



F B McArdle
Chief Executive
South Derbyshire District Council,
Civic Offices, Civic Way,
Swadlincote, Derbyshire DE11 0AH.

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Democratic.services@southderbyshire.gov.uk

Our Ref
Your Ref

Date: 16th May 2022

Dear Councillor,

Licensing and Appeals Sub-Committee

Please find enclosed the agenda and supporting information for the Licensing and Appeals Sub-Committee meeting.

A Meeting of the **Licensing and Appeals Sub-Committee** will be held at **Committee Room**, Civic Way, Swadlincote on **Tuesday, 24 May 2022 at 10:00**. You are requested to attend.

If you require any further information, please contact Democratic Services on the number shown above.

Yours faithfully,

Chief Executive

To:- **Labour Group**
Councillor Gee and Councillor Dunn

Conservative Group
Councillor Patten



AGENDA

Open to Public and Press

- 1** Apologies
- 2** To note any declarations of interest arising from any items on the Agenda
- 3** HEARING FOR THE CONSIDERATION OF AN OBJECTION NOTICE TO A TEMPORARY EVENT NOTICE **3 - 27**

Exclusion of the Public and Press:

REPORT TO LICENSING & APPEALS SUB-COMMITTEE

Agenda Item: 3 Hearing Date: 24th May 2022

Contact Officer: Emma McHugh

HEARING FOR THE CONSIDERATION OF AN OBJECTION NOTICE TO A TEMPORARY EVENT NOTICE

Applicant's Name	Kelly Baverstock
Premises Name	White Hart
Address	21 Derby Road Aston on Trent Derbyshire DE72 2AF

1. PURPOSE

- 1.1 To consider an objection notice made by Environmental Health in response to a temporary event notice (TEN) made by Kelly Baverstock on 16th May 2022. A copy of the TEN is attached at **Appendix 1**.

2. BACKGROUND

- 2.1 The premises user submitted a TEN on 16th May 2022 regarding the intended use of the premises for regulated entertainment at the above premises. The nature of the event for which the notification has been received is 'Annual Well Dressing Festival'.

3. APPLICATION DETAILS

- 3.1 The TEN notifies the Licensing Authority that the above licensable activities will take place at the following days and times:

Activity	Days	Times
Regulated Entertainment	01/07/2022 to 03/07/2022	1 st July 2022 – 19.00 to 01.00 2 nd July 2022 – 11.00 to 00.00 3 rd July 2022 – 11.00 to 23.00

- 3.2 A permitted temporary activity is a licensable activity that is carried on in accordance with a temporary event notice under section 100 and in compliance with the provisions of Part 5 of the Licensing Act 2003.
- 3.3 A TEN is subject to various restrictions and limits. Where the requirements for obtaining a TEN cannot be met, the licensable activity can only be authorised by way of a premises licence.
- 3.4 Officers are satisfied that this TEN has been properly served and the criteria in respect of TENs have been met.

4. CONSULTATION RESPONSES

- 4.1 In respect of a TEN, if the [Chief Officer of Police](#) or Environmental Health is satisfied that allowing the premises to be used in accordance with the notice would undermine any of the licensing objectives, he must give a notice to the

Licensing Authority and premises licence user detailing the reasons for the objection.

- 4.2 An objection notice has been received from Environmental Health on 17th May 2022 on the grounds of public nuisance. A copy of the objection notice is attached at **Appendix 2**.

5. OTHER RELEVANT CONSIDERATIONS

- 5.1 The Authority should consider its responsibilities under the Crime and Disorder Act 1998, and the Human Rights Act 1998 when considering the fair balance between the interests of the applicant and the rights of local residents.
- 5.2 Any decision taken by the Sub-Committee must be appropriate and proportionate to the objective being pursued.
- 5.3 Members are reminded that whenever they make a decision under the Licensing Act 2003, they have a duty to act with a view to promoting the licensing objectives.
- 5.4 When considering any representations, only those issues relating to the four licensing objectives should be considered and appropriate weight given to the importance and relevance to the application of each representation.
- 5.5 In making its decision, Members must also have regard to the Statutory Guidance issued under section 182 of the Licensing Act 2003 and the Council's own Licensing Policy. If Members depart from either, they must specify their reasons for doing so.

6. DETERMINATION

- 6.1 If having regard to the objection notice, The Sub-Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:
1. Allow the licensable activities to take place as stated in the TEN;
 2. Impose one or more of the existing licence conditions from the premises licence on the TEN (insofar as such conditions are not inconsistent with the event. A copy of the premises licence is attached at **Appendix 3**).
 3. Issue a counter notice under section 105 of the Licensing Act 2003 meaning that the event cannot take place.

7. RIGHT OF APPEAL

- 7.1 Members should note that the premises user or persons making representations have the right of appeal against any decision made by the Sub-Committee. However, no appeal may be brought later than 5 working days before the day on which the TEN begins.

