



Please ask for Brian Offiler
Direct Line: 01246 345229
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The Chair and Members of Licensing
Committee - Group 3
Councillors Bellamy, Avis Murphy,
Jeannie Barr, Burrows, Flood, Rayner

16 May 2017

Dear Councillor,

Please attend a meeting of the LICENSING COMMITTEE - GROUP 3 to be held on WEDNESDAY, 24 MAY 2017 at 2.00 pm in Council Chamber, Town Hall, Chesterfield, S40 1LP, the agenda for which is set out below.

AGENDA

Part 1(Public Information)

1. Declarations of Members' and Officers' Interests relating to items on the agenda
2. Apologies for Absence
3. Application for a New Premises Licence by Stephen Eyre, in respect of 5 Breckland Road, Walton, Chesterfield, Derbyshire, S40 4RW (LC170) (Pages 3 - 78)

Yours sincerely,

A handwritten signature in black ink, appearing to be "B. Offiler".

Local Government and Regulatory Law Manager and Monitoring Officer

Chesterfield Borough Council, Town Hall, Rose Hill, Chesterfield S40 1LP

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For publication

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:	3 rd May, 2017 (Deferred to 24 th May 2017)
Cabinet portfolio:	Health and Wellbeing
Report by:	Steve Ashby, Licensing Officer

For publication

1.0 Purpose of report

1.1 For Members to determine the application made by Stephen Eyre for a new premises licence in respect of

5 Breckland Road
Walton
Chesterfield
Derbyshire
S40 4RW.

1.2 Relevant representations have been made in respect of the application and not withdrawn. Consequently the application cannot be granted or refused under officer delegated authority.

2.0 Recommendation.

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

- Granted
- granted with conditions
- or refused.

2.1 Copies of the Application Form and premises plan are attached to this report at Appendix 1.

3.0 **Report Details.**

3.1 The premise is a single storey retail unit, previously operated as a food takeaway premise.

It is situated on a small retail development that benefits from a limited number of parking bays, within a housing estate in the Walton suburb of Chesterfield.

3.2 The shop itself is the end unit of the development; other premises in the same location include One-stop (a licensed supermarket) and a post office.



Figure #1 – premises store front

The One Stop store has a terminal hour for alcohol sales of 2300 hours Monday to Saturday and 2230 hours on Sunday.

3.3 The retail development is sited on a bus route within a significant suburban housing estate.

Other nearby amenities include a community centre and Evangelical church.

There are service route bus stops on either side of the premises.



Figure #2 – aerial view of the premises.

3.4 As can be seen in the aerial photograph in figure #2, the premise has a loading bay to the rear, car parking to the front, with residential homes close to one side. There are further residential homes a little further away across the road at the front of the premises and numerous residential properties as distance from the unit increases.

4.0 **Application**

4.1 The application received in Licensing on 14th March 2017 is for a Premises Licence to establish a "micropub" at 5 Breckland Road.

The application does not seek any licensable activity other than the sale and supply of alcohol, both on and off the premises.

- The hours applied for are 11.00 to 22.30 hours Monday to Saturday and 11.00 to 22.00 hours on Sunday.
- Non-standard timings of 11.00 hours on Christmas Eve to 01.00 hours on Christmas Day and 11.00 hours on New

Year's Eve to 02.00 hours on New Year's Day are also sought.

- Opening hours of the premises are identified in the application as 11.00 to 22.35 hours Monday to Saturday and 11.00 to 22.00 hours on Sunday.

- 4.2 Applications for a new Premises Licence are required to be advertised by way of an advert in the local press, a site notice displayed at the premises and copies of the application submitted to all Responsible Authorities.
- 4.3 A copy of the appropriate local press advert taken from the Derbyshire Times on Thursday 23rd March 2017 is attached at appendix 2.
- 4.4 The site notices displayed on the premises, advertising the application were viewed by licensing enforcement staff on 18th March 2017 and 1st April 2017 and found to be displayed correctly and completed appropriately.
- 4.5 The application was submitted on line through the internet and as such, the Chesterfield Borough Council Licensing Authority circulated a copy of the application to the responsible Authorities.
- 4.6 The statutory deadline for representation was 11th April 2017.

Responsible Authorities and Interested Parties are entitled to make representations to the Licensing Authority provided they are relevant.

A number of representations have been received and accepted from local residents, Derbyshire Police and Chesterfield Borough Council Licensing Authority in relation 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

Redacted copies of the letters of representation are shown at Appendices numbered 3 to 9.

- 4.7 The representations received from local residents regarding this application predominantly express concerns over:
- Late night noise
 - The disparity between the opening hour proposed by the applicant at the planning committee hearing and those in the premises licence application and the impact upon the four licensing objectives.
 - Concerns about customers drinking outside in warmer weather being noisy
 - Public health and safety concerns regarding smoking
 - Concerns about noise from bottle disposal and deliveries
 - A lack of parking
 - Litter
 - Previous antisocial behaviour problems at the same location and concerns that a public house would add to those issues.
 - The creation of a public house on a quiet residential estate where none had previously existed and the impact upon quiet family life.
 - The area in the vicinity of the premises currently used as a children's playing area, with a concern that children would be unnecessarily exposed to alcohol or intoxicated people.
- 4.8 The Police and Licensing authority representations refer to similar issues raised by the residents, expressing a concern that the licence application's operating schedule contains insufficient control measures to address those concerns.
- 4.9 Reference is made in the resident's representations to the planning application that allowed a change of use of the premises from hot food takeaway to licensed premises. The application, made in 2016 was determined in February 2017. The decision notice is attached at appendix 10.
- 4.10 Committee heard the planning application which attracted a 162 name petition opposing the plan as well as 36 individual letters, of which 22 made representations against the application and 14 supported it.
- 4.11 The concerns raised were very similar to those identified in this later premises licence application. There was some element of the

fear of the unknown, some reference to previous problems that had been prevalent historically at the location and included:-

- Anticipated noise nuisance when the premises would be in operation, supported by reference to historical noise nuisance and antisocial behaviour at the same location.
- Smoking presenting a health and safety concern and a fire risk
- Limited availability of car parking provision
- The introduction of a public house into a residential neighbourhood where none had previously existed
- Litter problems
- Concerns over personal safety
- Negative impact upon children in the area
- Exposing children to intoxicated individuals in a location where children regularly frequent
- Underage drinking
- Intimidating to older residents
- Extended opening hours
- Loud music
- Increased deliveries noise
- A development not in keeping with the local environment or the demographic of the area.

