



Please ask for Brian Offiler
Direct Line: 01246 345229
Email committee.services@chesterfield.gov.uk

The Chair and Members of Licensing
Committee - Group 2

Councillors A Murphy, Perkins,
Blakemore, Brittain, S Niblock,
Redihough

23 March 2021

Dear Councillor,

Please attend a meeting of the LICENSING COMMITTEE - GROUP 2 to be held on WEDNESDAY, 31 MARCH 2021 at 2.00 pm, the agenda for which is set out below.

This meeting will be held virtually via Microsoft Teams software, for which members of the Committee and others in attendance will receive an invitation. Members of the public will be able to access Part 1 (Public Information) of the meeting online by following the link [here](#).

AGENDA

Part 1 (Public Information)

1. Declarations of Members' and Officers' Interests relating to items on the agenda
2. Apologies for Absence
3. Minutes (Pages 3 - 4)

Minutes of the Meeting of the Licensing Committee held on 10 February, 2021.

4. Application for a New Premises Licence by Beverley Paterson in respect of The Bistro at Dunston Hall Garden Centre, Dunston Road, Dunston, Chesterfield, S41 9RL (LC170) (Pages 5 - 56)

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Beverley Paterson', with a stylized flourish at the end.

Local Government and Regulatory Law Manager and Monitoring Officer

LICENSING COMMITTEE RECORD OF DECISIONS

Date of Hearing and Determination:	Wednesday, 10th February, 2021
Members Present:	Councillor A Murphy (Chair) Perkins (Vice-Chair) Bellamy T Murphy T Rogers K Thornton

Declarations of Interest:	No declarations of interest were received.
Minutes:	Minutes of Licensing Committee Meeting held on 27 January, 2021 signed by the Chair as a correct record.
Minute No:	6 (20/21)
Subject:	Application for a Variation of a Premises Licence by The Spotted Frog (Chesterfield) Ltd in respect of the Spotted Frog, 41 Chatsworth Road, Chesterfield, S40 2AH (LC000)
Meeting in Public/Private	Public
Name of Applicant:	The Spotted Frog
Applicant's Representatives:	Ms Nicky Claxton and Mr Trevor Marples
Responsible Authorities who made Representations:	N/A
Premises Licence Holder	Ms Nicky Claxton
Interested Parties who made Representations:	Councillor Keith Falconer (All representations included in full in report presented.)
Record of Decision	<p>* That the application for a variation of a Premises Licence by The Spotted frog (Chesterfield) Ltd in respect of The Spotted Frog be granted as submitted, subject to:</p> <p>(a) the relevant mandatory conditions;</p> <p>(b) the conditions in the operating schedule submitted with the application.</p> <p>(c) An additional condition that customers will not be permitted to take alcohol away from the premises unless in a sealed container and open glasses and bottles will not be permitted to be taken off site.</p>
Signed as a correct record:	
Date:	Page 3

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For publication

Application for a New Premises Licence by Beverley Paterson
in respect of
The Bistro at Dunston Hall Garden Centre,
Dunston Road, Dunston, Chesterfield, S41 9RL (LC170)

Meeting: Licensing Committee

Date: Wednesday 31st March 2021

Cabinet portfolio: Health and Wellbeing

Report by: Meredith Ezard, Licensing Officer

For publication

1.0 **Purpose of report**

1.1 To enable determination of the application made by Beverley Paterson for a new premises licence in respect of

The Bistro at Dunston Hall Garden Centre,
Dunston Road,
Dunston,
Chesterfield,
S41 9RL

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 condition / modification
- or refused.

2.1 Copies of the Application Form and premise plan are attached to this report at Appendix 1 and 2.

3.0 **Report Details.**

3.1 The premise has previously traded as a coffee shop at the Dunston Hall garden centre.

3.2 The garden centre is situated in a rural location, surrounded predominantly by open land, with private residential properties to the side and rear of the site.

3.3 The photograph below shows the location.



4.0 **Application**

4.1 The application was received on 5th February 2021 to licence a restaurant in the garden centre's coffee shop area.

4.2 The applicant describes the premises as below.
"The restaurant is attached to a garden centre. It is set back off the road and is enclosed with a fence and gates. Alcohol will be served in a restaurant setting and provide an outside children's play area with beer garden within the enclosed area."

4.3 The application seeks the sale and supply of alcohol (both on and off the premises) daily between 12 midday and 11.00 pm. The opening hours proposed are 08.30 am to 11.00 pm.

4.4 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, inclusion on the Local Authority's

web page and copies of the application submitted to all Responsible Authorities.

- 4.5 The appropriate local press public notice appeared in the Derbyshire Times newspaper on Thursday 18th February 2021.
- 4.6 It should be noted that the notice also appeared in the newspaper on 11th February but was incorrect. The publisher failed to enter the correct details for the last date for representations. This was remedied in the following week's publication.
- 4.7 The site notices displayed on the premises, advertising the application were viewed by licensing enforcement staff on Wednesday 17th February 2021.
Four notices were found on display, three on the boundary fence adjacent to Dunston Road and one on the fence at the entrance to the garden centre.
- 4.8 Upon inspection, the final date for representations thereon was found to be 4th March 2021 when the required date should have been 5th March 2021. The applicant was informed of the error and asked to amend the forms.
- 4.9 The notices were rechecked on Thursday 18th February and found to have been amended to show the correct end date.
- 4.10 Mr Lander, resident at a neighbouring property states that the notices were not placed on display at the time of application but instead were displayed sometime after 1.00 pm on Thursday 18th February.
- 4.11 The applicant states the notices were placed on display on 4th February 2021.
- 4.12 Should it be considered that the notices were not in place at the appropriate time, the application would be invalid.

