

**For publication**

**Application for a New Premises Licence by Layals Limited, in  
respect of  
The Cricketers Inn Convenience Store, Stand Road, Newbold,  
Chesterfield, S41 8SJ. (LC 170)**

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Meeting: Licensing Committee

Date: Wednesday 28<sup>th</sup> March 2018

Cabinet portfolio: Health and Wellbeing

Report by: Steve Ashby, Licensing Officer

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**1.0 Purpose of report**

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

The Cricketers Inn Convenience Store,  
Stand Road,  
Newbold,  
Chesterfield,  
S41 8SJ.

1.2 A relevant representation have been made in respect of the application and not withdrawn.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 A copy of the Application Form is attached to this report at Appendix 1. Appendices 2, 3 and 4, show the proposed licensed area, the site plan and a front elevation drawing of the premises.

## 3.0 **Report Details.**

3.1 The premise is an existing public house, for which a current premises licence is granted. A copy of the current premises licence is attached at Appendix 5.

3.2 Layals Limited became the premises licence holder for the premises on 19.07.17.  
Having acquired the premises licence and control of the property, Layals Limited initially continued to trade the premises as a public house and subsequently sought planning permission to change the use of the premises to an off licence.

3.3 A conditional planning permission was granted in January 2018 which authorised only part of the premises to be changed to an off licence whilst the remainder was to continue in it's current use as a public house licensed premises. Appendix 2 shows this split, with the red outlined

area being changed to the off licence and the remaining part of the building continuing as the public house.

- 3.4 Building and shop fitting works are currently under way to construct the segregation between the two separate trading areas in the premises and make the off licence ready for use.
- 3.5 The Cricketers Inn stands in the middle of a residential development, adjacent to the Local Authority Park on Stand Road. The photograph below shows the premises location in relation to the Park.



- 3.6 The next photograph shows the front of the premises, the car parking around it and its proximity to the park entrance which can be seen across the road.



#### 4.0 **Application**

4.1 The application received in Licensing on 14th March 2018 is for a new Premises Licence.

4.2 The applicant's intention is to use the new licence for the off licence part of the premises (if granted) and then vary the original licence to operate the remaining public house area.

4.3 The rationale behind applying in this fashion was to keep the two premises licensed separately. This took into account that simply amending the current licence would require a variation to the premises licence to accommodate the additional alcohol sales hours sought on Sundays.

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

- The hours applied for are 07.00 am to 11.00 pm from Monday to Sunday.
- There are no proposed non-standard timings.
- Opening hours of the premises are also identified as 07.00 am to 11.00 pm from Monday to Sunday.

- 4.5 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.
- 4.6 A copy of the appropriate local press advert taken from the Derbyshire Times on Thursday 15<sup>th</sup> February 2018 is attached at Appendix 6.
- 4.7 The site notices displayed on the premises, advertising the application were viewed by licensing enforcement staff on 14<sup>th</sup> February 2018 and found to be displayed correctly and completed appropriately.
- 4.8 The application was submitted on line and as such, the Chesterfield Borough Council Licensing Authority circulated a copy of the application to the responsible Authorities.
- 4.9 The statutory deadline for representations was 8<sup>th</sup> March 2018.
- 4.10 Responsible Authorities and Interested Parties are entitled to make representations to the Licensing Authority provided they are relevant.
- 4.11 A representation was received on 6<sup>th</sup> March 2018 and accepted. The representation was received from the chairperson of "Friends of Stand Road Park" a local community group. The letter makes representation 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

A redacted copy of the letter of representation is shown at Appendix 6.

## 5.0 **Representation**

5.1 The representation that has been submitted in respect of this application engages three of the four licensing objectives, namely

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

and expresses concerns over alcohol fuelled antisocial behaviour and criminal damage to the park.

5.2 The letter of representation describes the Friends of Stand Road Park as a community group made up of park users and other members of the community who have an interest in Stand Road Park. Their stated mission is to see the park transformed into a community park that is safe and enjoyable for everyone and something the community will be proud of.

