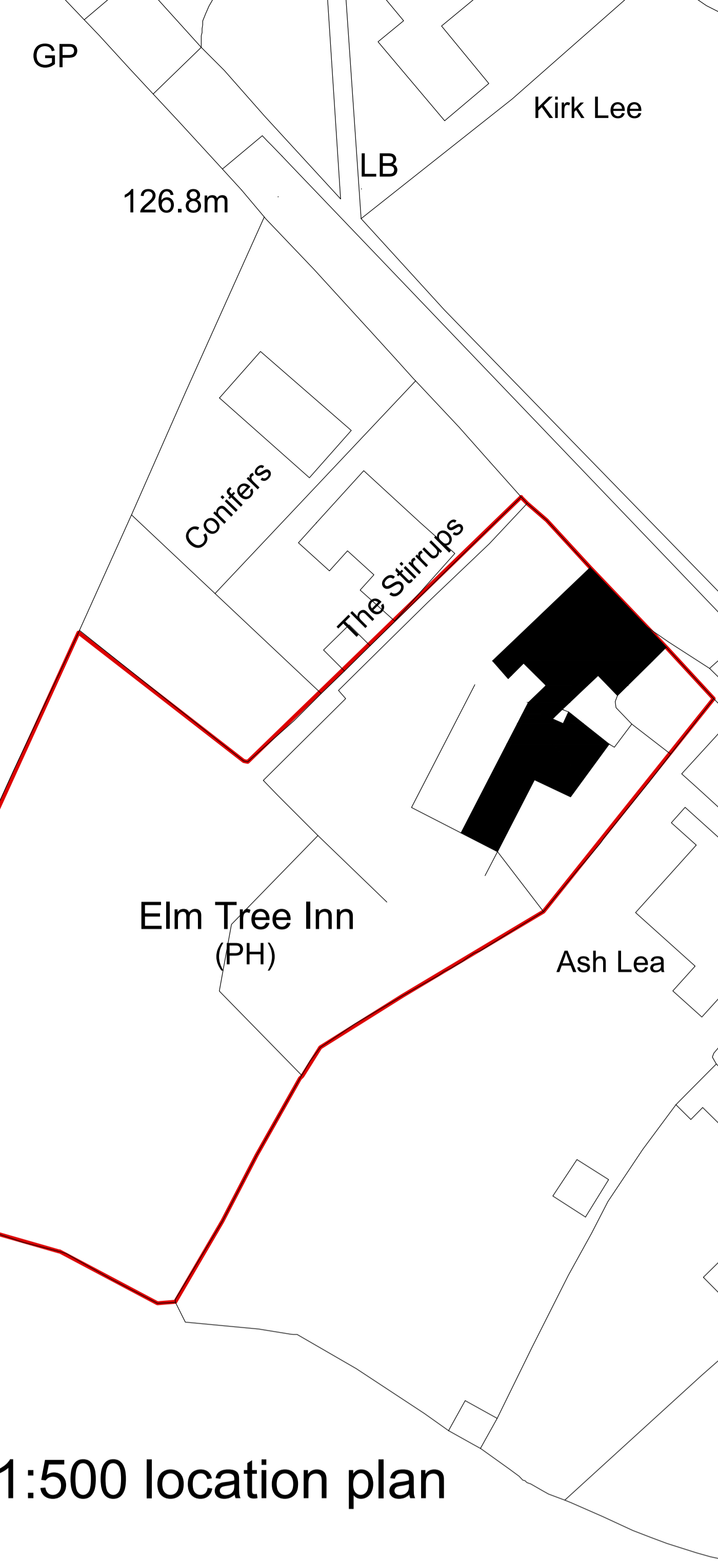
Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	 Ewen Macgregor for TLT LLP
Date	20 th January 2022
Capacity	Solicitor to Applicant

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15) Paul Uren TLT LLP One Redcliff Street			
Post town	Bristol	Post code	BS1 6TP
Telephone number (if any)	+44(0)3330 060213		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) paul.uren@TLTsolicitors.com			



1:100 Ground floor plan including outside areas.

1:100 First floor plan

Rev A 12/01/21 - EDA red line updated - JR

CLIENT	Punch Pubs		
PROJECT	Elm Tree, Elinton, Worksop, S80 4LS.		
TITLE	Licence Plan		
SCALE	1:100 @ A3	DATE	Nov 21
DRAWN	JR	CHECKED	JR
G21 - 9323 - 01 A			

Southampton 02380 820110
Romans surveyors & valuers
50mm @ 1:1

Premises Licence

Part A

Licensing Act 2003

Premises Licence Number

PL0137

PART 1 - PREMISES DETAILS

Postal address of premises or, if none, ordinance survey map reference or description	
Elm Tree Inn, Elmton, Creswell	
Post Town	Post Code
Chesterfield	S80 4LS
Telephone Number	

Where the licence is time limited the dates
N/A

Licensable activities authorised by the licence
<u>Regulated Entertainment</u>
Performance of live music, Playing of recorded music
<u>Sale by Retail of Alcohol</u>
No adult entertainment or services are allowed.