4.12 During the consultation phase of the planning application, Mr Eyre submitted a business plan to better identify the proposed activities at the venue. This appeared to allay concerns and saw the withdrawal of a representation made by local councillors.

4.13 A copy of the business plan can be seen at appendix 11.

4.14 Mr Eyre addressed a number of the representations by proffering the following explanations and clarity.

- An intention to provide a community real ale public house with the emphasis on the provision of a civilised, quality environment and products, thus deterring high volume consumption and poor behaviour.
- No intention to provide any music or entertainment
- An acknowledgment that although a licencing application would probably seek a licence for activities between 11.00 hours and 22.00 hours, the reality would probably be a premises that would be
 - Closed on Monday, Tuesday and Wednesday

- Open from 16.00 hours to 19.00 hours on Thursday and Friday
- Open 11.00 hours to 20.00 hours on Saturday
- And 11.00 hours to 19.00 hours on Sunday.
- Smokers would be encouraged to frequent the enclosed yard at the rear of the premises, thereby reducing the potential for noise nuisance to the nearby residents of Breckland Road and Foxbrook Court.
- The issue of litter would be addressed by way of the majority of consumables at the premises being recycled and with an intention not to sell cans, lessening the opportunity for them being carelessly discarded. Any accumulation of litter would be cleared.
- Rather than adding to the issue of antisocial behaviour, a later opening premise would reduce such behaviour by providing an extra presence to deter it.

4.15 The key issue here for the residents is the disparity between the business plan offered up in response to the planning committee hearing and the content of this new premises licence application.

4.16 As part of the application process the applicant is required to describe in the operating schedule the additional steps that are intended to be taken in order to promote the licensing objectives for the new premises licence that has been requested.

4.17 Under the Licensing Act 2003 these volunteered proposed steps will be attached to the premises licence as conditions which must be complied with. These are set out in Part M of the application form.

4.18 It can be seen that the licence application offers no assurance of the limited operating hours previously alluded to, which has clearly prompted some of the representations to be made.

4.19 The application does support other aspects of the business plan by stating:-

- The premises will cater for middle aged drinkers in an atmosphere of quiet surroundings. With no late opening hours there will be little chance that the premises will attract any crime or disorder. The premises will be well run and staff will have sufficient training to enable them to prevent any incidents in or around the premises.
- Notices will be posted reminding patrons to be quiet on leaving the premises.
- Glass bottles will only be transferred to external bins between 9am and 5pm.
- Smokers will be directed to use the rear yard.
- No children under the age of 18 will enter the premises unless accompanied by an adult. The premises will run an under 21 age policy.

5.0 **Conclusion**

- 5.1 When carrying out its licensing functions, the Licensing Authority must do so with a view to promoting the 4 licensing objectives and also with regard to its Statement of Licensing Policy and the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.
- 5.2 Where either the applicant or a person who made relevant representations is aggrieved by the decision of the Licensing Authority, appeal is to the Magistrates' Court.
- 5.3 As relevant representations have been made in respect of the application and not withdrawn, the application cannot be granted or refused under officer delegated authority.
- 5.4 The Licensing Committee is therefore asked to give consideration to the application and determine it by
- granting it as requested
 - granting it subject to conditions
 - or refusing the application.

Steve Ashby

LICENSING OFFICER

25.04.17

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

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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: 3rd May, 2017 (Deferred to 24th 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 following the publishing of the original report for the meeting in respect of the application made by Stephen Eyre for a new premises licence in respect of

5 Breckland Road
Walton
Chesterfield
Derbyshire
S40 4RW.

1.2 A copy of the additional information revising the application received from the applicant is attached to this supplementary report at Appendix A.

2.0 Recommendation.

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

- Granted
- granted with conditions
- or refused.

3.0 **Revised Application**

3.1 The effect of the additional information received from the applicant is to revise the operating schedule proposed for the premises.

3.2 Appendix A identifies the further control measures offered up by the applicant Mr Eyre, that are to be read in conjunction with those already identified in Part M of the original application form.

3.3 As a result of these changes to the application, the representations which had been received from Derbyshire Police and Chesterfield Borough Council Licensing Authority (Appendices 8 and 9 to the original report respectively) have been withdrawn.

3.4 The representations previously received and accepted from local residents (Appendices 3 – 7 to the original report) remain, in relation 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

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

Premises at 5 Breckland Road, Walton

The following are offered in addition to the Operating Schedule accompanying the premises licence application

General - All Four Licensing Objectives

- Full training will be provided to staff on commencement of employment on the law relating to all age-restricted products sold and any system or procedures they are expected to follow in the course of dealing with these goods.
- Refresher training should be provided at regular intervals (at least six monthly).
- Records detailing the training provided will be kept on the premises for production, on request, to an officer of a Responsible Authority. Records shall be retained on the premises for a minimum of two years.
- If an event is to be held in the rear yard of the premises address the licence holder will inform the licensing authority and the police licensing department, for the area, of the details of the event at least 21 days before. The licence holder will submit with the notification a risk assessment which will take into account the four licensing objectives.

Prevention of Crime and Disorder

- The premises will be fully secured. A secure room will be built adjacent to the bar area to store valuable items.

Public Safety

- A first aid kit will be made available.
- Emergency exits and routes are unobstructed at all times when the premises are open to the public or being used for licensable activities.

Prevention of Public Nuisance

- All alcohol sold for consumption off the premises shall be sold in sealed containers only.

Protection of Children from Harm

- Soft drinks will always be available.
- A "Challenge 25" Proof of Age scheme will be operated.
- A system of recording sales refused under the Proof of Age scheme will be operated at all times. At least weekly, the Designated Premises Supervisor (or authorised deputy) will:
 - Examine the record and compare it against the normal operating pattern for the premises.
 - Indicate any action take in relation to that examination.
 - Sign off/endorse the record to indicate the above points have been carried out.
 - The refusal record will be kept on the premises for production, on request, to an officer of a Responsible Authority.

- Acceptable forms of identification will be a PASS accredited proof of age card, photo driving licence or passport.
- Failure to produce satisfactory proof of age will result in a refused sale.
- Clear, prominent and unobstructed signage informing customers of the Proof of Age scheme in operation and the age restrictions of products, clearly displayed at all entry points to the premises.

