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4 February 2015

To: All Councillors

As a Member or Substitute of the **Licensing and Appeals Sub - Committee**, please treat this as your summons to attend a meeting on **Thursday 12 February 2015 at 2.30pm in the Committee Room, Town Hall, Bank Road, Matlock.**

Yours sincerely

A handwritten signature in black ink, appearing to be 'Sandra Lamb', written in a cursive style.

Sandra Lamb
Head of Democratic Services

AGENDA

1. APOLOGIES/SUBSTITUTES

Please advise Democratic Services on 01629 761133 or e-mail committee@derbyshiredales.gov.uk of any apologies for absence and substitute arrangements.

2. ELECTION OF A CHAIRMAN

Proposal that a Member of the Committee be elected Chairman.

3. INTERESTS

Members are required to declare the existence and nature of any interests they may have in subsequent agenda items in accordance with the District Council's Code of Conduct. Those interests are matters that relate to money or that which can be valued in money, affecting the Member her/his partner, extended family and close friends.

Interests that become apparent at a later stage in the proceedings may be declared at that time.

4. EXCLUSION OF PUBLIC AND PRESS

At this point the Committee will consider excluding the public and press in order to consider its decision in private in accordance with the hearing procedure.

**5. APPLICATION FOR SIX TEMPORARY EVENT NOTICES FOR
EVENTS AT BROOKFIELD MANOR, HATHERSAGE DURING
2015** 1 - 9

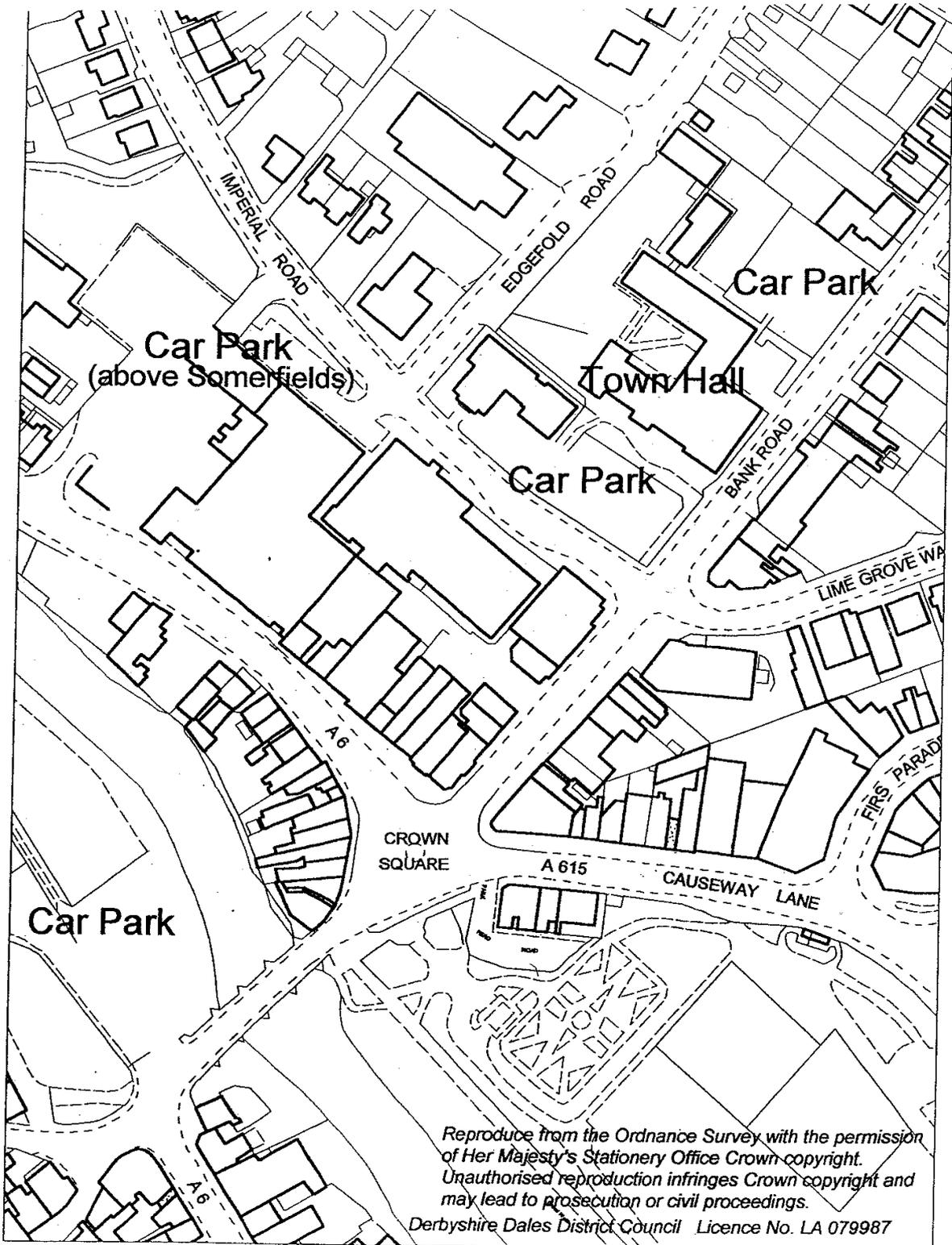
To determine whether to grant six temporary event notices for events at Brookfield Manor, Hathersage during 2015.