The times the licence authorises the carrying out of licensable activities

Regulated Entertainment - Performance of live music, Playing of recorded music

Monday to Thursday	11:00 to 00:00
Friday, Saturday	11:00 to 01:00
Sunday	12:00 to 23:30

The sale by retail of alcohol for consumption ON and OFF the premises

Monday to Thursday	11:00 to 00:00
Friday, Saturday	11:00 to 01:00
Sunday	12:00 to 23:30

None Standard Timings

A further additional hour in the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, and every August Bank Holiday weekend. A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend. A further additional hour every Christmas Eve. A further additional hour every Boxing Day. From the start of supply of alcohol hours on New Year's Eve to the end of supply hours on New Year's Day.

The opening hours of the premises

Monday to Thursday	11:00 to 00:30
Friday, Saturday	11:00 to 01:30
Sunday	12:00 to 00:00

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

The sale by retail of alcohol for consumption ON and OFF the premises

PART 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

Punch Taverns Limited, Jubilee House, Second Avenue, Burton Upon Trent, Staffordshire, DE14 2WF

Telephone - 01283 501600

Registered number of holder, for example company number, charity number (where applicable)

03752645

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Christopher James Norfolk, 11 Bishops Walk, Kiverton Park, Sheffield, S26 6SA.

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Licence No: RM1666

Issued by: Rotherham

ANNEX 1

MANDATORY CONDITIONS

Mandatory Conditions where Licence Authorises the Supply of Alcohol

- 1 No Supply of alcohol may be made under the Premises Licence -
 - (a) at a time when there is no Designated Premises Supervisor in respect of the Premises Licence, or
 - (b) at a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
- 2 Every supply of alcohol under the Premises Licence must be made or authorised by a person who holds a Personal Licence.
- 3
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
 - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

- c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 4 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 5 (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
- 6 The responsible person shall ensure that -
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

- (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

- 1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 2 For the purposes of the condition set out in paragraph 1 -
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

- (i) P is the permitted price,
 - (i) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (ii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) The holder of the premises licence,
 - (ii) The designated premises supervisor (if any) in respect of such a licence, or
 - (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3 Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

- 4 (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

ANNEX 2

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

Illumination must be provided to the exterior areas of the premises when they are open to the public

A rota system will be in place to check the toilets on a regular basis.

CCTV installed will be used to store images when the premises are open to the public. The images stored will be kept for 30 days and made available to the police on reasonable request.

A minimum of 2 bar staff will be on duty at any one time.

All firefighting equipment will be serviced annually.

All portable electrical equipment will be tested annually

Unaccompanied children are not to be allowed on the premises.

Accompanied children will not be allowed on the premises after 21:00 hours.

ANNEX 3

CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

Date of hearing Thursday 17th November 2005

The Sub-Committee has RESOLVED the following:

That noise emanating from regulated entertainment on the premises must be inaudible after 23:00 at the nearest noise sensitive location.