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: 10th May 2017 (Deferred to 24th 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
9.05.17

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



Chesterfield
Application for a premises licence
Licensing Act 2003

For help contact
licensing@chesterfield.gov.uk
 Telephone: 01246 345345

* required information

Section 1 of 19

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

Not Currently In Use

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

Stephen

* Family name

Eyre

* E-mail

sceyre@btinternet.com

Main telephone number

07838375647

Include country code.

Other telephone number

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

Are you:

- 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 you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Your Address

Address official correspondence should be sent to.

* Building number or name	<input type="text" value="6"/>
* Street	<input type="text" value="Stanford Way"/>
District	<input type="text" value="Walton"/>
* City or town	<input type="text" value="Chesterfield"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text" value="S42 7NH"/>
* Country	<input type="text" value="United Kingdom"/>

Section 2 of 19

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name	<input type="text" value="5"/>
Street	<input type="text" value="Breckland Road"/>
District	<input type="text" value="Walton"/>
City or town	<input type="text" value="Chesterfield"/>
County or administrative area	<input type="text" value="Derbyshire"/>
Postcode	<input type="text" value="S40 3LJ"/>
Country	<input type="text" value="United Kingdom"/>

Further Details

Telephone number	<input type="text"/>
Non-domestic rateable value of premises (£)	<input type="text" value="5,300"/>

Section 3 of 19

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company
- A partnership
- An unincorporated association
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales
- Other (for example a statutory corporation)

Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 19

INDIVIDUAL APPLICANT DETAILS

Applicant Name

Is the name the same as (or similar to) the details 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.

First name

Family name

Is the applicant 18 years of age or older?

- Yes No

Continued from previous page...

Applicant Postal 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="6"/>
Street	<input type="text" value="Stanford Way"/>
District	<input type="text" value="Walton"/>
City or town	<input type="text" value="Chesterfield"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="S42 7NH"/>
Country	<input type="text" value="United Kingdom"/>

Applicant 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="sceyre@btinternet.com"/>
Telephone number	<input type="text" value="07838375647"/>
Other telephone number	<input type="text"/>

Section 5 of 19

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

Micropub selling alcoholic and soft drinks.

Continued from previous page...

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Section 6 of 19

PROVISION OF PLAYS

Will you be providing plays?

- Yes No

Section 7 of 19

PROVISION OF FILMS

Will you be providing films?

- Yes No

Section 8 of 19

PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

- Yes No

Section 9 of 19

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 19

PROVISION OF LIVE MUSIC

Will you be providing live music?

- Yes No

Section 11 of 19

PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

- Yes No

Section 12 of 19

PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

- Yes No

Section 13 of 19

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes No

Continued from previous page...

Section 14 of 19

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

Section 15 of 19

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

From 11:00 hrs Christmas Eve to 01:00 hrs Christmas Day
From 11:00 hrs New Years Eve to 02:00 hrs New Years Day

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Family name

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

Continued from previous page...

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 19

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

None

Section 17 of 19

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start	<input type="text" value="11:00"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text" value="22:35"/>

SUNDAY

Start	<input type="text" value="11:00"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text" value="22:00"/>

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Opening times in line with Christmas and New Year sale of alcohol

Section 18 of 19

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

The premises will cater for middle aged drinkers in an atmosphere of quiet surroundings. With no late opening hours there will be little chance that the premises will attract any crime or disorder. The premises will be well run and staff will have sufficient training to enable them to prevent any incidents in or around the premises.

b) The prevention of crime and disorder

c) Public safety

Notices will be posted reminding patrons to be quiet on leaving the premises.

Continued from previous page...

d) The prevention of public nuisance

Glass bottles will only be transferred to external bins between 9am and 5pm.
Smokers will be directed to use the rear yard.

e) The protection of children from harm

No children under the age of 18 will enter the premises unless accompanied by an adult. The premises will run an under 21 age policy

Section 19 of 19

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.

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £87000	£315.00
Band D - £87001 to £125000	£450.00*
Band E - £125001 and over	£635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £125000	£900.00
Band E - £125001 and over	£1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39999	£16,000.00

Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00

Continued from previous page...

Capacity 80000-89999 £56,000.00
Capacity 90000 and over £64,000.00

* Fee amount (£)

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

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/premises-licence/chesterfield/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.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