- 4.13 The application form and plan were posted on Chesterfield Borough Council's Licensing Department web page.
- 4.14 The application was submitted by email. The Licensing Authority circulated a copy of the application to the responsible Authorities.
- 4.15 The statutory deadline for representation was 5th March 2021. Responsible Authorities and Interested Parties are entitled to make representations to the Licensing Authority provided they are relevant.
- 4.16 No representations have been received from the Responsible Authorities.
- 4.17 Two representations have been received from the occupants of adjacent residential properties.
- 4.18 The representations 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
- 4.19 The representation forms can be seen in full at Appendices 3 and 4. The location of the residential properties (which are the source of the representations) in relation to the garden centre can be seen in the aerial photograph at appendix 5 where they are identified with a white arrow.
- 4.20 The representations express concerns over:
- Alcohol consumption leading to inhibitions being lowered and thus a greater chance of criminal damage and public disorder occurring; such as damage to parked vehicles and private property, loud shouting and

fighting. These acts are more prevalent in areas out of public scrutiny and in areas of poor lighting.

- Customers who are asked to leave the venue after over-consumption of alcohol who may then drink and drive or potentially be a nuisance if they enter adjacent properties.
- The lack of other properties within half a mile of the proposed venue. (Please see photograph at 3.3)
- The terminal hour of 2300 hours which is well into the hours of darkness.
- The only access being by vehicle or on foot along Dunston Road which has a 50 mph limit, a series of blind bends, no footpaths and no street lighting. If walking, customers will be at risk from passing motor vehicles, more so if they are intoxicated. If travelling by vehicle, the potential for drinking and driving is obvious.
- New nearby housing estates may attract customers who walk to the venue along Dunston Road.
- There being no current issue with crime or disorder attributable to the sale of alcohol at this location.
- The potential for litter from drinks containers to be dropped and for urinating in the street.
- Shared boundaries and associated noise issues.
- The close proximity of the outside consumption area impacting upon the quality of life of residents next door. The representation at appendix 3 also includes a plan to better explain these concerns and should be viewed with the full representation.
- The previous closing time of 6.00 pm is greatly extended, again impacting upon those living nearby.
- Construction of a children's adventure playground at the venue which affords views into neighbouring properties.
- Lack of planning permissions for the adventure playground and for a gateway cut into the garden wall adjacent to the fire escape.

- Access to the private residential property at the rear of the premises via a single track which is narrow and has no turning points. Customers accessing this by mistake would cause nuisance.
- Increased deliveries associated with the activities at the bistro which would add to the congestion already caused by deliveries to the garden centre, increasing the risk of accidents.
- Availability of parking space and the associated nuisance where demand outstrips supply.
- Animal welfare, with protected species such as the owls and bats that frequent the area being negatively affected by any outside lighting erected for the evening use of the car park.
- The public notices not being displayed around the venue for the correct period of time.
- Lack of consultation with neighbours prior to application.

4.21 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.

4.22 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.

5.0 **Conclusion**

5.1 When carrying out its licensing functions, the Licensing Authority must do so with a view to promoting the four 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 makes 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 consider the application and determine it by
- granting it as requested
 - granting it subject to condition / modification
 - or refusing the application.

Meredith Ezard
LICENSING OFFICER
22.03.2021

For more information on this report please contact the author,
Meredith Ezard
email Meredith.Ezard@chesterfield.gov.uk

**Application for a premises licence to be granted
under the Licensing Act 2003**

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 that 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 BEVERLEY ANN PATERSON

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description THE BISTRO AT DUNSTON HALL GARDEN CENTRE DUNSTON ROAD DUNSTON			
Post town	CHESTERFIELD	Postcode	S41 9RL
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£6800.00	

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **Please tick as appropriate**

- | | | |
|--|--------------------------|-----------------------------|
| a) an individual or individuals * | * | please complete section (A) |
| | <input type="checkbox"/> | |
| b) a person other than an individual * | | |
| i as a limited company/limited liability partnership | <input type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |
| f) a health service body | <input type="checkbox"/> | please complete section (B) |

- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- h) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- i) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a statutory function or

a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs [*] <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname PATERSON			First names BEVERLEY ANN		
Date of birth over		I am 18 years old or		[*] <input type="checkbox"/>	Please tick yes
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please note 15 for information)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth over		I am 18 years old or		<input type="checkbox"/>	Please tick yes
Nationality					
Current residential address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please note 15 for information)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)

E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
0 5	0 3	2 0 2 1

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)
 THE RESTAURANT IS ATTACHED TO A GARDEN CENTRE. IT IS SET BACK OFF THE ROAD AND IS ENCLOSED WITH A FENCE AND GATES. ALCOHOL WILL BE SERVED IN A RESTAURANT SETTING AND PROVIDE AN OUTSIDE CHILDRENS PLAY AREA WITH BEER GARDEN WITHIN THE ENCLOSED AREA.

