

Helen Farman-McKenna

From: Christian Stephenson [REDACTED]
Sent: 25 September 2017 16:41
To: Licensing
Subject: Objection: New application as a licensed premises with extended opening and entertainment - Skinny Kitten Cafe, Barton Under Needwood

Dear Licensing team,

Under East Staffordshire Borough Council Licensing Act 2003 and the corresponding statement of licensing policy I anticipate that the grant of the above new license (the license) for extended opening, selling of alcohol (both on and off the premises) and entertainment will be profoundly detrimental to the licensing objectives as applied by ESBC to protect Barton under Needwood, it's residents and businesses.

In laying out my objection I make reference to section 3 (Licensing Objectives), Section 12 (Adoption of Special Policies, Cumulative Impact).

Situation.

Skinny Kitten Cafe benefits from a very central location in the conservation area of the village, it is surrounded in very close proximity by residential dwellings ranging from family homes to small retirement style flats and a number of commercial office/studio lets. The site is historic, containing several listed buildings and very tightly space constrained. I believe that the cafe has little or no parking of it's own.

To the South of the cafe is a private courtyard with shared access between a different group of commercial tenants. To the West is a shared parking area at the rear of several other properties. Access to the rear of the cafe is by means of a long and winding gated path running West through this shared parking but only approximately 1m wide, whilst at the front, access is directly on Main Street which runs very closely outside. So close as to require mention that this is one of the main vehicular black spots in the village, particularly when delivery vehicles are serving nearby properties. Main Street is a very busy road at all times of the day with all types of vehicles from cars to heavy agricultural vehicles, buses and HGV's. Children from John Taylor High School make full use of all of the amenities on Main Street throughout the day and after school. This particular space is a natural location for a cafe from 08:00 to 17:00 say, not for an entertainment venue from 08:00 to 00:30 hrs.

The grant of the proposed license will enable this small cafe to grow use as an entertainment venue, selling intoxicating drink and operating during late hours, well past the time most people who are not revelling are in bed trying to sleep. This will be highly detrimental to the council's stated licensing objectives. There is a well understood correlation between the sale of intoxicating liquor, crime and disorder and nuisance.

Public Nuisance and Noise

A main bedroom in our own property, [REDACTED], overlooks the outside garden terrace of the cafe only 5 metres away! We are therefore convinced that the grant of the license will increase noise nuisance, coming and going, antisocial behaviour, passive smoke drifting into our bedroom windows, to name but a few nuisance types. The private courtyard and the shared parking area are well know by local residents who object to/or have

to regularly remove people leaving the pubs to urinate there. Another licensed premises will add to the potential for this to happen. Skinny Kitten is very poorly served by sanitation facilities (one small downstairs toilet) making this extreme nuisance act all the more likely during busy times. Noise nuisance emanating from the current pubs is already a problem on Main Street, once again, another licensed premises will make this worse.

Skinny Kitten is situated in a very old building with single glazed windows, poor insulation and no soundproofing. At no time has the building been designed to suit the purpose for which the license has been applied. At busy times windows will be opened to allow ventilation into the building. The garden terrace will be used by smoking patrons. The noise of intoxicated people, music, coming and going, deliveries, bottle clearance will constitute a high level of public nuisance to all who live nearby.

Lighting upgrades at the rear of the property have already taken place without consultation. These lights shine across private spaces and into our bedroom windows thereby constituting light pollution nuisance. I respectfully ask for the council to enforce their removal since the cafe nor the public have any access rights from the shared courtyard they illuminate.

Public Safety

As mentioned above, Skinny kitten has very poor pedestrian access, almost no vehicular access and no disabled access. The pavement outside the front door measures only 88cm from a high step to the main road. The potential for patrons to fall into Main Street on exit with lethal consequences is increased dramatically with sale of alcohol. The front access is also situated directly on the bend in the busy Main Street. Although this bend is not acute, it does impair the vision of drivers sufficiently to compound this threat by reducing reaction times.

Inside the building it is noticeable how many trip hazards exist, uneven flooring, several low level steps, low ceilings and blind corners. These may well be manageable by risk assessment for the current use. However, if that use is changed to include drinking alcohol, higher standing capacity and night time entertainment the risks are significantly increased and pose a threat to safety.

In the event of a fire the only exits are down a tight path at the rear or directly out into the busy main road at the front. More occupants more of the time, intoxicated, equals more risk if a fire occurs. I am confident that the council will nominate a suitably qualified body to assess this risk.

The garden area may be used for smokers, but it is small with an enhanced risk of passive smoking. People smoke more in the evening with the effects of alcohol than during a cafe visit in the day. Smoking detritus discarded to the shared areas and private courtyard is a fire risk.