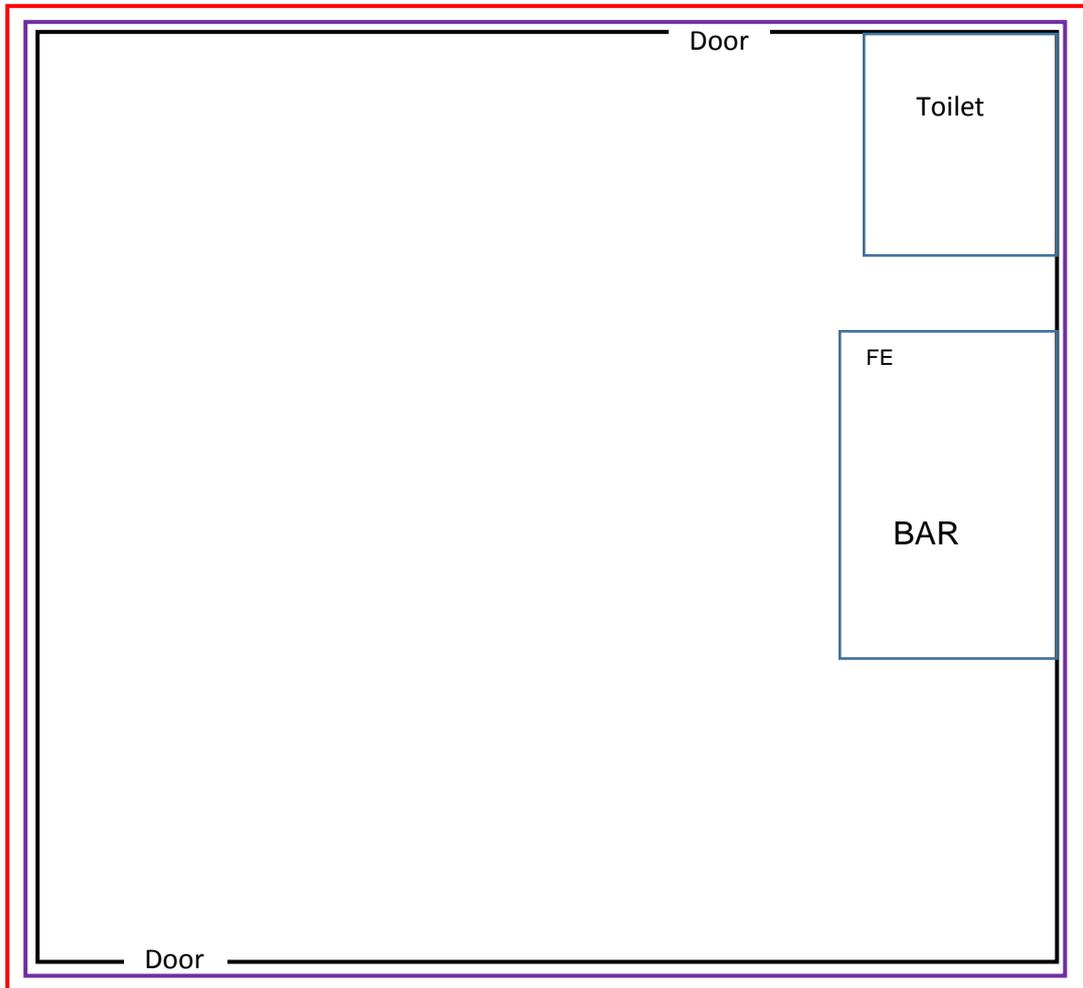
Date and time submitted

Approval deadline

Error message

Is Digitally signed

Plan of Licensed Premises at
5 Breckland Road Walton Chesterfield S40 3LJ



FE = Fire Extinguisher

No stage or raised area. No steps on entering or leaving the premises. No kitchen

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LICENSING AUTHORITY

Environment Services, Chesterfield Borough Council, Customer Service Centre, 85
New Square, Chesterfield, S40 1AH Tel: 01246 345230

Representation Form

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 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 wish to make a representation in relation to an application that has been made in respect of the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description

5 BRECKLAND ROAD
WALTON

Post town CHESTERFIELD

Post code (if known) S40 3LJ

Name of Premises Licence holder or Club holding Club Premises Certificate (if known)

Number of Premises Licence or Club Premises Certificate (if known)

Part 2 – Representor details

(A) DETAILS OF INDIVIDUAL REPRESENTOR (fill in as applicable)

Mr Mrs Miss Ms Rev) Other title (for example,

Surname First names

Please tick ✓ yes

I am over 18 years old or over

Current postal address if different from premises address

Post town

Daytime contact telephone number

Email address (optional)

(B) DETAILS OF OTHER REPRESENTOR (Business, Residents Association etc)

Name and address

Telephone number (if any)

E-mail address (optional)

This Representation relates to the following licensing objective(s)

Please tick one or more boxes ✓

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for making the Representation (please read guidance note 1)

The Prevention of Crime and Disorder
Public Safety
The Prevention of Public Nuisance Opening Hours until 22:30 Monday to Saturday and 22:00 on Sundays, plus 01:00 Christmas Day and 02:00 New Year's Day. Main concern is noise late into the evening when people close by are trying to sleep. Noise referring to loud voices chatting and laughing, particularly outdoors.
The Protection of Children from Harm

Please use this box if you wish to provide further details, additional sheets can be used if necessary.

From the Planning Application the nearby residents learned of the Applicant's business plan, which included intentions for opening hours. The pub would likely be closed on Mondays and Tuesdays, potentially Wednesdays, would open until 20:00/21:00 on Thursdays & Fridays, 19:00/20:00 on Saturdays and 19:00 on Sundays. The Planning Department seemed to be happy with these intentions. Nearby residents also seemed happy with the compromise. The Applicant has now applied for Licensing hours of 11:00-22:30 Monday to Saturday and 22:00 on Sundays, plus 01:00 Christmas Day and 02:00 New Year's Day. These hours do match the intentions given to the Planning Department. I presume this is to give the Applicant flexibility to open longer hours if there is a demand to do so.

It is possible for the pub customers to wish to drink outdoors, particularly in the summer months, congregating at the front of the pub or on the public footpath to the side. In the later part of the evening when it is usually very quiet, loud voices chatting and laughing would particularly be heard by residents on Breckland Road and the top of Foxbrook Court. The Applicant suggested he would direct smokers to the back yard, which is used for deliveries and shared by the other units. Loud voices chatting and laughing would be heard by residents on Foxbrook Court and The Way. I do not believe the perimeter wall would contain the sound. Some residents have queried whether this meets with Health & Safety regulations and also the security of the other units as this has not been made clear.

I am not against customers chatting and enjoying themselves, but when it occurs very close to your bedroom window at a time of night when the area is very quiet and you are trying to sleep, the sound is amplified and becomes a nuisance. There are children in the area and adults who have to get up early for work, so value a good night's sleep. If the Applicant's requested opening hours are granted, the pub could open every night and hence the residents' sleep disturbed every night. There is also the possibility that customers will remain outside the pub after closing time to stand and chat.

There are residents in the area that chose to live in Walton because it is quiet at night. Anti-social behaviour has been a problem in the past, but this seems to have been dealt with by the Police and is rarely a problem now. I would be happy with the Applicant's intentions submitted to the Planning Department and would be satisfied if he could be formerly held to this.

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 3 – Signatures (please read guidance note 2)

Signature of Representer or Representer’s Solicitor or other duly authorised agent (please read guidance note 3). **If signing on behalf of the Representer please state in what capacity.**

Signature

--

Date

27th March 2017.

Capacity

Please Note – Your address will be a matter of public record, if the application to which this Representation relates is referred to the Licensing Committee to determine at a Hearing.

Contact name (where not previously given) and postal address for correspondence associated with this Representation (please read guidance note 4)

--

Post town

Post code

Telephone number (if any)

If you would prefer us to correspond with you by e-mail your e-mail address (optional)

Notes for Guidance

1. The Representation must be based on one or more of the licensing objectives. Please list any additional information or details for example dates of problems if available.
2. The Representation form must be signed.
3. A Representer’s agent (for example Solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. This is the address and contact details which we shall use to correspond with you about this Representation.

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LICENSING AUTHORITY
Environment Services, Chesterfield Borough Council, Customer Service Centre, 85 New Square, Chesterfield, S40 1AH Tel: 01246 345230
Representation Form
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 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.