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

N/A

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

*

In all cases complete boxes K, L and M

*

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Wed			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Tue					
			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Wed					
Thur					
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)	
Day	Start	Finish		
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)	
Tue				
Wed				
Thur				<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri				
Sat				
Sun				

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur					
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	*
				Outdoors	
				Both	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Tue					
			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Wed					
Thur					
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue			State any seasonal variations for the performance of dance (please read guidance note 5)		
Wed			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur					
Fri			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Sat					
Sun					
			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		

J

Supply of alcohol Standard days and timings (please read guidance note 7)			<u>Will the supply of alcohol be for consumption – please tick</u> (please read guidance note 8)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input checked="" type="checkbox"/>			
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5) N/A					
Mon	12.00	23.00						
Tue	12.00	23.00						
Wed	12.00	23.00						
Thur	12.00	23.00				<u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri	12.00	23.00						
Sat	12.00	23.00						
Sun	12.00	23.00						

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name BEVERLEY A PATERSON	
Date of birth	
Postcode	
Personal licence number (if known) APPLICATION PENDING	
Issuing licensing authority (if known) CHESTERFIELD BOROUGH COUNCIL	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	08.30	23.00	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
Tue	08.30	23.00	
Wed	08.30	23.00	
Thur	08.30	23.00	
Fri	08.30	23.00	
Sat	08.30	23.00	
Sun	08.30	23.00	

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

STRONG MANAGEMENT CONTROLS AND EFFECTIVE TRAINING OF ALL STAFF WILL BE PUT IN PLACE, SO THAT THEY ARE AWARE OF ALL RULES AND REGULATIONS REGARDING THE LICENSE.

- NO SELLING ALCOHOL TO UNDERAGE PEOPLE.
- NO DRUNK AND DISORDLY BEHAVIOUR ON THE PREMISES AND SURROUNDING AREAS
- NO HARM TO CHILDREN
- OPERATING SCHEDULE PROVIDING THE HOURS OF OPERATION AND LICENSABLE ACTIVITIES DURING THOSE HOURS.
- DESIGNATED PREMISES SUPERVISOR CONFIRMED, THAT PERSON SHOULD BE IN DAY-TO-DAY CONTROL OF THE PREMISES, TO PROVIDE GOOD TRAINING ON THE LICENSING ACT, AND ALSO MAKE OR AUTHORISE EACH SALE.
- CLEAR 'CHALLENGE 25' INFORMATION TO PREVENT THE SUPPLY OF ALCOHOL TO UNDERAGE DRINKERS.
- CCTV SYSTEM INSTALLED WITH 6 MONTHS OF STORED RECORDING

b) The prevention of crime and disorder

CCTV HAS BEEN PLACED IN ALL AREAS AND WILL BE MAINTAINED AT THE PREMISES IN ORDER TO ADDRESS THE PREVENTION OF CRIME. CCTV IMAGES WILL BE PROVIDED TO AN OFFICER OF A RESPONSIBLE AUTHORITY UPON REASONABLE REQUEST.

A CLEAR AND LEGIBLE NOTICE WILL BE DISPLAYED OUTSIDE THE PREMISES INDICATING THE HOURS OF OPERATION UNDER THE TERMS OF PREMISES LICENSE

THE STAFF WILL BE TRAINED IN ASKING CUSTOMERS TO VACATE THE PREMISES IN ORDERLY AND RESPECTFUL MANNER. RISK ASSESSMENTS WILL BE CARRIED OUT FROM TIME TO TIME INCLUDING WHERE APPROPRIATE RISK ASSESMENT TO DETERMINE THE NECESSITY FOR DOOR SUPERVISORS

STAFF WILL FOLLOW THE NATIONAL GUIDANCE AND IMPLEMENT POLICIES TO PROMOTE SOCIAL RESPONSIBLE DRINKING BY MAKING SURE CUSTOMERS ARE NOT SOLD ALCOHOL WHEN DRUNK OR INTOXICATED.

c) Public safety

ALL EQUIPMENT WILL BE ADEQUATELY MAINTAINED AND TESTED AT INTERVALS. INTERNAL AND EXTERNAL LIGHTING WILL PROMOTE THE SAFETY OBJECTIVE.

ALL HEALTH AND SAFETY AT WORK, FIRE PRECAUTIONS AND OTHER RELEVANT LEGISLATION WILL BE COMPLIED WITH. TRAINED STAFF WILL ADHERE TO ENVIRONMENTAL HEALTH REQUIREMENTS.

A LOG BOOK WILL BE KEPT IN THE PREMISES IN WHICH SHALL BE ENTERED PARTICULARS OF INSPECTIONS MADE; THOSE REQUIRED TO BE MADE; AND INFORMATION COMPILED WITH ANY PUBLIC SAFETY CONDITIONS. THE LOG BOOK SHALL BE KEPT AVAILABLE FOR INSPECTION WHEN REQUIRED

d) The prevention of public nuisance

NOISE REDUCTION MEASURES, TO ADDRESS THE PUBLIC NUISANCE OBJECTIVE.

PROMINENT, CLEAR AND LEGIBLE NOTICES WILL BE DISPLAYED AT THE EXIT REQUESTING THE PUBLIC TO RESPECT THE NEEDS OF NEARBY RESIDENTS AND LEAVE THE PREMISES AND THE AREA QUIETLY.

e) The protection of children from harm

ALL TRAINING IS PROVIDED ON COMENCEMENT OF EMPLOYMENT ON THE LAW RELATING TO ALL AGE RESTRICTED PRODUCTS SOLD AND ANY SYSTEM OR PROCEDURES IN PLACE WHICH EMPOLYEES ARE EXPECTED TO FOLLOW.REFRESHER TRAINING SHOULD BE PROVIDED AT REGULAR INTERVALS (AT LEAST 6 MONTHLY) REGULAR DETAILING THE TRAINING WILL BE KEPT FOR A MINIMUM OF TWO YEARS AND MADE AVAILABLE ON REQUEST TO AN OFFICER OF A RESPONSIBLE AUTHORITY.

