



Please ask for Brian Offiler
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The Chair and Members of Licensing
Group 1

Dear Councillor,

AGENDA SUPPLEMENT

Please see attached the documents for the agenda item(s) listed below for the meeting of the LICENSING GROUP 1 to be held on WEDNESDAY, 10 MAY 2017, the agenda for which has already been published.

3. Application for a New Premises Licence by Stephen Eyre, in respect of 5 Breckland Road, Walton, Chesterfield, Derbyshire, S40 4RW (LC170) (Pages 3 - 18)

Yours sincerely,

Local Government and Regulatory Law Manager and Monitoring Officer

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For publication

Supplementary Report - Application for a New Premises Licence by Stephen Eyre, in respect of 5 Breckland Road, Walton, Chesterfield, Derbyshire, S40 4RW (LC170)

Meeting: Licensing Committee
Date: Wednesday 10th May 2017
Cabinet portfolio: Health and Wellbeing
Report by: Steve Ashby, Licensing Officer

For publication

1.0 **Purpose of report**

- 1.1 To inform Members of additional information received in respect of the application made by Stephen Eyre for a new premises licence for

5 Breckland Road
Walton
Chesterfield
Derbyshire
S40 4RW.

- 1.2 Prior to the original committee hearing of 3rd May 2017, the applicant submitted additional conditions to be applied to the operating schedule of his application. The additional conditions were added to the original report at Appendix A.

- 1.3 The meeting was subsequently adjourned to allow those making representations to give consideration to the further information submitted and the opportunity to make further comment upon the submission of appendix A.
- 1.4 The committee members also sought some further information in relation to the rear yard at 5 Breckland Road, referenced in appendix A.
- 1.5 A document has been produced with photographs of the rear yard. This document is now attached to the committee report at appendix 12.

2.0 **Additional representations**

- 2.1 In response to the further information submitted by the applicant, the representation at appendix 4 has been qualified with a further comment and this is attached at appendix 4a. The additional comments relate to
 - Longer hours in the application not corresponding to the business plan submitted in the planning application.
 - The introduction of reference to events in the rear yard of the premises.
 - Concerns about the type of customers who will frequent the premises.
- 2.2 The representation at appendix 5 has also attracted further comment, now included at appendix 5a and the areas of concern are similar to those in appendix 4a.
- 2.3 Appendix 6 is also added to, with two further representations shown at appendix 6a and 6b. The areas of concern raised reflect the original issues mentioned but introduce further concerns in relation to
 - use of the rear yard of the premises, specifically regarding health and safety legislation
 - The impact on family life, particularly with a young family, some of whom are unwell.
- 2.4 This respondent at appendix 6 also makes some specific requests.

- That the representations be read out in the hearing to allow a better appreciation of the issues raised.
- That the original representations made in the planning application be re-admitted to this process to demonstrate the depth of feeling against the application.

In respect of the second point the applicant states that the general opinion in the area is that residents were unaware that they would have to make objections again regarding this application.

They believed that their original objections would be carried forward, particularly as no letters were sent out to residents advising them of this subsequent application. No such letters were sent as they are not required and this is a notable difference in the application process between licensing and planning.

- 2.5 In relation to the health and safety concerns regarding the use of the rear yard at the premises for any activity relating to the licensed premises, opinion has been sought from a Health and safety officer.
- 2.6 The reply can be seen at appendix 13 and can be summarised by stating that there would be safety concerns should the yard be used for provision of a smoking area or for events.
- 2.7 The additional representations made relate to one or more of the licensing objectives which are:-
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - protection of children from harm

3.0 **Recommendation.**

That the Committee hear details of this license application and determine whether it is

- Granted
- granted with conditions
- or refused.