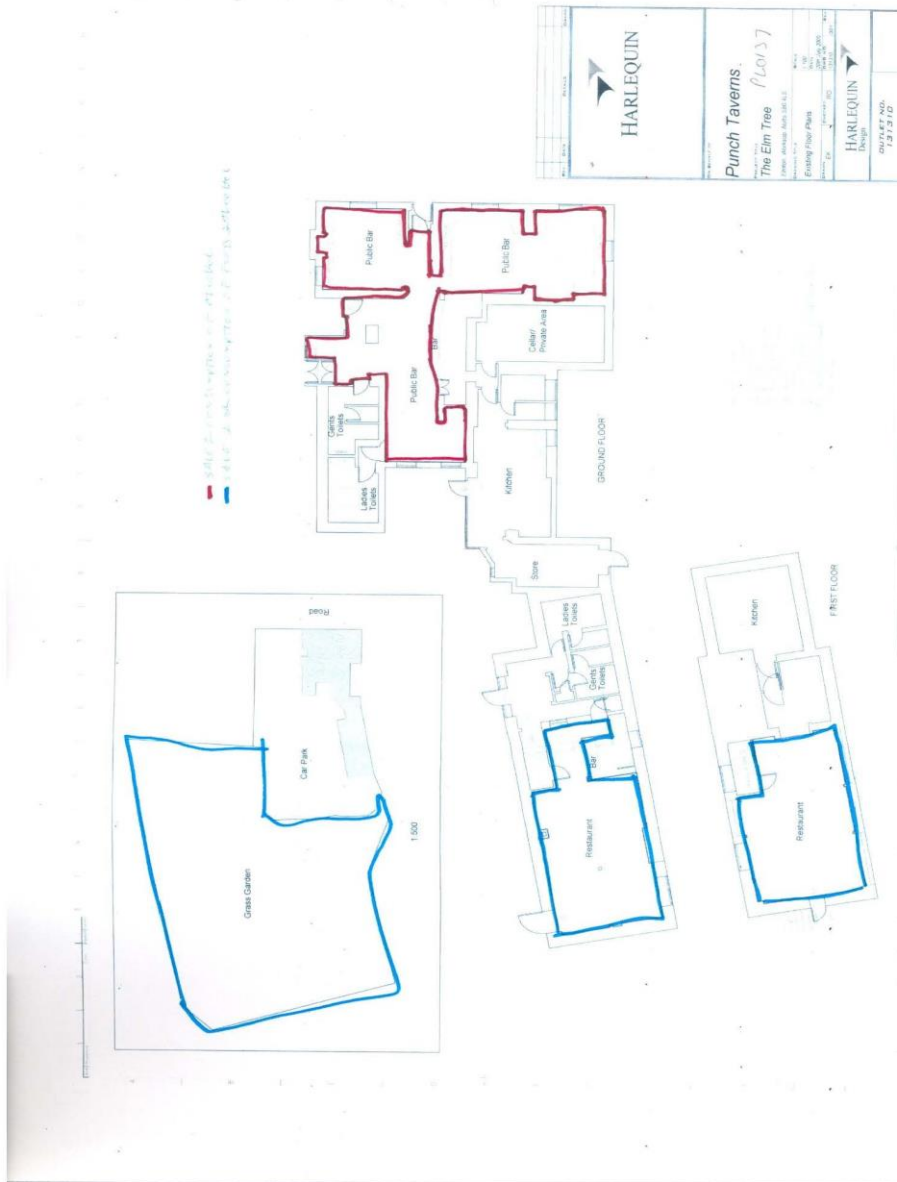
Notices to be displayed at all exits requesting customers to leave quietly and to respect the needs of local residents.

To consider and act upon any request of the environmental health authority relating to noise levels from time to time

ANNEX 4 PLANS

Latest Plan of Premises details for Elm Tree Inn

Details entered: 10 January 2006 at 9:50 by Christine Lunness
 Date requested: Reason: **Variation**
 Received: 10/01/2006
 Appointment date: Appointment time:
 Result: Result Date:
 Name: Number:
 Date commences: Date expires:
 Notes:



Licence Application: 22/00116/LAPL05 – 22/00696/LICCON
Location: Elmtree Inn & Norfolk Restaurant
Applicant: Punch Taverns Limited

Good Afternoon Sian

I write with respect to the above minor variation to premise licence

Thank you for consulting us.

Environmental Health require an objection to be raised against the application for a full variation to the licence for the above premises under the licencing objective of 'Prevention of Public Nuisance' for the following reasons

- We note that the variation proposes to licence and part of the outside area of the premises, and would be used in line with the current licence conditions held
- The location of the external area is a rural location within close proximity to residential properties.
- Environmental Health have previously received complaints regarding disturbances from outside events at this location.

In light of this, we would wish to raise the following points

- The application proposes a condition to be set for an Event Management Plan (EMP) to be provided for pre-booked events taking place within the external areas, however, we feel that an Event Management Plan should be submitted for consideration along with the licence application (especially in relation to the Noise Management Plan therein.)
- We would recommend that a definition is included for the term 'Event'
- We would recommend that there is the inclusion for the management for the external areas outside the times of pre-booked events.
- We welcome that the EMP would be a 'living' document which would be reviewed and revised in the planning phases of any events at the premises, however, we would recommend that a timescale is provided for the EMP to be submitted to the Local Authority prior to the events providing enough time for the plan and the upcoming event to be reviewed and responded to.

If the above recommendations are put forward for and we are satisfied that adequate measures are in place to prevent public nuisance, we may be able to withdraw our objection.

If you have any queries or require any further information, please do not hesitate to contact me.

Kind Regards

Elizabeth

Elizabeth Sellers

Environmental Health Officer

E-Mail: elizabeth.sellers@ne-derbyshire.gov.uk

Ext: 01246 217836, Mob: 07788 860812

Joint Environmental Health Service

North East Derbyshire District Council & Bolsover District Council

District Council Offices

2013 Mill Lane

Wingerworth

Chesterfield

Derbyshire

S42 6NG

Website: <http://www.bolsover.gov.uk> or <http://www.ne-derbyshire.gov.uk>.