A CHALLENGE 25 SCHEME WILL BE OPERATED AT THE PREMISES. ACCEPTABLE FORMS OF IDENTIFICATION WILL BE A PASS ACCREDITED PROOF OF AGE CARD, PHOTO DRIVING LICENSE OR PASSPORT. FAILURE TO DO PRODURE SATISFACTORY PROOF OF AGE WILL RESULT IN A REFUSED SALE.

CLEAR PROMINENT SIGNAGE INFORMING CUSTOMERS OF THE SCHEME WILL BE DISPLAYED IN STORE.

A REFUSAL LOG WILL BE MAINTAINED IN STORE WHICH THE DESIGNATED PREMISES SUPERVISOR (OR DEPUTY IN WRITING) WILL, AT LEAST WEEKLY, EXAMINE THE RECORD AND ACTION AS NECESSARY. THE RECORDS WILL BE RETAINED FOR A MINIMUM OF TWO YEARS AND MADE AVAILABLE TO AN OFFICER OF RESPONSIBLE AUTHORITY ON REQUEST.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. *
- I have enclosed the plan of the premises. *
- I have sent copies of this application and the plan to responsible authorities and others where applicable. *
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. *
- I understand that I must now advertise my application. *
- I understand that if I do not comply with the above requirements my application will be rejected. *
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

COUNCIL’S PRIVACY STATEMENT.

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also, and on occasions will be required to, share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information see the privacy notice on the council website, www.chesterfield.gov.uk/privacy or contact the council’s data protection officer on 01246 345345.

Chesterfield Borough Council collects personal information when you contact us for any services we provide. We will use this information to provide these services. We may need to share your information with service providers and other departments within CBC to ensure that you receive the best possible service, your personal data can be used for the national fraud initiative. If so, this will be made clear in our privacy notice. We will not share your information with third parties for marketing purposes or any other reason unless required to do so by law. For more information explaining how we protect and use your information please see our privacy policy at www.chesterfield.gov.uk/privacy

<p>Declaration</p>	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
<p>Signature</p>	<p>BEVERLEY PATERSON</p>
<p>Date</p>	<p>03.02.21 Page 30</p>

Capacity	DIRECTOR
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For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
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. Describe 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.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.

- a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

7. Please 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.
8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
9. Please 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 or the presence of gaming machines.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
14. This is the address which we shall use to correspond with you about this application.

15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.

- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.

- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.



The Bistro at Dunston Hall Garden Centre

— Sale / supply of alcohol

— Consumption of alcohol

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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 ...**WILLIAM AND ALEXANDRA LANDER**..... 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

THE BISTRO AT DUNSTON HALL GARDEN CENTRE
DUNSTON ROAD
C

Post town **CHESTERFIELD**

Post code (if known) **S41 9RL**

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

BEVERLEY ANN PATERSON

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

Part 2 – Representer details

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

Mr Mrs Miss Ms Other title (for example,
Surname First names
LANDER WILLIAM AND ALEXANDRA

Please tick ✓ yes

I am over 18 years old or over

Current postal address if different from premises address

DUNSTON COTTAGE, DUNSTON ROAD, CHESTERFIELD

Post town

CHESTERFIELD

Postcode

S41 9RL

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

✓
✓
✓

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

The Prevention of Crime and Disorder

PLEASE SEE ATTACHED TYPED SHEET

Public Safety

PLEASE SEE ATTACHED TYPED SHEET

The Prevention of Public Nuisance

PLEASE SEE ATTACHED TYPED SHEET

The Protection of Children from Harm

N/A

CRIME AND DISORDER POINTS.

AS THE LICENCE HAS NOT BEEN GRANTED YET NOR HAVE THE PREMISES BEEN BUILT, EVIDENCE RESULTING FROM THE DIRECT SALE OF ALCOHOL AT THESE PREMISES CANNOT AT THIS STAGE BE GIVEN. HOWEVER EXPERIENCE DERIVED FROM SERVING AS A POLICE OFFICER IN SHEFFIELD FOR 30 YEARS, DURING WHICH TIME I HAVE IN THE COURSE OF MY DUTY CARRIED OUT BOTH OBSERVATIONS AND ENFORCEMENT, INCLUDING ARRESTS, TO CURB BOTH CRIME AND DISORDER AT OR NEAR SIMILAR VENUES TO THE ONE PROPOSED HERE. ENABLES ME TO SAY THAT CONSUMPTION OF ALCOHOL IN CERTAIN INDIVIDUALS LEADS TO INHIBITIONS BEING LOWERED AND ACTS OF BOTH CRIMINAL DAMAGE AND PUBLIC DISORDER OCCURRING, SUCH AS DAMAGE TO PARKED VEHICLES PRIVATE PROPERTY, LOUD SHOUTING AND FIGHTING ESPECIALLY AMONGST GROUPS OF PEOPLE WHO HAVE BEEN DRINKING ALCOHOL. THESE ACTS OF CRIME AND DISORDER WERE MORE PREVALENT IN AREAS OUT OF PUBLIC SCRUTINY AND IN AREAS OF POOR LIGHTING.