Steve Ashby
LICENSING OFFICER
2.05.17

For more information on this report please contact the author,
Steve Ashby on 01246 345780, email steve.ashby@chesterfield.gov.uk

-----Original Message-----

From:

Sent: 07 May 2017 22:44

To: Steve Ashby

Subject: Re 5 Breckland Road

Dear Mr Ashby

Even though Mr Eyre has submitted additional information, this doesnt seem to have addressed any of our concerns.

Why has Mr Eyre failed to comment on the significant longer hours he has applied for compared to the hours he submitted for his planning permission?

Why has Mr Eyre started mentioning events in the rear yard, when up to now there has been no mention of this? This point has made our objections even stronger.

It seems Mr Eyre told residents what they wanted to hear at an early stage to appease them, now it comes to the actual license application Mr Eyre is continuously changing the goal post, with little regard for the residents and our families.

We would like to strongly reiterate that the hours applied for and the potential for events being held will only cause a public nuisance. Walton is a quiet, mainly family orientated area and should be allowed to remain that way. Mr Eyre seems to be under the illusion that his proposed establishment is only going to be frequented by quieter older folk, yet we have heard from parents whose young adult sons and their 'mates' are excited about the prospect of having a pub in the centre of Walton. The last thing this area needs is an issue with groups of young drunk adults at the times proposed by Mr Eyre.

Unfortunately we are unable to attend the hearing due to work commitments, but could you please keep us updated.

Please feel free to contact us if you require any further information.

Kind Regards

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From:
Sent: 04 May 2017 09:11
To: Steve Ashby
Subject: 5 Breckland Road /SA

Dear Steve,

Thank you for your letter.

Once again we would like to object on the following grounds.

We would also like to strongly object to events in the rear yard. We also do not want events being held adjacent to our homes and taking away all our weekends and evenings. again we raise the point that this is a residential area full of young families, we have 4 small children put to bed at 7.30pm now just yards from a potential pub site!!

We would never have bought our home if it had been there and we feel that now others will not choose our homes for the same reason. We will now be hounded by noise, litter, and random acts of public nuisance.

We worked really hard to buy this house and despite having raised over a 100 signatures against this pub, it gets planning anyway. Also Mr Eyre stated that he would offer greatly reduced opening hours to re assure us all, and ask us to withdraw our objections which some people did do. But Mr Eyre has lied as he has still applied for a full licence meaning once he has approval he can just do whatever he likes and open full hours.

How this is being allowed in this area with all the objections is beyond us, Mr Eyre has also shown himself to not be trustworthy and so we also object to events in the rear yard as I am sure he will then apply for a music licence despite saying he won't as he has already done this with his application.

We as usual have not had much time to prepare for this hearing and again we are given short notice of the meeting and unable to arrange the time off from work to attend.

I also don't understand how Mr Eyre can use the rear yard? as this is shared access for all the business's and under health and safety members of the public should not be allowed in there. due to HGV's unloading ? how can his smokers be allowed to do this?? how can he be allowed any access to the rear yard without putting all his customers in hi viz vests?

could you please add these to our earlier objections and can our petitions and signatures of objection also be taken into account.

Thank You

Kind Regards,

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From:
Sent: 04 May 2017 10:17
To: Steve Ashby
Subject: 5 Breckland Road wild

Dear Steve,

I formally request that as we can not be present due to short notice and work commitments that you please read our objections out at the hearing, which are contained within this letter.

We are writing to further object to the licencing application for the micro pub site at 5 Breckland Road.

As I mentioned to you on the phone, we the residents of Foxbrook Court are getting more and more frustrated with this application, we feel that we have been lied to by Mr Eyre and only given the very bare minimum of information. As a community when this was at the planning stage we raised over a 100 signatures objecting to this site, we have objected on many grounds relating to noise, litter and antisocial behaviour and so Mr Eyre said that he would only open restricted hours from a Thursday to a Saturday he put notices up on the front of the property asking for objections to be withdrawn and to reassure the residents of his intentions.