8. APPENDICES

1. Temporary event notice
2. Objection from Environmental Health
3. Premises Licence for White Hart

* required information

Section 1 of 9

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

 Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

 Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader
- Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Address

* Building number or name	<input type="text" value="103"/>
* Street	<input type="text" value="London Road"/>
District	<input type="text"/>
* City or town	<input type="text" value="Shardlow"/>
County or administrative area	<input type="text" value="Derbyshire"/>
* Postcode	<input type="text" value="DE72 2GP"/>
* Country	<input type="text" value="United Kingdom"/>

Agent Details

* First name	<input type="text" value="Laura"/>
* Family name	<input type="text" value="Mateer"/>
* E-mail	<input type="text" value="LMateer@john-gaunt.co.uk"/>
Main telephone number	<input type="text" value="0114 2668664"/>
Other telephone number	<input type="text"/>

Include country code.

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
 A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Is your business registered outside the UK? Yes No

Business name	<input type="text" value="John Gaunt & Partners"/>
VAT number	<input type="text" value="GB"/> <input type="text" value="651652147"/>
Legal status	<input type="text" value="Partnership"/>
Your position in the business	<input type="text" value="Paralegal"/>
Home country	<input type="text" value="United Kingdom"/>

If your business is registered, use its registered name.

Put "none" if you are not registered for VAT.

The country where the headquarters of your business is located.

Continued from previous page...

Agent Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name	Omega Court
Street	372 Cemetery Road
District	
City or town	Sheffield
County or administrative area	
Postcode	S11 8FT
Country	United Kingdom

Section 2 of 9

APPLICATION DETAILS ([See also guidance on completing the form, general notes and note 1](#))

Have you had any previous or maiden names?

Yes No

Enter details of any previous names or maiden names

First name	Kelly
Family name	Bull

Add another previous name

* Your date of birth	<input type="text" value="01"/> / <input type="text" value="06"/> / <input type="text" value="1982"/>
	dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number	JT 20 09 58 C
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This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth	Derby
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Correspondence Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes No

Building number or name	<input type="text" value="John Gaunt & Partners"/>
Street	<input type="text" value="Omega Court"/>
District	<input type="text" value="372 Cemetery Road"/>
City or town	<input type="text" value="Sheffield"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="S11 8FT"/>
Country	<input type="text" value="United Kingdom"/>

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes No

E-mail	<input type="text" value="LMateer@john-gaunt.co.uk"/>
Telephone number	<input type="text" value="0114 2668664"/>
Other telephone number	<input type="text"/>

Section 3 of 9

THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). ([See also guidance on completing the form, note 2](#))

* Does the premises have an address?

Yes No

Continued from previous page...

Address

Is the address the same as (or similar to) the address given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

* Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

- Neither Premises licence Club premises certificate

* Premises licence number

Location Details

* Provide further details about the location of the event

Car Park adjacent to the White Hart Inn

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below ([see also guidance on completing the form, note 3](#))

Car Park adjacent to the White Hart Inn

Describe the nature of the premises below ([see also guidance on completing the form, note 4](#))

Car Park containing trailer stage

Describe the nature of the event below ([see also guidance on completing the form, note 5](#))

Annual Well Dressing Festival with live music

Section 4 of 9

LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises
([see also guidance on completing the form, note 6](#)):

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment
- The giving of a late temporary event notice

([See also guidance on completing the form, note 7](#)).

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

([See also guidance on completing the form, note 8](#)).

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

([see also guidance on completing the form, note 9](#))

Event start date / /
 dd mm yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date / /
 dd mm yyyy

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

([see also guidance on completing the form, note 10](#))

To permit the licensable activities at the premises as follows:
Friday 1st July from 19:00 until Saturday 2nd July at 01:00;
Saturday 2nd July from 11:00 until 00:00;
Sunday 3rd July from 11:00 until 23:00.

Continued from previous page...

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers
[\(see also guidance on completing the form, note 11\)](#)

499

Note that the maximum number of people cannot exceed 499.

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both
[\(see also guidance on completing the form, note 12\):](#)

- On the premises only
- Off the premises only
- Both

Section 5 of 9

RELEVANT ENTERTAINMENT [\(See also guidance on completing the form, note 13\)](#)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

N/a

Section 6 of 9

PERSONAL LICENCE HOLDERS [\(See also guidance on completing the form, note 14\)](#)

Do you currently hold a valid personal licence? Yes No

Provide the details of your personal licence below.

Issuing licensing authority

Licence number

Date of issue / /
dd mm yyyy

Any further relevant details

Section 7 of 9

PREVIOUS TEMPORARY EVENT NOTICES [\(See also guidance on completing the form, note 15\)](#)

Continued from previous page...

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? Yes No

State the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year

Have you already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or Yes No

b) Begins 24 hours or less after the event period proposed in this notice?

