



Ardip Sandhu
Executive Director – Law and People
South Derbyshire District Council,
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Please ask for Democratic Services
Phone (01283) 595722/ 595889
Democratic.services@southderbyshire.gov.uk

Date: 24 May 2024

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 **Training Room - Civic Offices**, Civic Way, Swadlincote on **Tuesday, 04 June 2024** 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,

A handwritten signature in black ink, appearing to read "A. Sandhu".

Executive Director – Law and People

To: **Labour Group**
Councillor M Mulgrew and Councillor N Tilley

Conservative Group
Councillor A Kirke

AGENDA

Open to Public and Press

- 1 Apologies
- 2 To note any declarations of interest arising from any items on the Agenda
- 3 THE CONSIDERATION OF AN OBJECTION NOTICE TO A TEMPORARY EVENT NOTICE 3 - 14

Exclusion of the Public and Press:

- 4 The Chairman may therefore move:-
That in accordance with Section 100 (A)(4) of the Local Government Act 1972 (as amended) the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraph of Part I of the Schedule 12A of the Act indicated in the header to each report on the Agenda.

REPORT TO LICENSING & APPEALS SUB-COMMITTEE

Agenda Item: 3

Hearing Date: Tuesday 4th June 2024

Contact Officer: Faye Norman

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

Applicant's Name	Joseph Mitchell
Premises Name	The Hilton Brook
Address	Witham Close, Hilton, Derbyshire, DE65 5JR

1. PURPOSE

1.1 To consider an objection notice made by Chief Officer of Police in response to a temporary event notice (TEN) made by Joseph Mitchell at The Hilton Brook, Witham Close, Hilton, Derbyshire, DE65 5JR on 15th - 16th June 2024. A copy of the TEN is attached at **Appendix 1**.

2. BACKGROUND

2.1 The premises user submitted a TEN on 17th May 2024 regarding the intended use of the premises for the sale by retail of alcohol and the provision of regulated entertainment at the above premises. The nature of the event for which the notification has been received is for a summer event to include a drive in or outdoor cinema on 15th June 2024 and for a screen to be positioned in the car park to show the Euro's football game with the possibility of an outdoor bar on 16th June 2024.

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
The sale by retail of alcohol	15 th June 2024	18:00hrs – 00:00hrs
	16 th June 2024	16:00hrs – 23:00hrs
The provision of regulated entertainment	15 th June 2024	18:00hrs – 00:00hrs
	16 th June 2024	16:00hrs – 23:00hrs

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 Chief Officer of Police on 23rd May 2024 on the grounds of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. 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. Issue a counter notice under section 105 of the Licensing Act 2003 meaning that the event cannot take place.
- 6.2 As this TEN is not in connection with licensable activities at a licensed premises, conditions may not be imposed on the TEN.

8. RIGHT OF APPEAL

- 8.1 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.

9. APPENDICES

1. Copy of the Temporary Events Notice
2. Copy of the Objection received from The Chief Officer of Police



South Derbyshire District Council

Temporary Event Notice Form

Case Reference Number - FS-Case-615442862

Name of Premises – Hilton Brook

EVENT START DATE

Event Start Date - *15/06/2024*

PERSONAL DETAILS OF PREMISES USER

Agent or Applicant - *Agent*

Name – *Joseph Mitchell*

Contact Phone Number – *01142668664*

Email Address - *lwalker@john-gaunt.co.uk*

Address Details - *THE BANK, FORMER GREGORYS, ASPEN DRIVE, DERBY, DERBY CITY, DE21 7SG*

Previous Names –

Date of Birth –

Place of Birth –

National Insurance Number –

Do you wish to use a different address for correspondence? – *Yes*

Correspondence Address – *JOHN GAUNT AND PARTNERS, 372-374, CEMETERY ROAD, SHEFFIELD, S11 8FT*

PREMISES DETAILS

Name of Premises – *Hilton Brook*

Premises Address – *THE HILTON BROOK, WITHAM CLOSE, HILTON, DERBY, DERBYSHIRE, DE65 5JR*

Please provide a detailed description of a location where you are to carry out the licensable activities if it has no address, (including the Ordnance Survey references) (Please read note 2):

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Car park at the Hilton Brook public house.

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below:

Premises licence

Premises licence number or club premises certificate (if applicable):

LAPRE/0069

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3):

Car park at the Hilton Brook public house.

Please describe the nature of the premises below. (Please read note 4):

Car park,

Please describe the nature of the event below. (Please read note 5):

15th June 2024: Summer event. To include a drive in or outdoor cinema.

16th June 2024: A screen will be placed in the car park so that customer's can watch the Euros football game. There is the possibility of an outside bar on this day.