However Mr Eyre has been underhand and dishonest as he has made a full licencing application for full hours and once he has permission he will just do whatever he wants. Many of our neighbours don't realise what he has done, they think that once planning has been granted we have lost and that there is no point fighting on,

This is a residential street full of young families, We have 4 small children aged 11, 6, 3 and 8 months. Our children go to bed at 7.30pm and their bedroom windows are yards from the proposed site. We worked really hard to buy this house and Mr Eyre wants to take away our evenings and weekends away from us. How are we supposed to settle our children to sleep when the rear yard is full of people smoking and drinking. had this pub been in this position we would never have bought our home, as it simply would not have been suitable and as a street we all feel the same way and yet our voices are not heard, our objections over looked and I believe that Mr Eyre referred to us as ill informed door knockers! our house prices are now affected because other families will feel how we feel. How will we ever sell our main investment? would Mr Eyre want this pub in his back garden? Please ask him where he lives and lets all go there every weekend and evening after work.

Two of my children have significant health conditions and are cared for by Sheffield Childrens Hospital, they need rest and sleep. we bought a very expensive family home in a quiet residential area. why should our children suffer? we never dreamed that that site would be suitable for a pub and neither did any of the other residents. Why should we all loose our family homes.

Mr Eyre has withheld information, he has made no reference to the proposed events in the rear yard and I have many questions on this site. this is a loading bay with shared access for multiple properties. does Mr Eyre have permission from the other business's to use the yard for this purpose?

I am a former HGV Class 1 driver and as large vehicles deliver to this site on a regular basis I dont understand how Mr Eyre can have permission to have members of the public in this area smoking and drinking surely they will have to wear appropriate Hi visibility clothing and have completed the relevant health and safety training in order to have access to the loading bay? I would like to see Mr Eyre's risk assesments for this area and all written permission from the other lease holders of the site. I would also imagine that members of the public would also not be allowed access under the influence of alcohol as surely this would invalidate all business insurance for everyone at the site. Please could Mr Eyre provide all documents to show he has notified his insurance company and all the other lease holders of his intentions to have members if the public in a loading bay drinking alcohol and smoking.

We would also like to have admitted to the hearing all the letters of objection from the planning stage as most residents don't realise that they have to object again and no letters were sent out to advise the residents and so this process has not been delt with in a open and honest manner and we feel that our petition of signatures objecting is also relevant and should be added for your consideration.

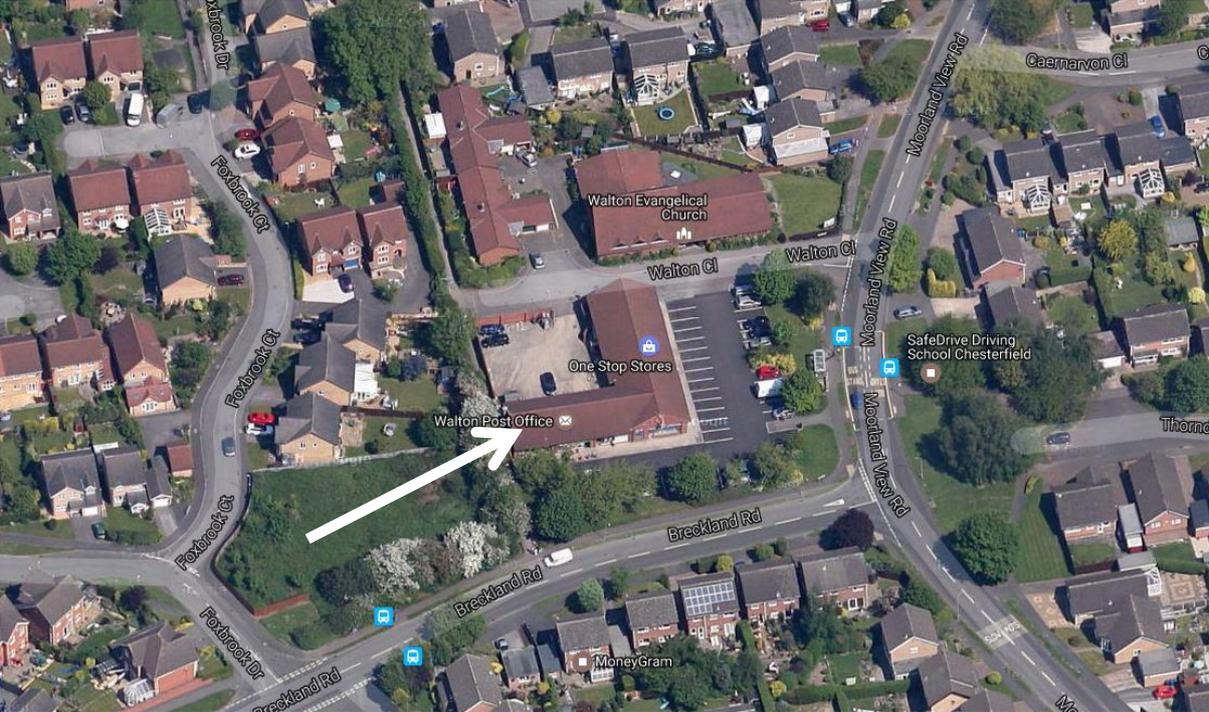
We feel that there are many more suitable uses for that site and a pub is not one of them.