Prevention of harm to children

Another premises selling alcohol and providing off sales increases the likelihood of vendors supplying under age children who may falsely or in breach of license conditions buy it and consume it nearby. (See nuisance) Dual use as a cafe with patisserie will attract children to the venue as a matter of course.

Music for the purpose of entertainment at Skinny Kitten (as distinct from background music).

We do not know what is contained in the application but wish to draw attention to legislation which specifies that a venue capacity of 200 persons is a requirement before music or dancing is allowed for the purpose of entertainment. Skinny Kitten does not have such a capacity.

Cumulative Impact

This section of Main Street (approximately 300m long from the Red Lion to the Three Horseshoes) is well served by four large public houses and off sales sites, a number of whom enjoy a late license facility but have sufficiently spacious and enhanced sites to be considered fit for purpose. I specifically refer to the Red Lion, The Middle Bell, The Shoulder of Mutton and The Three Horseshoes. Clearly off sales are available at the Co-Op and the Liquor and Allsorts convenience store. There is good provision for entertainment at many of these sites and at the new Marina complex. The licensing objectives will not be supported by the addition of another venue at Skinny Kitten Cafe.

Yours sincerely,

Christian Stephenson
26 September 2017.

Licensing Act 2003

REPRESENTATION FORM FROM OTHER PERSONS

This representation is made by an 'Other Person' in respect of the premises to be licensed as detailed below (see note 1 attached):


Your name	Mr Robert Clinton
Organisation name/name of body you represent (if appropriate)	
Postal and email address	23 Main Street, Barton Under Needwood, Staffs, DE13 8AA
Contact telephone number	

Name of the premises you are making a representation about	Skinny Kitten
Address of the premises you are making a representation about.	23 Main Street, Barton Under Needwood, DE13 8AA

Your representation must relate to one of the four Licensing Objectives (see note 2 overleaf)

Licensing Objective	Yes Or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	Yes	Barton already has 9 licenced premises, at least two central locations have had cause for police call outs and noise complaints on several occasions in the last year. The granting of another licence will only serve to increase the likelihood of crime and disorder, certainly not decrease it.
Public safety	Yes	The premises has no parking or area for taxis to safely drop off and pick up passengers. Drop off and pick up will occur on the busy main street until late in to the evening, increasing the risk of a road traffic incident.
To prevent public nuisance	Yes	These premises are within a residential area, in close proximity to several family homes. The granting of a licence until 24:00 hours is particularly worrying giving that patrons who smoke will congregate outside the front of the property causing noise and smoke nuisance. Patrons entering and leaving the premises after alcohol consumption late in to the evening will inevitably cause noise nuisance.
To protect children from harm	No	

<p>Please suggest any conditions that could be added to the licence to remedy your representation or other suggestions you would like the Committee to take into account.</p>	<p>If this licence were granted according to the existing opening times of the establishment I would not have less cause for representation. I am disappointed the applicant did not even attempt to consult very local residents (and customers) prior to application.</p>
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Signed:  Date: 28/09/17

Please see notes attached

NOTES

1. Representations can be made by any individual, body or business, regardless of their geographic proximity to the premises.
2. Your representation must relate to one or more of the four licensing objectives for it to be deemed relevant:-
 - ❖ The prevention of crime and disorder
 - ❖ Public safety
 - ❖ The prevention of public nuisance
 - ❖ The protection of children from harm

You must in your representation be able to demonstrate that if the premises was to be granted a new licence it would not:

- Deter and prevent crime or disorder
 - Promote public safety
 - Cause a public nuisance
 - Protect children from moral, Psychological and Physical harm
3. If you make a representation you will be expected to attend a meeting of the Licensing Sub Committee and any subsequent appeal proceeding. Details of your representation will be published in the report available to the Committee and the licence applicant. You will be given notice of the hearing before it takes place and will also be given a copy of the committee report.
 4. The hearing shall take the form of a discussion led by the Licensing Authority. The applicant for the licence will also be at the meeting and it will usually be open to the public and the media.
 5. This form must be returned within the statutory period of 28 days from the day after the date the application was given to the Licensing Authority – the deadline should be given in the notice displayed on the premises and in the public notice in a local newspaper or other local publication.
 6. Please return this form when completed to:

The Licensing Authority
 East Staffordshire Borough Council
 The Maltsters
 Wetmore Road
 Burton upon Trent
 Staffordshire
 DE14 1LS