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ASSOCIATES AND BUSINESS COLLEAGUES ([See also guidance on completing the form, note 16](#))

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? Yes No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or Yes No

b) Begins 24 hours or less after the event period proposed in this notice?

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? Yes No

Continued from previous page...

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

Yes No

a) Ends 24 hours or less before; or
b) Begins 24 hours or less after the event period proposed in this notice?

Section 9 of 9

CONDITION ([See also guidance on completing the form, note 18](#))

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.
This formality requires a fixed fee of £21

DECLARATION ([See also guidance on completing the form, note 19](#))

* The information contained in this form is correct to the best of my knowledge and belief

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
 2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/south-derbyshire/apply-1> to upload this file and continue with your application.
- Don't forget to make sure you have all your supporting documentation to hand.

OFFICE USE ONLY

Applicant reference number	<input type="text" value="WHU291/27/MRA/LFM-2"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [Next >](#)



Licensing Section
South Derbyshire District Council

Matthew Holford
Head of Environmental Services
South Derbyshire District Council,
Civic Offices, Civic Way,
Swadlincote, Derbyshire DE11 0AH.

www.southderbyshire.gov.uk
@SDDC on Twitter

Please ask for John Mills
Phone (01283) 01283 595903
Fax (01283) 595855
Typetalk (0870) 2409598
DX 23912 Swadlincote
John.mills@southderbyshire.gov.uk

Our Ref: JM/32461

Dear Sirs,

REPRESENTATION - TEMPORARY EVENT NOTICE
WHITE HART, ASTON ON TRENT. 1ST- 3RD JULY 2022

I wish to make a representation in regards the above TEN on grounds of public nuisance.

The venue is requesting three consecutive nights of amplified music, Friday 19:00 to 01:00hrs, (6 hours), Saturday 11:00 to 00:00hrs (13 hours) and Sunday 11:00 to 23:00hrs (12 hours). The music will be played on a trailer externally in the car park of the premises.

Aston On Trent is a small village, and the public house is situated predominantly in a residential area, with houses bordering the car park and dwellings less than 20 metres from the car park. I have reviewed the types of music that are being played at the event. The typical music noise levels from such events are likely to exceed 90 dB(A), a level at which will mean that adjoining properties will be unable to hold normal conversations in their gardens, or open windows for ventilation throughout the weekend of the event, it is also unlikely that they will be able to sleep even with windows closed in bedrooms with a line of sight to the car park.

The wider impacts of the music will be felt far further afield than this. I estimate the noise impacts will be significant well over 100 metres from the property (this is based upon both universally accepted sound propagation principles, and my professional experience)

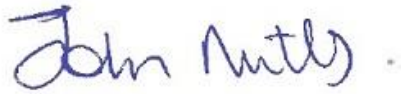
For this reason, we have in previous years agreed with the premises to host one day of external music until 11pm for the Well Dressing event, with any additional music either not amplified, or restricted to internal areas of the premises. We accept that one night will still impact on residents, however they will be able to enjoy the rest of the weekend relatively undisturbed.

It is unfortunate that the license holder has not discussed this event with the Local Authority prior to submitting the TEN. They have offered no supporting information in regards how they intend to uphold the licensing objectives and prevent public nuisance, therefore I have no alternative other than to submit a representation.

I can confirm I am willing to withdraw my representation on the basis that the event is limited to one day, with an 11pm cut-off.



Yours sincerely,

A handwritten signature in blue ink that reads "John Mills". The signature is written in a cursive style with a period at the end.

John Mills
Principal Environmental Health Officer

SOUTH DERBYSHIRE DISTRICT COUNCIL
Licensing Act 2003

REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES
TEMPORARY EVENT NOTICE

Responsible Authority (please delete as applicable):

Police / Environmental Protection

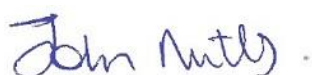
Name	John Mills
Job Title	Principal EHO
Postal and email address	South Derbyshire DC.
Contact telephone number	01283 595903

Name of the premises you are making a representation about	White Hart, Aston On Trent.
Address of the premises you are making a representation about	21 Derby Road, Aston On Trent

Which of the four licensing objectives does your representation relate to?	Yes Or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	No	
Public safety	No	
To prevent public nuisance	Yes	See accompanying letter
To protect children from harm	No	

Please detail any modifications that could be made to the temporary event notice to allow the licensable activities to take place.	Amplified music should only be held externally for 1 night over the period 01.07.2022 - 03.07.2022, with a cut-off of 11pm.
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Signed:



Date: 17/5/22

Please return this form along with any additional sheets to the Licensing Section, South Derbyshire District Council, Council Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH or email to licensing@south-derbys.gov.uk This form must be returned within the statutory period. For more details please check with the Licensing Office on 01283 595 716/890/724