Kind Regards

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Location and description of rear yard at 5 Breckland Road

#1 – general location of premises



#2 – closer view of rear yard



#3 – ground level view of rear yard from Walton Close



From: Vanessa Carty
Sent: 08 May 2017 10:20
To: Steve Ashby
Subject: RE: 5 Breckland Road, application for premises licence

Morning Steve

Thank you for your enquiry – the representation makes some very valid and relative points in respect of health and safety aspects of the use of the delivery yard.

Looking at the photographs the rear yard of the property is a shared delivery yard and so it should not be accessed by members of the general public.

I would expect that each of the businesses using the yard will have in place health and safety procedures covering workplace transport requiring personal protective equipment such as safety clothing and footwear. There will also be issues regarding the storage and collection of waste materials (including possibly hazardous chemicals). The applicant should also have assessed the risks of using this area and have put suitable and sufficient controls in place to protect himself, his employees and other people affected by his business activities(i.e. the other businesses sharing the yard, delivery drivers etc.).

Customers of the proposed venue should also not use the rear yard for a smoking facility as it is not suitable for this purpose and I suspect the applicant does not have permission for this activity.

I am not aware of any proposed events to be held in this area however I would not think this would be appropriate as again the yard is a shared facility and permission would presumably be needed from the landlord and other tenants.

In summary;

1. The yard is used for deliveries/collections and should not be accessed by members of the general public.
2. It is not suitable as a smoking area due to delivery vehicles, waste storage and possible storage of hazardous chemicals.
3. The yard is not suitable to hold events unless permission has been obtained from the landlord, other users and suitable health and safety measures were put in place appropriate to the event being held.
4. The applicant should have in place suitable and sufficient health and safety management systems (including risk assessments) for his daily business activities and any proposed events.
5. The applicant has not made any contact with health and safety at Chesterfield Borough Council for advice in respect of the proposals in respect of this application or proposed events.

If you require any further information or assistance please do not hesitate to contact me.