LICENSABLE ACTIVITIES

Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on) (Please read note 6):

The sale by retail of alcohol – *Yes*

The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club – *No*

The provision of regulated entertainment – *Yes*

The provision of late night refreshment – *No*

Are you giving a late temporary event notice? – *No*

You have indicated that your event is more than 10 clear working days away (not including today, and the day of the event). Please confirm that this is correct –

How many days do you intend to use the premises for licensable activities? – *2*

Please state the dates on which you intend to use these premises for Licensable Activities (Maximum 7 Days)

15/06/2024 – 16/06/2024

Please state the day and times during the event period that you propose to carry on licensable activities (please give times in a 24 hour format)

To permit the licensable activities at the premises on Friday 15th June 2024 from 18:00 until 00:00 and Saturday 16th June 2024 from 16:00 until 23:00

Please 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 – 499

If the licensable activities will include the supply of alcohol, please state whether the supplies will be for the consumption on or off the premises, or both – *Both*

Will your event include entertainment of a relevant nature? – *No*

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

PERSONAL LICENCE HOLDER

Do you currently hold a valid personal licence – *Yes*

Date of Issue – [REDACTED]

Issuing Licensing Authority – [REDACTED]

Personal Licence Number – [REDACTED]

Any further relevant details –

PREVIOUS NOTICES

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? – *No*

Please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in the 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 b) begins 24 hours or less after the event period proposed in this notice? – *No*

ASSOCIATES

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? – *No*

Please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year –

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:

a) Ends 24 hours or less before; or

b) Begins 24 hours or less after the event period proposed in this notice? – *No*

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? – *No*

Please state the total number of temporary event notices (including the number of late temporary event notices, your business colleague(s) have given for events in the same calendar year. -

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:

a) Ends 24 hours or less before; or

b) Begins 24 hours or less after the event period proposed in this notice? –*No*

DECLARATION

Condition (Please read note 18)

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

Declarations (Please read note 19)

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

I understand that it is an offence:

(i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and

(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both.

I declare that the information contained in this form is correct to the best of my knowledge and belief. – *Yes*

Declaration Date – *17/05/2024*

Contact Phone Number – *01142668664*

Contact Email Address – *lwalker@john-gaunt.co.uk*

DATE CHANGES

TENs cannot be moved to cover another event day or another premises. If your event day or premises changes you will need to apply for a new TEN and paying the relevant fee of £21.00. You may cancel your TEN up to 24 hours before your planned event and the we will re-allocate the entitlement to the premises.

No refunds on the original TEN are available in these circumstances.

I accept that no refunds are given in relation to the above conditions – *Accept*

WHAT HAPPENS NEXT

All correspondence in respect of this application will be made via email.

We will acknowledge receipt of your application within 2 working days of you submitting your application.

If you apply online, we are responsible for copying your STANDARD TEN or LATE TEN to the Chief Officer of Police and environmental health on the first working day after you have submitted a valid STANDARD or LATE TEN and paid the fee.

However, if you submit any part of your STANDARD TEN or LATE TEN in writing, this will not be treated as an online application and you will remain responsible for copying your STANDARD TEN or LATE TEN to the Chief Officer of Police and environmental health at the same time as the STANDARD TEN or LATE TEN is served on the licensing authority.

In such cases, your application will not be valid unless you do this in accordance with the Act and applicable Regulations.

If the Chief officer of Police and/ or environmental health wish to lodge an objection to the STANDARD TEN or LATE TEN they must do so within 3 working days of being served with a copy of the STANDARD TEN or LATE TEN and they must inform you and the Licensing Authority of their reasons for the objection. The police and / or environmental health may object to a STANDARD TEN or a LATE TEN if they consider any of the four licensing objectives of the Licensing Act 2003 would be undermined if the event were to be allowed to go ahead. You will then be served a counter notice by the licensing authority notifying you of the objections.

For a LATE TEN, where the police and/ or environmental health raise an objection, a counter notice will be served by the Licensing Authority at least 24 hours before the event is due to start, and the event will not be allowed to go ahead.

For a STANDARD TEN, the Licensing Authority will arrange for mediation in the first instance between yourselves, the police and/ or environmental health. As a result of mediation, the STANDARD TEN may be modified, and the licensing authority would then be informed. If mediation fails, a hearing will be held, where conditions may be attached to the STANDARD TEN by way of issuing a statement of conditions; or the event may not be authorised to proceed. Alternatively, the event may be permitted to proceed with no further conditions to be added.