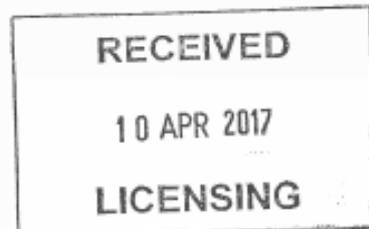
We wish to make a representation in relation to an application that has been made in respect of the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description	
5 Breckland Road, Walton	
Post town Chesterfield	Post code (if known) S40 3LJ

Name of Premises Licence holder or Club holding Club Premises Certificate (if known)
Mr Steven Eyre

Number of Premises Licence or Club Premises Certificate (if known)
Not known



Part 2 – Representor details

(A) **DETAILS OF INDIVIDUAL REPRESENTOR** (fill in as applicable)

Mr	<input type="checkbox"/>	Mrs	<input checked="" type="checkbox"/>	Miss	<input type="checkbox"/>	Ms	<input type="checkbox"/>	Other title (for example, Rev)	<input type="checkbox"/>
Surname									

		Please tick ✓ yes
I am over 18 years old or over		X
Current postal address if different from premises address		
Post town	Chesterfield	
Daytime contact telephone number		
Email address (optional)		

(B) DETAILS OF OTHER REPRESENTOR (Business, Residents Association etc)

Telephone number (if any)	
E-mail address (optional)	

This Representation relates to the following licensing objective(s)

Please tick one or more boxes ✓

1)	the prevention of crime and disorder	X
2)	public safety	X
3)	the prevention of public nuisance	X
4)	the protection of children from harm	X

Please state the ground(s) for making the Representation (please read guidance note 1)

<p>The Prevention of Crime and Disorder</p> <p>The area surrounding the shop parade has previously had on going problems with anti-social behaviour affecting local residents. Adding a pub to the area is likely to exacerbate any such behaviour.</p>
<p>Public Safety</p> <p>There is an increased risk of anti social behaviour associated with the late opening times proposed, with the increased time people are allowed to consume alcohol during the day and into the late evening This will pose a</p>

great level of anxiety and concerns for their safety for any resident wanting to 'pop to the shop' during the later hours of the day.

The Prevention of Public Nuisance

We live in a quiet residential area populated with many young families. Having a Micro Pub in this area especially with the proposed unsociable hours is obviously going to cause a significant amount of noise with people using the premises.

The Protection of Children from Harm

Children play in the area surrounding the shops, they walk directly past the premises every working day on their way to and from school, which parents in the heart of this residential area trust them to do. Allowing the sale and consumption of alcohol at this location during the proposed times is going to have a negative impact on the freedoms and lifestyle of the children that live here.

As the area is also used by many local children as a safe area to play, they would be exposed to adults of all ages influenced by alcohol and would be affected by the behaviour of those groups after having a drink. Drink will always lower peoples sensibilities and inhibitions, and our children should not be exposed to this in their safe 'home' area.

Please use this box if you wish to provide further details, additional sheets can be used if necessary.

Many local residents objected to the planning permission for change of use from Take-away to Public House due to noise pollution, anti-social behaviour etc. In order to try and change the opinion of local residents, Mr Eyre issued a statement saying that it was going to be a 'local community pub' and that it would only be open four days a week from approximately 16:00-20:00. Since the planning permission has been given, the hours for a licence that Mr Eyre has applied for differs greatly from the hours given in his statement. It is difficult not to think that residents have been misled in order for Mr Eyre to be given planning permission. When the police commented on the planning application I believe that they recommended that the opening times needed to be reduced significantly, but I fail to see that this has been done.

There are many detailed objections which can be seen on the planning site, which we would urge you to look at and take into consideration, there is also a petition signed by 162 local residents.

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 3 – Signatures (please read guidance note 2)

Signature of Representor or Representor's Solicitor or other duly authorised agent (please read guidance note 3). **If signing on behalf of the Representor please state in what capacity.**

Signature

Date

31-3-2017

Capacity *RESIDENT*

Please Note – Your address will be a matter of public record, if the application to which this Representation relates is referred to the Licensing Committee to determine at a Hearing.

Contact name (where not previously given) and postal address for correspondence associated with this Representation (please read guidance note 4)	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

Notes for Guidance

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- .4 This is the address and contact details which we shall use to correspond with you about this Representation.

-----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 quite 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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LICENSING AUTHORITY

 Environment Services, Chesterfield Borough Council, Customer Service Centre, 85
 New Square, Chesterfield, S40 1AH Tel: 01246 345230

Representation Form
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Iwish to make a representation in relation to an application that has been made in respect of the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description

5 Breckland Rd, Walton, Chesterfield, S40 3LJ

Post town Chesterfield

Post code S40 3LJ

Name of Premises Licence holder or Club holding Club Premises Certificate (if known)

Applicant : Mr S Eyre

Number of Premises Licence or Club Premises Certificate (if known)

Part 2 – Representor details

(A) DETAILS OF INDIVIDUAL REPRESENTOR (fill in as applicable)

Mr Mrs Miss Ms Rev) Other title (for example,

Surname First names

Please tick ✓ yes

I am over 18 years old or over

Current postal address if different from premises address

Post town **Postcode**

Daytime contact telephone number

Email address (optional)

(B) DETAILS OF OTHER REPRESENTOR (Business, Residents Association etc)

Name and address
Telephone number (if any)
E-mail address (optional)

This Representation relates to the following licensing objective(s)

Please tick one or more boxes ✓

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for making the Representation (please read guidance note 1)

The Prevention of Crime and Disorder

Public Safety

The Prevention of Public Nuisance

Limitation of opening hours to 2100 Hrs as a maximum all year round to prevent nuisance to a largely residential and quiet area with young children.

Installation of CCTV to monitor the "youth" issue in the surrounding area.

The Protection of Children from Harm

Please use this box if you wish to provide further details, additional sheets can be used if necessary.

The Applicant published their business plan after opposition to the planning application which roughly stated openings hours of approx. 4/5 days per week with early evening opening on weekdays and daytime opening at weekends with a closing time of approx. 2000-2100 Hrs.

The application is therefore different to this business plan and I feel that since planning has already been approved then it seems only right that the licensing hours are limited to this business plan to allay fears in the local community.

Derbyshire Police also sent a letter of concern during the planning approval phase also noting concerns over the opening hours in a residential area and the inclusion of CCTV.

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 3 – Signatures (please read guidance note 2)

Signature of Representor or Representor’s Solicitor or other duly authorised agent (please read guidance note 3). **If signing on behalf of the Representor please state in what capacity.**

Signature

Date 10th April 2017

.....

Capacity ...Representor

Please Note – Your address will be a matter of public record, if the application to which this Representation relates is referred to the Licensing Committee to determine at a Hearing.