THE LOCATION OF THE PROPOSED PREMISES ARE AT A FORMER GARDEN CENTRE WITH NO OTHER PROPERTIES OTHER THAN MY PROPERTY ON THE ACCESS ROUTE TO THE VENUE FOR ABOUT HALF A MILE, THE PROPOSED HOURS FOR THE SALE OF ALCOHOL ARE FROM 12 NOON TO 23.00HRS, WHICH TAKES US WELL INTO THE HOURS OF DARKNESS. THE ONLY ACCESS TO THE PROPOSED PREMISES ARE EITHER ON FOOT OR IN A VEHICLE, THERE IS NO PUBLIC TRANSPORT, THERE ARE NO FOOTPATHS ON THE ROAD, WHICH HAS A 50MPH SPEED LIMIT, THERE IS NO STREET LIGHTING. ANY PEDESTRIANS WALKING TO OR FROM THE PREMISES ESPECIALLY AFTER HAVING CONSUMED ALCOHOL ARE AT GREAT RISK OF HARM FROM TRAFFIC. IN DAYLIGHT, SOBER, WALKERS HAVE TO CONSTANTLY PRESS THEMSELVES INTO THE HEDGE SIDES TO AVOID VEHICLES ON THE ROAD. IF TRAVELLING BY VEHICLE UNLESS THE DRIVER STRICTLY ADHERES TO LEGAL ADVICE ABOUT NOT DRINKING AND DRIVING OTHER RISKS ARE OBVIOUS.

I HAVE LIVED AT MY PRESENT ADDRESS SINCE 1966 I CANNOT RECOLLECT ANY CRIME OR DISORDER ATTRIBUTABLE TO THE SALE OF ALCOHOL NEAR MY PROPERTY.

PUBLIC SAFETY POINTS

THE PUBLIC ROAD TO AND FROM THE PROPERTY IS UNLIT, HAS A 50MPH LIMIT AND HAS NO FOOTPATHS, THERE IS NO PUBLIC TRANSPORT ON THIS ROAD. ANY PEDESTRIANS USING THE ROAD ESPECIALLY DURING THE HOURS OF DARKNESS ARE AT GREAT RISK AND IF THEY HAVE CONSUMED ALCOHOL AND THEIR REACTIONS ARE SLOW, ALL THE MORE SO.

THE PREVENTION OF PUBLIC NUISANCE

IN MY EXPERIENCE AS A POLICE OFFICER THE FACT THAT THERE IS ALMOST NO PUBLIC SCRUTINY OF THE ROUTES TO AND FROM THIS VENUE, THE LACK OF ANY LIGHTING IN THE HOURS OF DARKNESS MEANS THAT PUBLIC NUISANCE SUCH AS PETTY CRIMINAL DAMAGE, COPING STONES PUSHED OFF WALLS ETC, LITTER FROM DRINK CONTAINERS THROWN DOWN, URINATING IN THE STREET, WILL TAKE PLACE.

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

PLEASE NOTE THE NOTICE OFF THE APPLICATION FOR A LICENCE TO SELL ALCOHOL WAS NOT DISPLAYED AT THE PREMISES UNTIL SOME TIME AFTER 1.00 PM ON THURSDAY 18TH FEBRUARY 2021. DESPITE BEING MADE ON 5TH FEBRUARY 2021.

ALSO I CONSIDER THE LONG OPENING HOURS IE. UP TO 2300 HRS EVERY NIGHT OF THE WEEK WILL BE DETRIMENTAL TO DISORDER, AND THE PREVENTION OF PUBLIC NUISANCE.

ADDITIONAL POINTS REGARDING THE PREVENTION OF PUBLIC NUISANCE

ATTACHED IS A PLAN WHICH SHOWS THE POSITION OF MY PROPERTY, DUNSTON COTTAGE, IN RELATION TO THE PROPOSED AREA FOR THE CONSUMPTION AND SALE OF ALCOHOL AT, THE BISTRO, DUNSTON HALL GARDEN CENTRE.

ONE OF MY ROOMS, A BEDROOM/GUEST ROOM, HAS ITS GABLE END WALL ACTUALLY AS A PARTY WALL RIGHT ON THE BOUNDRY BETWEEN THE TWO PROPERTIES AND ADJACENT TO THE AREA PROPOSED FOR THE CONSUMPTION OF ALCOHOL. WE CAN ALREADY HEAR CONVERSATIONS BETWEEN THE BUILDERS WORKING ON THE BISTRO, WHEN IN THE ROOM AND WILL ALSO BE ABLE TO HEAR THE PEOPLE WHO ARE DRINKING THROUGHOUT THE DAY AND EVENING!