The Local Authority will also serve a counter notice to STANDARD and LATE TENS in the following circumstances:

where the relevant premises user holds a personal licence and has already served at least fifty STANDARD TENS wholly or partly within the same calendar year;

where the relevant premises user holds a personal licence and has already served at least ten LATE TENS wholly or partly within the same calendar year

where the relevant premises user does not hold a personal licence and has already served at least five STANDARD TENS wholly or partly within the same calendar year;

where the relevant premises user does not hold a personal licence and has already served at least two LATE TENS wholly or partly within the same calendar year;

if the length of time the STANDARD or LATE last exceeds 168 hours;

if at least twenty one STANDARD OR LATE TENS (in combination) have been served in respect of any part of the relevant premises in the same calendar year as the new TEN or LATE TEN application;

if the maximum aggregate duration of the periods covered by STANDARD and LATE TENS at any individual premises exceeds twenty six days in a calendar year; and

if the scale of the event in terms of the maximum number of people attending at any one time exceeds 499.

PAYMENTS

The total amount to pay is £21.00

Are these details correct? – Yes

SOUTH DERBYSHIRE DISTRICT COUNCIL
Licensing Act 2003

REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES

Responsible Authority (please delete as applicable):

Police / Fire / Environmental Protection / Health and Safety / Child Protection / Trading Standards/
Planning Authority/ Licensing Authority / Health Authority

Your Name	PC 14882 Jacob Callow
Job Title	Licensing Officer
Postal and email address	St Marys Wharf Police Station Chester Green Derby DE1 3AB.
Contact telephone number	07457 973801

Name of the premises you are making a representation about	The Hilton Brook
Address of the premises you are making a representation about	WITHAM CLOSE, HILTON, DERBYSHIRE, DE65 5JR

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	Yes	<p>A Temporary Event Notice has been submitted for a Cinema screen to be erected in the car park of The Hilton Brook public house. The intended use of the screen is for the 15/06/2024 and 16/06/2024.</p> <p>On the 15/06/2024 the screen's intended use is for a "Drive in or outdoor Cinema event".</p> <p>On the 16/06/2024 the screen's intended use is to air UEFA Euro 2024 Football. On this date England are scheduled to play at 2000 Hours. The Temporary Event Notice also mentions the possibility of an additional outdoor bar to be set up.</p> <p>The car park for The Hilton Brook is a large open area which borders the main road in Hilton, EGGINTON ROAD and has pedestrian access, close to a busy roundabout.</p> <p>Access to the car park via car is from Witham Road. There are seven smaller Local businesses which also share access via Witham Road but have their own dedicated car park.</p> <p>The two events produce separate challenges which without proper safeguarding and management would undermine the Licensing Objections.</p> <p>There has been no additional information submitted with this Temporary Event Notice and as such I am unable to identify where the screen is due to be placed. Due to the location of the car park being so close to a main road, it is expected that it will be somewhat visible to the main road. The events are due to take place during the hours of darkness. With the screen being</p>

APPENDIX 2

		<p>so close to a main road, this poses a risk of distracting passing drivers and increases the likelihood of a collision and thus poses a risk to Public Safety.</p> <p>On the event to be conducted on 15/06/2024, there has been no mention of what regulated entertainment film is due to be played. Due to the film being played in such an open area in the local community. As such, any film which has an age classification played would pose a risk to be seen by children. This would undermine the Licensing Objective, the protection of children from harm.</p> <p>The showing of England football fixtures provides a likely increase of crime and disorder. It is expected that licenced premises do all that they can to mitigate these additional risks. The addition of a large screen, outdoor bar, and anticipated number attendance of 499 person are all aggravating factors. The addition of an outdoor bar so close to the screen showing the fixture allows attendants to purchase alcohol without leaving the screen. This encourages an increase of alcohol consumption which would likely increase the risk of crime and disorder and public nuisance.</p> <p>No information or evidence has been provided of how the number of attendants is expected to be managed. Due to the number of entrances to this area, it is of my opinion that it would be unachievable to manage this event safely without stringent measures, such as Heras Fencing; suitable SIA authorised staffing on access and egress and a detailed risk assessment in relation to crowd management. Placing an event on a car park without suitable safety measures put increases additional risk to public safety with members of the public allowed to consume alcohol in an area where cars are allowed to park.</p> <p>If it is the intention of the premises to completely close the premises car park to cars, then this will also pose a further increase to public nuisance. With a lack of suitable parking for the premises with a large scale event, it would likely have a negative impact on nearby local businesses and residents.</p> <p>It is therefore the opinion of the Chief Officer of Police that should the Temporary Event Notice be permitted, then this is likely to undermine the crime prevention, public safety, and public nuisance objectives.</p> <p>If granted without suitable safeguards, there is an increased risk of crime and disorder and would undermine the licensing objectives.</p>
Public safety	Yes	As above
To prevent public nuisance	Yes	As above
To protect children from harm	Yes	As above Page 13 of 14

Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing and Appeals Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.	There are no conditions on the Premises Licence which would remedy the representations made.	

Signed: PC 14882 J. CALLOW

Date: 23/05/2024

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@southderbyshire.gov.uk. This form must be returned within the Statutory Period. For more details please check with the Licensing Office on 01283 595 716/724/890