Contact name (where not previously given) and postal address for correspondence associated with this Representation (please read guidance note 4)	
See Above	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional) : See Above	

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4. This is the address and contact details which we shall use to correspond with you about this Representation.

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From: [REDACTED]
Sent: 02 May 2017 16:50
To: Steve Ashby
Cc:
Subject: 5 Breckland Rd. Walton-supplementary report
Importance: High

Hi Steve

Many thanks for dropping off the supplementary report with the added information today.

I would like to add a further representation regarding this additional information with respect to "events in the rear yard".

I must **strongly object** to this on the grounds of public nuisance (noise) and health and safety of other users (events blocking fire exits, increased fire risk from smokers, HGV's using the rear of One-Stop being impeded and therefore parking on the surrounding roads Etc.)

In Mr Eyre's business "plan" there is no mention of events being held at the rear. A micro pub/shop is one thing but I do not want "Walton-Fest" adjacent to my Home!

The business plan does state that no live music or recorded music is to be played but we have no guarantee any of this plan will be adhered too.
If they were contained within the premises then so be it, but not at the rear please.

Could you please add this to my earlier objections.

Unfortunately, I will not be able to attend the meeting due to work commitments.

Many Thanks

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Comments for Planning Application CHE/16/00837/FUL

Application Summary

Application Number: CHE/16/00837/FUL

Address: 5 Breckland Road Walton Derbyshire S40 3LJ

Proposal: Change of use from hot food takeaway to public house (Licensing Act 2003) - A5 to A4

Case Officer: Joe Freegard

Customer Details

Name:

Address: Not Available

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Noise
- Policy
- Residential Amenity
- Traffic or Highways
- Visual

Comment: residential area full of young families. problems with antisocial behaviour and underage drinking.

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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From: [redacted]
Sent: Mon, 30 Jan 2017 16:52:04 +0000
To: Michelle Hendry
Subject: Re: CHE/16/00837/FUL Change of use 5 Breckland Road

Dear Sir/Madame.

I write to object to the proposed change of use to the Hot Food Takeaway to a public house at 5 Breckland Road.

We live on [redacted] and have young children. we have lived here 11 years and we have had persistent problems with Antisocial behavior in the alley adjacent to the proposed public house. We feel that this application will only serve to add to these problems as I note they wish to trade till 11pm 6 days a week. We feel this will lead to a considerable increase in noise and litter and crime in the area.

Please speak to PC Dave Randall about the problems we have faced on the estate with regards to the problems caused with alcohol consumption on a quiet family estate.

I am also concerned as to noise created by deliveries and the emptying of bottle banks. we already suffer considerable disruption from deliveries to the ONE STOP. this will also visually affect the area as it has no designated smoking area so residents will have to pass through people smoking day and night to access the other services available at the parade of shops. there is not enough parking on site and this will cause considerable disruption to the business's present and an increase in noise and pollution.

We already litter pick regularly due to the litter dropped in the alley and we certainly don't want to add glass bottles been thrown into are gardens.

Many great Pubs and Bars are available on Chatsworth Road which is only minutes away and so we feel that this application has no benefit to the residents only to cause distress and impact on a quiet family environment. many of us that live here have moved here for the quality of life for us and our children. This will be completely gone if our children are woken all night, the park is full of glass bottles and we have to suffer more petty vandalism and disruption. We did not want to live next to a pub and would not have chosen to live next to one so now feel that this is very unfair, especially as you did not notify the local residents and it is only because of our close community bond that we have taken our own time to make sure everyone knows.

Kind Regards,

[redacted]

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APPENDIX 8

Tel: 101
Text Relay: 18001 101
www.derbyshire.police.uk

Contact: Pc 229 Holden
Direct Tel: 0300 122 8517
Ext:
Fax:
Our ref:
Your ref:

Licensing Officer
Licensing Officer
Chesterfield Borough Council
Customer Service Centre
85 New Square
Chesterfield
S40 1AH

21st March 2017

Dear Sir, Madam,

Ref: Application for Premises Licence: 5 Breckland Road Walton Chesterfield S40 3LJ

On behalf of the Chief Officer of police, I give formal notice of objection in respect of the application for a premises licence in relation to **5 Breckland Road Walton Chesterfield S40 3LJ**

Derbyshire Constabulary are satisfied that the granting of the application would undermine the prevention of crime and disorder, public safety, the prevention of public nuisance and protection of children from harm **objectives**. The reasons for this being the unsuitable operating schedule proposed by the applicant.

If you have any queries in respect of this please do not hesitate to contact us.

Yours faithfully



Sgt 2541 Booth



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Environment Services
 Customer Service Centre
 85 New Square
 Chesterfield
 Derbyshire S40 1AH



CHESTERFIELD
 BOROUGH COUNCIL

E-Mail: mick.bargh@chesterfield.gov.uk

Licensing Authority,
 Chesterfield Borough Council,
 Customer Service Centre,
 85 New Square,
 Chesterfield.
 S40 1AH

Please ask for
 Direct Line 01246 345453
 Our Ref
 Your Ref

Date 11th April 2017

Dear Sir/Madam,

Application for Premises Licence – 5 Breckland Road, Walton, Chesterfield.

I wish to make a representation on behalf of the Licensing Authority regarding the recent application for an alcohol premises licence by Mr Stephen Eyre for 5 Breckland Road, Walton.

The grounds for the representation are that in the application's current form, there are insufficient control measures in place to address the four licensing objectives, namely

- Prevention of crime and disorder.
- Public Safety
- Prevention of public nuisance
- Protection of children from harm.

During the planning application phase for this premises, a significant number of residents local to the premises made representations regarding issues which gave them cause for concern including:

- Noise nuisance
- Late night disturbance
- Anti-social behaviour
- Smoking issues in terms of health and litter
- Siting an on-licensed premise in a residential suburb area where families with young children reside, particularly where no such premises had previously existed. This impacts on those residents who had chosen such a location for that very reason.
- Parking issues, particularly on street parking and a lack of parking spaces on the designated car park.
- Litter

Chesterfield Borough Council, Town Hall, Rose Hill, Chesterfield S40 1LP

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- Personal safety
- Anxiety when passing premises for those more vulnerable or infirm residents
- Safety of children
- The hours of operation of the premises.
- Under age alcohol sales

Clearly these concerns, although made in response to the planning application, also address the four licensing objectives.

Some of those local residents that made the initial representations against the planning application have raised the same concerns in response to the premises licence application.

Mr Eyre's application cites the following control measures in his proposed operating schedule to address the licensing objectives.