Regards

Vanessa

Mrs Vanessa Carty - Technical Officer

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S41 7LF

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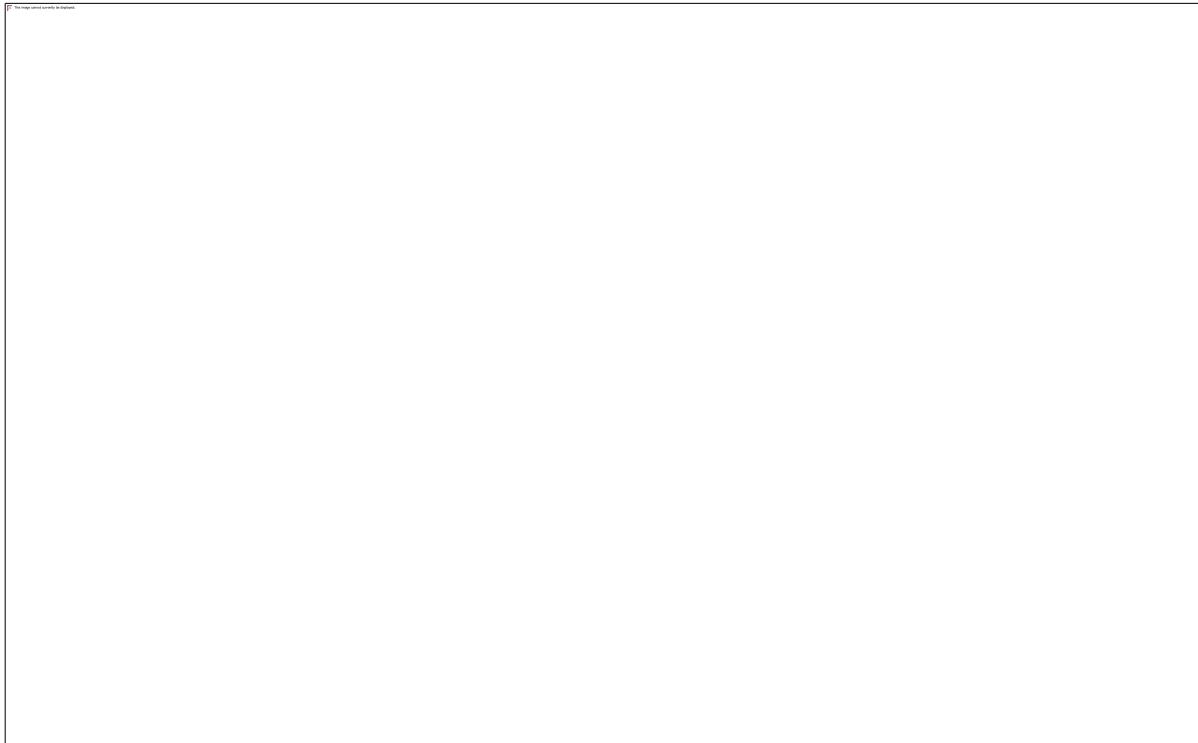
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From: Steve Ashby
Sent: 05 May 2017 16:45
To: Vanessa Carty
Subject: 5 Breckland Road, application for premises licence

Dear Vanessa

I write with reference to a licensing application at 5 Breckland Road, Walton, Chesterfield.

The applicant has alluded to using the loading yard at the rear of the premises as a smoking area.



The text below is a paragraph from a representation in relation to the use of the yard.

Mr Eyre has withheld information, he has made no reference to the proposed events in the rear yard and I have many questions on this site. this is a loading bay with shared access for multiple properties. does Mr Eyre have permission from the other business's to use the yard for this purpose?

I am a former HGV Class 1 driver and as large vehicles deliver to this site on a regular basis I dont understand how Mr Eyre can have permission to have members of the public in this area smoking and drinking surely they will have to wear appropriate Hi visability clothing and have completed the relevant health and safety training in order to have access to the loading bay? I would like to see Mr Eyre's risk assesments for this area and all written permission from the other lease holders of the site. I would also imagine that members of the public would also not be allowed access under the influence of alcohol as surely this would invalidate all business insurance for everyone at the site. Please could Mr Eyre provide all documents to show he has notified his insurance company and all the other lease holders of his intentions to have members if the public in a loading bay drinking alcohol and smoking.

Are you able to comment on the content of this representation from a health and safety viewpoint?
I would like to be able to respond in committee from a qualified perspective.

Thank very much

Steve

Steve Ashby
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