Members of the Committee Nominated to hear this Appeal:

Councillors Tom Donnelly, Tony Millward and Mike Ratcliffe. Councillor David Frederickson (substitute)

Matlock -
5000 - Matlock

Derbyshire Dales District Council Town Hall, Bank



LICENSING & APPEALS SUB-COMMITTEE
12 FEBRUARY 2015

Report of the Head of Regulatory Services

**LICENSING ACT 2003 – SECTION 104(2)
OBJECTION TO TEMPORARY EVENT NOTICES (TEN) TO ALLOW
PERMITTED TEMPORARY ACTIVITIES AT BROOKFIELD MANOR
HATHERSAGE HOPE VALLEY S32 1BR**

SUMMARY

This report requests that the Committee determines whether to acknowledge 6 (six) Temporary Event Notices (TENs) given to the Licensing Authority to allow wedding ceremony/receptions to take place at Brookfield Manor in Hathersage during 2015.

The report gives details of an objection received from the Environmental Health Officer acting as a Responsible Authority for the area in which the premises are situated. The officer is satisfied that allowing the premises to be used in accordance with these Notices would undermine *the protection of public nuisance* licensing objective. .

RECOMMENDATION

That the Committee determine whether to serve a Counter Notice to prevent the permitted temporary activities (authorised by the 6 Temporary Event Notices received on 29 January 2015) taking place at Brookfield Manor in Hathersage, during 2015; or to reject the objection received and allow the events to go ahead.

WARDS AFFECTED

Hathersage

1 The Notification

- 1.1 On 29 January 2015, the Licensing Authority received 6 Temporary Event Notices (TENs) given under Section 104 of the Licensing Act 2003, from John Gaunt Solicitors acting for Michael Sharratt of Brookfield Manor in Hathersage.
- 1.2 The notifications were given to allow licensable activities to take place at the premises during wedding ceremonies/receptions on 6 occasions during 2015; namely 21st March, 9th & 23rd May, 27th June, 11th July and 19th September.
- 1.3 The event organiser was required to serve the TENs on the Licensing Authority, Derbyshire Police Authority (Buxton), and Derbyshire Dales District Council's Environmental Health Section, 10 clear working days before the day on which each event is to start.
- 1.4 The Chief Officer of Police and the local authority Environmental Health Officers have powers to object to a TEN where he/she is satisfied that allowing the premises to be used in accordance with the TEN would undermine any or all of the licensing objectives, specified in the Licensing Act 2003.

- 1.5** Any objections to a TEN must be served on the Licensing Authority within three working days of receiving the TEN. Only the Police and Environmental Health can object to a TEN – there are no other responsible authority or other person consultations for this type of authorisation.
- 1.6** The licensable activities and hours of operation proposed by the event organiser for the 6 TENs are summarised in the following table.

Premises User/Event Organiser	Michael Sharratt
Premises	Pavilion and Marquee at Brookfield Manor, Hathersage, Hope Valley, S32 1BR
Day, Date and Time of Event(s)	All taking place on Saturdays: 21 st March, 9 th May, 27 th June, 11 th July Times: 15:00 to Midnight 23 rd May and 19 th September 2015. Times: 14:00 to Midnight
Licensable Activities applied for and event details	Sale of alcohol and provision of regulated entertainment and late night refreshment at wedding ceremonies/receptions held in Pavilion and/or Marquee.

1.7 Objection from Environmental Health

- 1.7.1 On 3 February 2015, an objection to the 6 TENs was received from Simon Bell, the Environmental Health Officer with responsibility for the northern part of the Derbyshire Dales district.