5.3 Reference is made in the representations to improvements fostered in the park, diversionary activities provided for teenage children to deter antisocial behaviour and the provision of a café facility at the weekends.

5.4 The nature of the objection focuses on the fact that the Cricketers Inn is located not only in close proximity to the park but also very close to the youth diversionary activity sites on the park. There is a concern that the additional availability of alcohol from an off licence so close to the park will inevitably increase the likelihood of incidents involving alcohol fuelled antisocial behaviour and criminal damage to the park.

5.5 The representation recognises that any premises licence granted would include control measures around the sale of age-restricted goods but this would not address the issue of proxy sales.

- 5.6 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.
- 5.7 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 at Appendix 1. The Trading Standards approved age related control measures are included therein.
- 5.8 The representation also states

*“Although the level of anti-social behaviour and criminal damage at the park has reduced over the last ten years, thanks to the efforts of the local Police Safer Neighbourhoods Team working in partnership with Friends of Stand Road Park, it has not been eliminated altogether.*

*Incidents of violent behaviour and criminal damage, which our intelligence indicates to have been fuelled by the consumption of alcohol, have occurred in the recent past. Examples include the following, all of which were reported to the Police:*

- On the Friday evenings of 1st and 8th September 2017 there were incidents involving violent altercations on the park involving verbal abuse and fighting.*
- On 8th September criminal damage to recently planted tree saplings, which we believe is linked to the foregoing altercations, occurred and was subsequently reported to the police.*
- On a date in January 2018 a woman walking on the park with a young child in a buggy was assaulted by a drunken man. Another woman who came to assist was beaten on her arm with a bottle. The incident was reported to the police.”*

5.9 To better help to qualify the incidents mentioned, information has been sought from Chesterfield Borough Council's Community Safety Department, Pollution Control Department and from Derbyshire Police. A summary of their responses can be seen below.

Chesterfield Borough Council Community safety

*"Alcohol is not currently an issue on Stand Road Park. In the past there has been some minor anti-social behaviour issues on the park such as the damage to the tree saplings however we have no knowledge of this incident being fuelled by alcohol. As for the other two incidents highlighted I have no knowledge of them so could not comment whether they were alcohol related or not. At the minute we are not seeing any significant anti-social behaviour issues or criminal activity in the park.*

*We often get complaints regarding behaviours of young people in parks across the borough stating that the young people are drinking alcohol or are drunk but more often than not this is not the case and it's just youths congregating in the parks with their mates and sometimes acting immaturely."*

The e-mail providing this response can be seen at Appendix 7.

Chesterfield Borough Council Pollution Control

*"I have spoken with the street cleansing team and last year they received many calls for service for alcohol related litter in Stand Road park (e.g. cans, bottles etc...).*

*We have had complaints about noise from the pub in*

- *December 2015*
- *May, June, August 2016*
- *July, September 2017.*

*but they never reached formal investigation stage. "*

The e-mail providing this response can be seen at Appendix 8.

Derbyshire Police Licensing Department

*"I have trawled all records of contact with the police over the last three months and also as a "one-off" for the whole of September 2017 for anything which can be associated with STAND ROAD.*

*In summary:-*

- *30/01/18 – report of ASB which in reality concerned aspects of school bullying – no offences*
- *09/01/18 – actually linked to the above incident – ongoing bullying*
- *30/12/17 – report of ASB and "kids" smashing up something on skate park – no offences*

*September:-*

- *21/09/17 – suspicious incident reported involving staff members from circus – no offences*
- *11/09/17 – damage to saplings – crime recorded*
- *02/09/17 – kids taking drugs – no offences*

*In light of this I cannot see any direct implications to off-licence sales and therefore cannot see any reason for the police to object to introduction of off-licence at the CRICKETERS."*

The e-mail providing this response can be seen at Appendix 9.

## 6.0 **Conclusion**

- 6.1 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.
- 6.2 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.

- 6.3 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.
- 6.4 The Licensing Committee is therefore asked to determine the application by
- granting it as requested
  - granting it subject to conditions
  - or refusing the application.



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