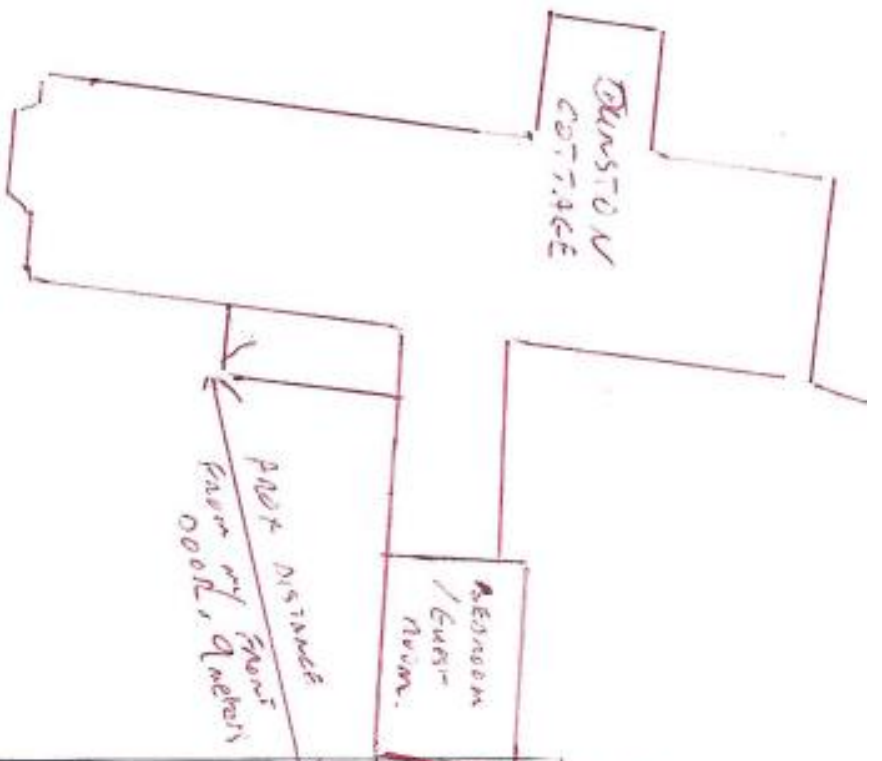
I HAVE ALSO SHOWN HOW CLOSE TO MY FRONT DOOR, APROXIMATLEY NINE METERS, IS THE AREA PROPOSED FOR THE CONSUMPTION OF ALCOHOL.

THIS VERY CLOSE PROXIMITY WILL IMPACT GREATLY ON OUR QUALITY OF LIFE, AND THE PEACE AND QUIET WE HAVE ENJOYED EVER SINCE WE HAVE LIVED HERE.

THE PREVIOUS BUSINESS AS A GARDEN CENTRE USED TO CLOSE AT 6.00PM AND THE BUILDING ADJACENT TO MY BOUNDRY USED TO BE THE OFFICE AREA WITH NO MEMBERS OF THE PUBLIC IN THE AREA THERE WAS NO NOISE OR PUBLIC NUISANCE.

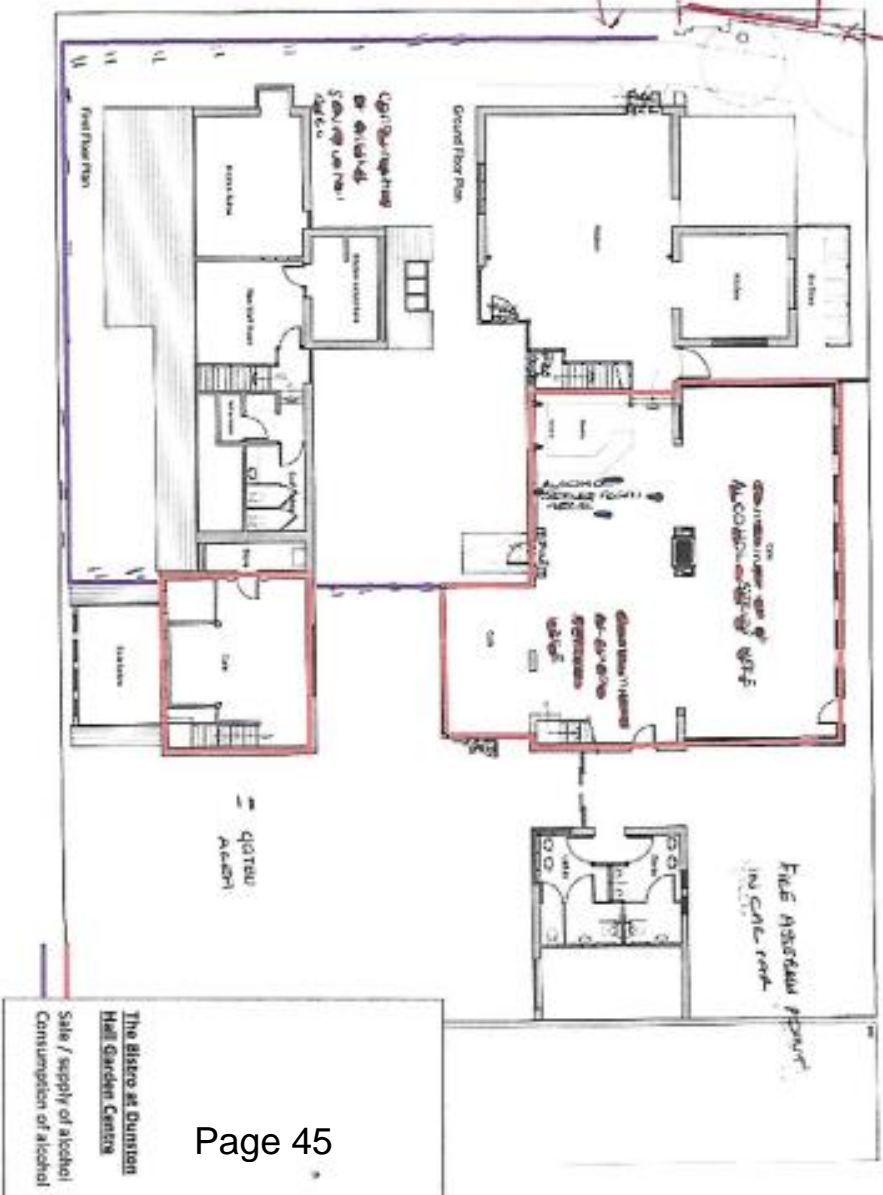
ANOTHER DEVELOPMENT AT THE SITE OF THE PROPOSED BISTRO IS THE CONSTRUCTION OF AN " ADVENTURE PLAYGROUND" CLIMBING FRAMES SWINGS, SLIDES ETC TYPICALL OF THOSE SEEN AT PUBLIC HOUSES SO WHILE THE ADULTS ENJOY A DRINK THE CHILDREN ARE OCCUPIED IN THE PLAYGROUND. THIS APPEARED ABOUT 7 DAYS AGO AND PART OF IT WILL ALLOW CHILDREN TO SEE INTO MY GARDEN OVER THE TOP OF THE DIVIDING HEDGE, THE PLAYGROUND IS APROXIMATLY TWO METERS FROM MY BOUNDRY, I HAVE NOT BEEN GIVE ANY FORMALL OPORTUNITY TO OBJECT ON ANY GROUNDS LET ALONE PUBLIC NUISANCE, AS IT SEEMS TO HAVE BEEN BUILT ON THE CAR PARK WITHOUT PLANNING CONSENT.