Mr Bell objected to the TENs on the following grounds:

“...With regard to the six temporary event notices submitted for weddings to be held at Brookfield Manor on the following dates, 21st March, 9th May, 23rd May, 27th June, 11th July and 19th September (NB: misquoted as 20th August in email), I would wish to object to them.

The reason for this objection is that I have received complaints regarding noise nuisance from the venue which I have found to be justified. I have been in contact with the noise consultants appointed by the owner of Brookfield Manor and although they have put forward proposals to reduce the problem, this is still in negotiation. As such, I have concerns that until this is resolved, there is the potential for noise nuisance from this venue, hence my objection...”

- 1.7.2 The applicant and/or his representative, and the Environmental Health Officer have been invited to attend the Sub-Committee meeting.

2 The Hearing

- 2.1 The Sub-Committee consists of 3 Members drawn from the full Licensing Committee.

The Members are Councillors Tom Donnelly, Tony Millward and Mike Ratcliffe. Councillor David Frederickson will attend as a Substitute Member.

- 2.2 The Sub-Committee will be advised by Beverley Booth-Jones, Legal Assistant, and the report will be introduced by Eileen Tierney, Licensing Manager.

- 2.3 A copy of the procedure to be followed by the Sub-Committee is set out in **Appendix 1**.

- 2.4 In making its decision the Sub-Committee may consider the prevention of public nuisance objective, in particular, and any of the 3 other licensing objectives, in its deliberations. In so doing it can determine whether to issue a Counter Notice on the premises user to stop the proposed temporary event from going ahead, or to reject the objection from the Environmental Health Officer thereby, allowing the event to take place.

The Licensing Sub-Committee may not seek to attach any terms, conditions, limitations or restrictions on the carrying on of licensable activities at events being authorised under the authority of a TEN, where a premises licence or club premises certificate is not in place. Brookfield Manor does not have the benefit of either of these permanent authorisations.

- 2.5 There is a right of appeal to the Magistrates' Court for the recipient of a Counter Notice (the event organiser) or the Responsible Authority (in this case, Environmental Health) where their objection has been rejected.

- 2.6 In determining the application the Sub-Committee must have regard to the Licensing Act 2003; the regulations made under it; the Statutory Guidance issued under Section 182 of the Act; the Council's Licensing Policy Statement and evidence before it at the hearing.

3 CONTACT INFORMATION

Eileen Tierney, Licensing Manager.

Tel: (01629) 761374

Email: eileen.tierney@derbyshiredales.gov.uk

4 BACKGROUND PAPERS

3rd February 2015 – Email from S J Bell, Environmental Health Officer. Objection to TENS.

Temporary Event Notice Forms for 6 Events: 21st March, 9th & 23rd May, 27th June, 11 July and 19 September 2015.

5 ATTACHMENTS

Appendix 1 – Committee Hearings Procedure



LICENSING AND APPEALS COMMITTEE PROCEDURE (Except Employment)

- (1) Introduction by the Chair explaining that the process is not an adversarial one and all comments should be directed through the Chair.
- (2) Report of the Licensing Officer.
- (3) Questions for the Licensing Officer from the Committee.
- (4) Any clarification required from the Licensing Officer from the objectors
- (5) Any questions for the Licensing Officer from the applicant
- (5) Statements from the objectors.
- (6) The Committee, the Licensing Officer and the applicant (through the Chair) will have an opportunity to ask questions of each speaker.
- (7) Statement from the applicant, including any witnesses.
- (8) Questions to the applicant or his/her witnesses by the Committee.
- (9) Questions to the applicant or his/her witnesses by the Licensing Officer
- (10) The Chair will ask the objectors whether they require any clarification of the applicant's evidence.
- (11) Any further questions by the Committee, its Clerk, the applicant or the Licensing Officer.
- (12) Summing up by the Licensing Officer.
- (13) Summing up by the applicant.
- (14) The Chair will ask all parties whether they need clarification of any points.
- (15) The Committee will withdraw to make its decision.
- (16) The Committee will deliberate in private, only recalling the Council's representative and the applicant or their representative to clarify evidence already given. If recall is necessary, both parties must be given the opportunity to return, even though only one party is concerned with the point giving rise to doubt.
- (17) The Advisor may be called upon during the private deliberation to advise the Appeals Committee Members.
- (18) At the end of the proceedings, the Chair of the Appeals Committee will inform the parties of the decision. This will be confirmed, in writing within seven days.