Tel: 01283 508506
licensing@eaststaffsbc.gov.uk

Helen Farman-McKenna

From: IAN JACKSON [REDACTED]
Sent: 28 September 2017 18:02
To: Licensing
Subject: Objection to Application for Premises Licence -supply of alcohol on & off premises: Skinny Kitten 23-25 Main Street Barton under Needwood DE13 8AA
Attachments: Appendix 1 map.pdf; PIC 1 proximity to SK rear access.JPG; PIC 2 proximity to SK Seating area.JPG

Dear Sir/Madam,

I wish to object to the application by Stephanie Holmshaw to supply alcohol on and off the premises from 09:00hrs to 00:30hrs Monday to Saturday at Skinny Kitten Cafe, 23-25 Main Street, Barton under Needwood, Burton upon Trent, DE13 8AA

I live at [REDACTED]

Our residential property backs directly onto the rear of Skinny Kitten. Please refer to my plan in Appendix 1 attached We already experience noise from Skinny Kitten customers:

- using the rear customer access to Skinny Kitten which **runs along the boundary wall** less than 2 metres from our kitchen/living area [see picture 1 attached].
- using the Skinny Kitten's outside seating area and smoking area **located next to our boundary wall** less than 2 metres from our house [see picture 2 attached]
- Noise from these two areas is amplified as it bounces off brick walls that are in close proximity.

The café currently operates Monday to Saturday 9:00am to 5:00pm

If customers were allowed to consume alcohol on the premises, there would be a significant increase in noise levels causing unacceptable public nuisance. With extended opening hours, this noise could last beyond 00:30hrs as (drunken) customers use the outside seating area and outside smoking area. Customers would also congregate in the Skinny Kitten car park before dispersing down the Main Street. Skinny Kitten is surrounded by residential properties in close proximity.

The front entrance to Skinny Kitten is highly unsuitable for a "drinking establishment". Customers step onto a narrow outside step and then onto a very narrow section of pavement (this is the narrowest section of pavement in Main Street). It is not possible for 2 people to pass by each other at this point on the pavement without one of them stepping onto the road. If a customer's judgement is impaired by alcohol there is a significantly increased risk of personal injury to either passers by or the customer or as they leave via the front entrance.

There are already 4 long established premises serving alcohol within a 250m section of Main Street (Three Horse Shoes, Shoulder of Mutton, Middle Bell and Red Lion), as well as the CO-OP's off sales. I already suffer instances of being woken (any time between 23:00hrs - 02:00hrs) by drunken behaviour. Indeed I have previously witnessed people urinating in skinny kitten car park.

The increase in noise causing public nuisance would have a detrimental impact on our health. NHS guidelines clearly state that "lack of sleep can affect your overall health and make you prone to serious medical conditions, such as obesity, heart disease, high blood pressure and diabetes".

Yours sincerely,

Ian Jackson [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

**Appendix 1:
Plan of Skinny Kitten 23-25 Main Street
DE13 8AA showing proximity to 5 St James
Court DE13 8HN**

Access from car park into rear outside seating area, smoking area and rear entrance into café