- General – all four licensing objectives
The premises will cater for middle aged drinkers in an atmosphere of quiet surroundings. With no late opening hours there will be little chance that the premises will attract any crime or disorder. The premises will be well run and staff will have sufficient training to enable them to prevent any incidents in or around the premises.
- The prevention of crime and disorder
None stated
- Public safety
Notices will be posted reminding patrons to be quiet on leaving the premises.
- The prevention of public nuisance
Glass bottles will only be transferred to external bins between 9am and 5pm. Smokers will be directed to use the rear yard.
- The protection of children from harm
No children under the age of 18 will enter the premises unless accompanied by an adult. The premises will run an under 21age policy.

The Licensing Authority is concerned that these volunteered conditions appear insufficient to adequately address the licence objectives, particularly in light of the other concerns raised.

Yours sincerely,



Michael Bargh
Licensing Enforcement Officer

File Nô. 2/

CHESTERFIELD BOROUGH COUNCIL

Form TCP3

Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order
2010

Mr Stephen Eyre
 6 Stanford Way
 Walton
 CHESTERFIELD
 S42 7NH

Planning Service
 Town Hall
 Chesterfield
 S40 1LP

In pursuance of the powers vested in the Chesterfield Borough Council under the above Act and Orders, and with reference to your application (**Office Code No. CHE/16/00837/FUL**) submitted on the **30th December 2016** and validated on the **30th December 2016** for **Change of use from hot food takeaway to public house (Licensing Act 2003) - A5 to A4** at **5 Breckland Road, Walton, Derbyshire, S40 3LJ**, , for **Mr Stephen Eyre**

In the manner described on the application and shown on the accompanying plan(s) and drawing(s) **NOTICE IS HEREBY GIVEN** that permission for the proposed development is **GRANTED subject to the following condition(s):-**

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
02. All external dimensions and elevational treatments shall be as shown on the approved plan/s: Location Plan with the exception of any approved non material amendment.

Reason(s) for Condition(s)

01. The condition is imposed in accordance with section 51 of the Planning and Compensation Act 2004.
02. In order to clarify the extent of the planning permission in the light of guidance set out in "Greater Flexibility for planning permissions" by CLG November 2009

Statement of Positive and Pro-active Working with Applicant

The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF).

01. The Local Planning Authority offers a free pre-application advice service which, in this instance, was not utilised to establish the nature of the application. Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for, conditions being used to address outstanding issues with the development.

Note(s)

01. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.

Dated 23rd February 2017

Signed..........

From:STEPHEN EYRE
Sent:Sun, 5 Feb 2017 12:25:23 +0000
To:Chris Wright;Alexis Diouf (Cllr);Vickey Diouf (Cllr);Nick Redihough (Cllr)
Subject:Business plan 5 Breckland Road

Chris

As promised here is my business plan for 5 Breckland Road, Walton. If you need any further information please get in touch.

I'm not sure whether I have mentioned it but I am away on holiday from 8th to 18th Feb. I don't usually stay in contact when I am holiday but I will try once a day to log into my email.

In essence I want to run a community real ale pub. I am not sure that there is a definitive definition for a real ale pub but my understanding is that it's a place that sells good quality beers probably produced locally but in any event by low volume producers. The beer is likely to be more expensive than that produced by high volume brewers and the taste more distinctive and less generic. The ambience is also a factor in real ale pubs. They are not necessarily vertical drinking establishments but they are a place where friends can meet for a quiet drink and a chat. In effect these premises are aimed at the over 25s as these are the people most likely to pay a small premium for their drink. Drunken behaviour is not a hall mark of this type of premises.

My business plan will include the provision of better quality beers, lagers, ciders, wines and soft drinks with the beers either being supplied from the cask or by bottles. Canned alcohol drinks will not be used. I have no intention of staging live or recorded music with the only background noise likely to come from a television or radio.

Books, magazines and newspapers will be available to read lending to the ambience of a convivial place to relax and unwind. Traditional bar games, chess, draughts and monopoly type board games would be a fun addition.

Although my application for a premises licence under the Licensing Act will possibly request licensing times of 11am to 10pm every day its unlikely that I will ever use those times. At the moment my plan is to remain closed Monday, Tuesday and possibly Wednesday. On Thursday and Friday opening will be from around 4 or 5pm and closing around 8 or 9pm. Saturday opening at 11am and closing around 7 or 8pm and Sunday 11am to 6 or 7pm. If its clear that there is no business after a particular time then I will close earlier. As Walton has never had a pub it remains unclear whether there will be enough business to make it a going concern and within 3 months of opening it should be clear what the future holds. However, I will not surrender my standards in order to make it a going concern and I will not be afraid to close the business.

In terms of smokers who may want to use the premises they will be directed towards the back yard. The benefit of this is that they will not be allowed to congregate on the front path possibly intimidating other users of the shops. In the back yard they will cause no noise for those householders opposite on Breckland Road. The rear yard is surrounded by a 6 foot high brick wall which will stop any chatter from reaching houses on Foxwood Court. As the prevailing winds come from the west some fumes and noise will be blown to Moorland View Road and not Foxwood Court. I am not a big fan of smoking and smokers will not be encouraged so there will be no outside shelter provided. I would

suggest the noise and fumes coming from a fast food takeaway would far outweigh anything coming from the outside (or inside) of my premises.

Litter has also been cited as something that will increase if the premises change to a pub. This is wrong. Pubs do not create much litter as around 95% of their consumables can be reused or recycled. As I will not be selling beer in cans there will be reduced opportunity for people to drink on their way home and throw down any empty cans. No doubt litter will on occasions be blown towards the premises and I will monitor this and when it becomes necessary any debris whether of the pub's or other premises making will be cleared.

Another problem cited is anti-social behaviour. I have monitored children on their skateboards using the car park to play. As with most children they do shout and get excited about things happening in their world and no doubt this causes anxiety in people using the shops. Apart from OneStop the other businesses on the parade close around tea time. By have another premises open until late evening there will be an added 'pair of eyes' watching the children and this may quell their noise. Its very doubtful that the over 25s using my premises are going to cause any ASB so there is a strong likelihood that there will be a reduction in overall ASB.

So in conclusion my business model for these premises is nothing like the one envisaged by some people. It is highly likely that my pub would sit more comfortably and quietly into its surroundings than the previous fast food takeaways. It will also be more of an amenity especially if I can be allowed to portion of some of the interior into a meeting room.