I AM ALSO NOT ABLE TO FIND ANY PLANNING APPLICATION FOR THE NEWLY CUT GATE WAY THROUGH THE OLD GARDEN WALL ADJACENT TO THE FIRE ESCAPE ON THE EAST WALL OF THE PROPOSED KITCHEN OR INDEED ANYTHING TO DO WITH THE BISTRO OR GARDEN CENTRE.



APPROXIMATE FOOTPRINT OF MY PROPERTY IN ADDITION TO GROUND FLOOR PLAN OF PROPOSED AREA FOR SALE AND CONSUMPTION OF ALCOHOL

Party with proposals to area proposed for consumption of alcohol



N APPROX
William N. LAMEN 02.03.21

The Bistro at Dunston Hill Garden Centre
Sale / supply of alcohol
Consumption of alcohol

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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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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 ...Mr and Mrs Glynn.....
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

The Bistro at Dunston Hall Garden Centre
Dunston Road
Chesterfield
Derbyshire

Post town Chesterfield

Post code (if known) S41 9RL

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

Beverley Anne Paterson

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 Other title (for example, Rev)

Surname

First names

Glynn

Karon

Please tick yes

I am over 18 years old or over

Current postal address if different from premises address

Dunston Hall Farm
Dunston Road
Chesterfield
Derbyshire

Post town

Chesterfield

Postcode

S41 9RL

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

✓
✓
✓

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

The Prevention of Crime and Disorder

With the availability of alcohol comes with it the potential for some customers to be drunk and disorderly.

If individuals should be asked to leave due to over consumption it is likely that they will either drink and drive or potentially be a nuisance to ourselves if they progress to our property.

It would not be safe for intoxicated individuals to walk along Dunston Road during the day or evening – see public safety section.

Public Safety

1. **Issues with access - the garden centre is situated on a narrow road B6050. Heading east from the garden centre there is series of blind bends. There are no pavements or street lighting on the stretch of road from the garden centre in either direction. Vehicles travel along the road frequently at speed taking no heed of potential pedestrians. Some**

customers from nearby new developing housing estates maybe encouraged to walk to the bistro or will be tempted to walk home after having an alcoholic drink. This will present a significant risk of them being hit by a vehicle on this dangerous busy and narrow stretch of road.

2. Our property is to the rear of the garden centre down a single track with a blind bend. Vehicles or individuals believing that there is access to Dunston via our property would create a nuisance as there is no through road or footpath and the track is narrow with limited turning available.
3. Deliveries to the garden centre take place in the top car park area alongside staff and customer cars. At times this becomes very congested. The addition of a bistro with additional staff and additional deliveries such as beer will further add to the congestion in the car park area. The greater number of vehicles in this area increases the risk of an accident.

The Prevention of Public Nuisance

The garden centre has limited car parking capacity. Parking will be more restricted with the current development of a children's play area outside of the new bistro on the east side of the existing car park. During the spring months in particular there is often significant parking pressures with all available spaces being taken and at times cars park along the single track drive itself which blocks access to our property which is to the rear of the garden centre. Additional customers to the bistro and additional staff will add to the parking pressures.

It is worth noting that a large portion of the car parking is on the grass area adjacent to the garden centre. When planning for this was approved it was a key requirement of the planning consent was to retain the grass rather than hard standing, which is in keeping with the listed Dunston Hall and the countryside. However much of this area is not actually suitable for car parking between late autumn to early spring as the ground becomes saturated. It is highly likely that there will be insufficient parking for the garden centre, bistro and new play area at peak times. Any cars parking along our single track access drive will cause a significant nuisance and ultimately block our access.

Parking on Dunston Road is not a suitable option and would be considered dangerous.

The properties along this section of Dunston Road all have gated access for security reasons. Our property behind the garden centre does not have the same protection and it is possible that individuals could wander onto our property after consuming alcohol or use the drive as a toilet which would be a significant concern.

Noise and disturbances from the bistro would be a concern. This area is in the countryside and we are used to living by a garden centre which is vacated during the evenings. Noise late at night from people or their vehicles would be very disruptive.

