

For publication

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

Meeting: Licensing Committee

Date: Wednesday 10th May 2017

Cabinet portfolio: Health and Wellbeing

Report by: Steve Ashby, Licensing Officer

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1.0 Purpose of report

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

5 Breckland Road
Walton
Chesterfield
Derbyshire
S40 4RW.

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

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

2.0 **Additional representations**

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

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

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

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

2.5 In relation to the health and safety concerns regarding the use of the rear yard at the premises for any activity relating to the licensed premises, opinion has been sought from a Health and safety officer.

2.6 The reply can be seen at appendix 13 and can be summarised by stating that there would be safety concerns should the yard be used for provision of a smoking area or for events.

2.7 The additional representations made relate to one or more of the licensing objectives which are:-

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- protection of children from harm

3.0 **Recommendation.**

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

- Granted
- granted with conditions
- or refused.

Steve Ashby
LICENSING OFFICER
2.05.17

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