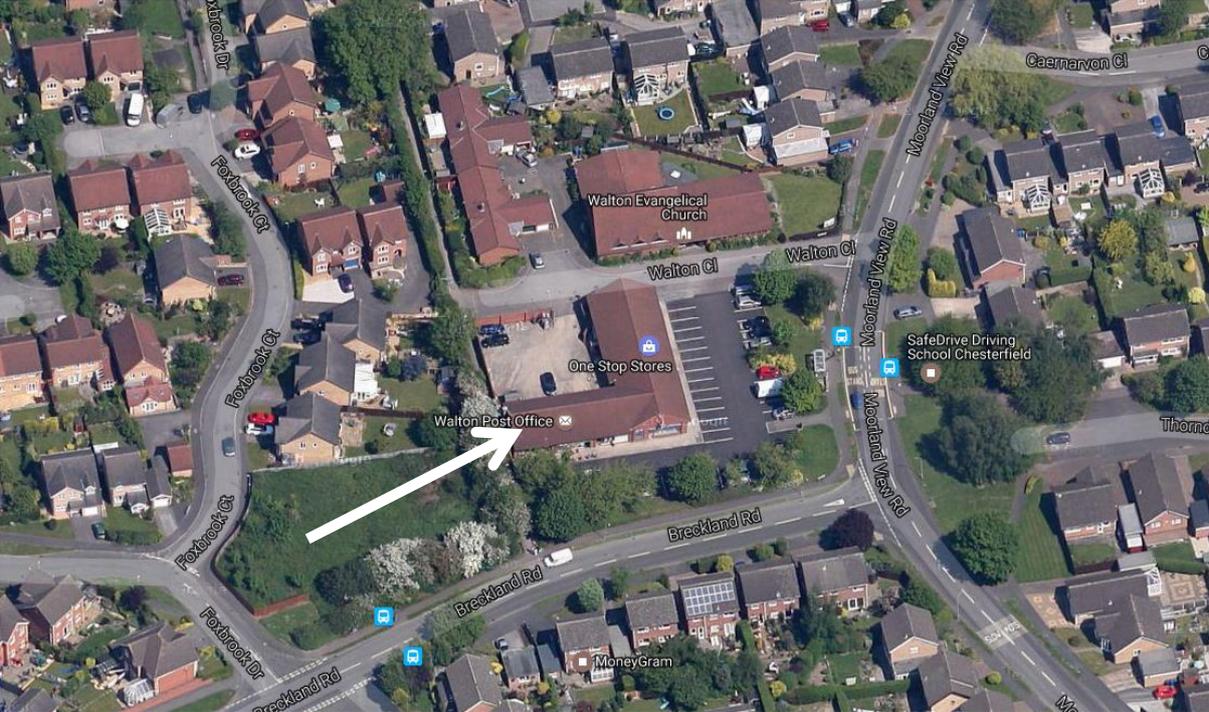
In short this pub is going to be a strong addition to the amenities of Walton Dam, Walton Park and the countryside on the edge of the district.

Regards

Stephen Eyre

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

Environmental Health
Chesterfield Borough Council
Stonegravels Depot
Old Brickworks Lane
Stonegravels, Chesterfield
S41 7LF

Direct Tel: 01246 345756
Mobile: 07973 297466
E-mail: vanessa.carty@chesterfield.gov.uk



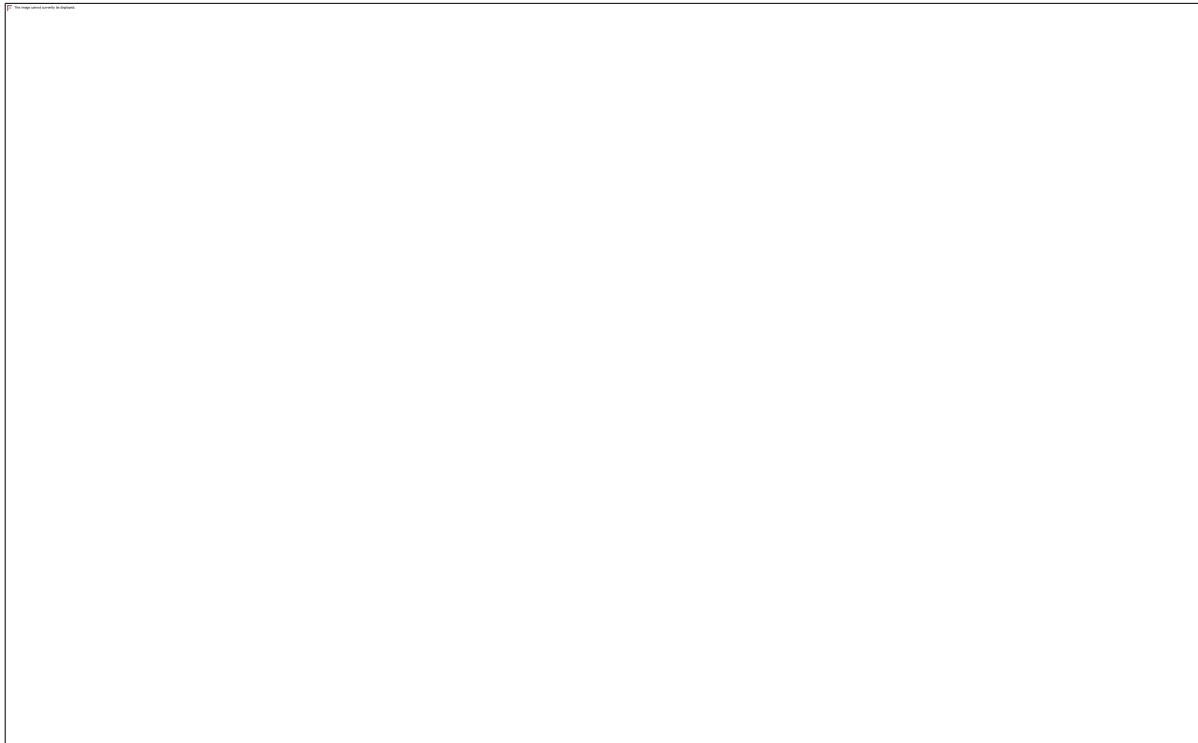
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From: Steve Ashby
Sent: 05 May 2017 16:45
To: Vanessa Carty
Subject: 5 Breckland Road, application for premises licence

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
Licensing Officer
Chesterfield Borough Council,
Customer Service Centre,
85 New Square, Chesterfield. S40 1AH
01246 345780

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