The Protection of Children from Harm

n/a

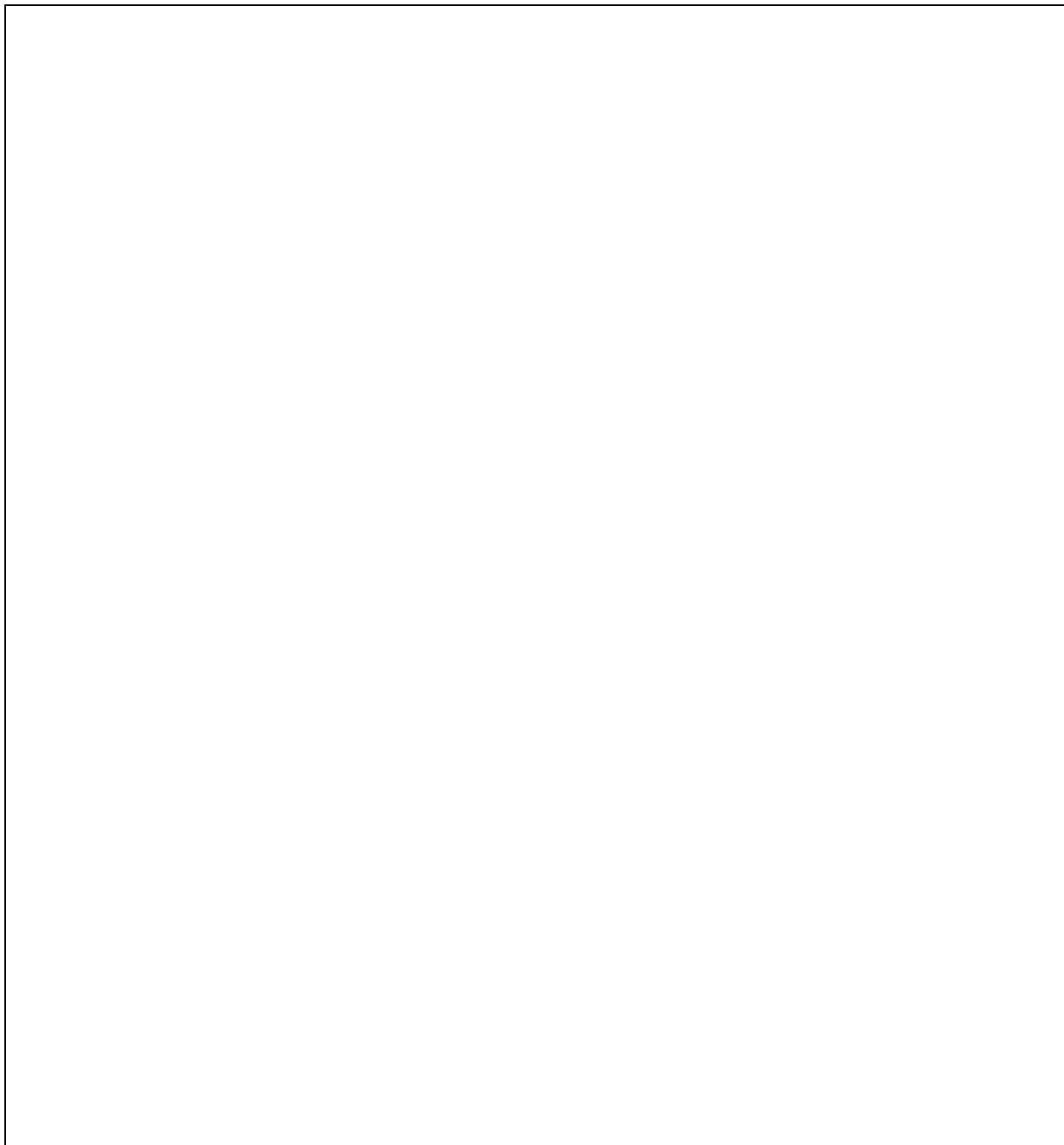
Please use this box if you wish to provide further details, additional sheets can be used if necessary.

We only by chance found out about this application when a neighbour contacted us this week. We were aware of the significant works being carried out at the garden centre at present but believed these were for refurbishment of the café/kitchen. No mention of a bistro.

There has been no discussion at all with the applicant; even with the Covid-19 restrictions we would have been open to telephone discussions for example. So we have no sense of what safeguards may be able to be put in place to address the issues we have highlighted.

The establishment of a licenced bistro in the previous garden centre offices is a significant change of use from a garden centre café and coffee shop which previously has only been operational when the garden centre has been open.

As mentioned above the area is in the countryside and there are several species of owls and bats which frequent the area. Owls and bats are frequently seen flying around the garden centre. It is likely that outside lighting will need to be in place for the car parking areas which no doubt will have a negative impact on the local wildlife and I would hope that you can also consider how this application will impact on protected species.



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

28.2.21.....

.....

Capacity neighbour.....

.....

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)	

COUNCIL’S PRIVACY STATEMENT.

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also, and on occasions will be required to, share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information see the privacy notice on the council website, www.chesterfield.gov.uk/privacy or contact the council's data protection officer on 01246 345345.

Chesterfield Borough Council collects personal information when you contact us for any services we provide. We will use this information to provide these services. We may need to share your information with service providers and other departments within CBC to ensure that you receive the best possible service. If so, this will be made clear in our privacy notice. We will not share your information with third parties for marketing purposes or any other reason unless required to do so by law.

For more information explaining how we protect and use your information please see our privacy policy at www.chesterfield.gov.uk/privacy

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 Representor'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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