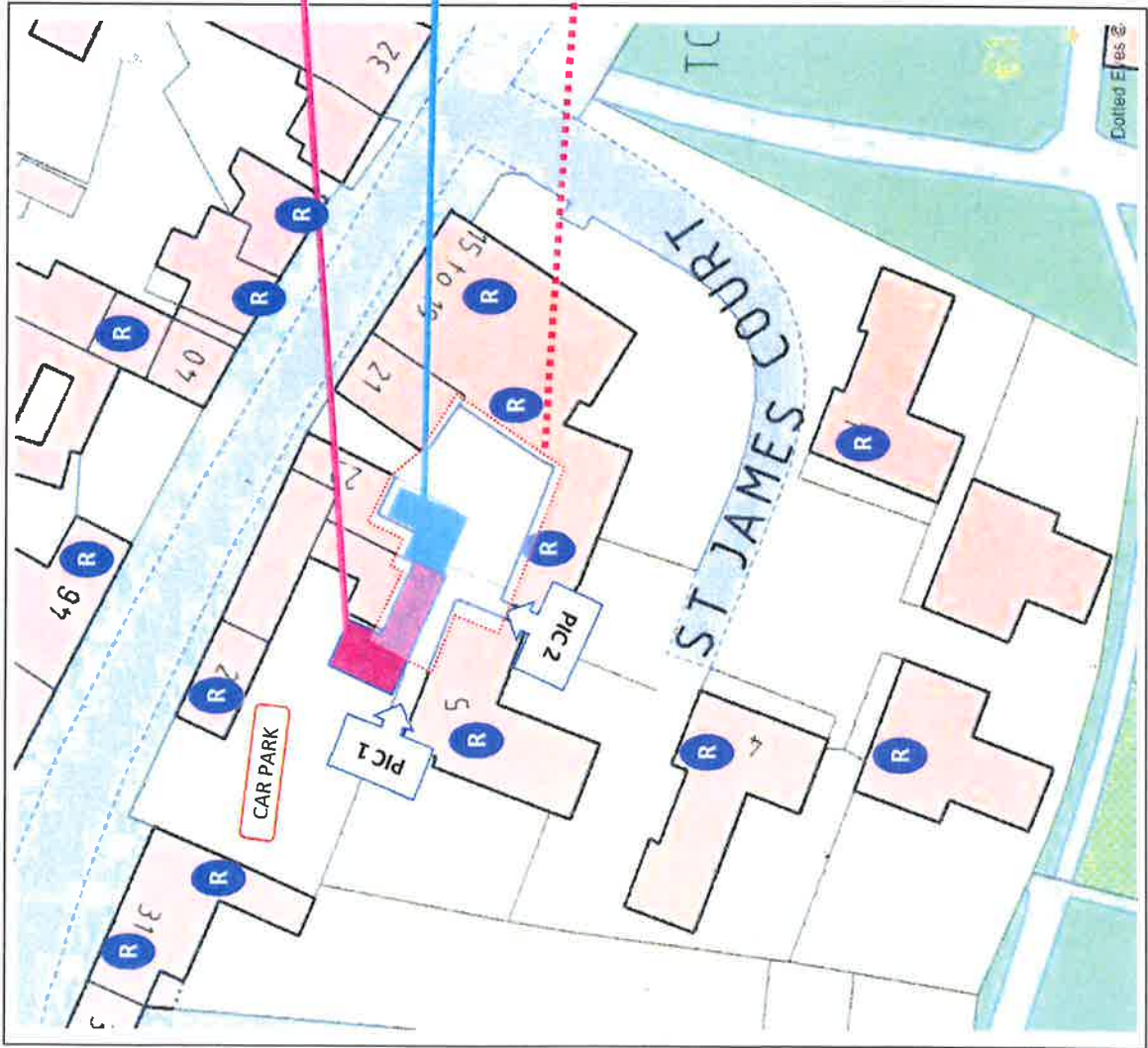
Rear outside seating area, smoking area and rear entrance to café

This area acts as a sound box. Noise from Skinny Kitten customers is amplified as it reverberates off the surrounding buildings which are in very close proximity

Residential properties surrounding Skinny Kitten

Picture 1 shows proximity of our property to skinny kitten rear customer access (less than 2 metres)

Picture 2 shows proximity of our property to skinny kitten rear customer seating area and smoking area (less than 2 metres)







Helen Farman-McKenna

From: Helen Farman-McKenna
Sent: 27 September 2017 14:57
To: 'GEOFFREY SHILTON'
Subject: RE: Skinny Kitten, Main Street, Barton under Needwood, Burton on Trent
Attachments: representation form.docx

Importance: High

Mr SHILTON

Thank you for the below. For us to determine your objection in relation to the above, would you please fill in the attached Representation form. We can only consider your representation if it relates to one of the four Licensing objectives.

This document needs to be returned back by the 5th October 2017 as this is the last date for representations.

Regards
H

Helen Farman-McKenna
Licensing Officer
Regulatory Services
East Staffordshire Borough Council
PO Box 8045
Burton Upon Trent DE14 9JG

Tele: 01283 508310
Email: Helen.Mckenna@eaststaffsbc.gov.uk

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If you're visiting The Maltsters, please note that limited visitor spaces are available (car park spaces numbered ES 5, ES 6 and ES 7). Alternatively, there are additional spaces available at the nearby Meadowside Leisure Centre which is a 5 minute walk from the Council Offices

From: GEOFFREY SHILTON [REDACTED]
Sent: 25 September 2017 10:57
To: Licensing
Subject: Skinny Kitten, Main Street, Barton under Needwood, Burton on Trent

I wish to register my objection to the application for a new premises licence at the above address on the following grounds.

The opening hours of 9.00 to 12.30 pm would give rise to unacceptable noise levels to a late hour and will therefore represent a considerable public nuisance to all residents in the immediate area.

There are already 4 outlets for alcohol in the immediate vicinity.

Access to the property is on the narrowest part of Barton main street with a very narrow footpath.



Licensing Act 2003

REPRESENTATION FORM FROM OTHER PERSONS

This representation is made by an 'Other Person' in respect of the premises to be licensed as detailed below (see note 1 attached):

Your name	Geoffrey Martin Shilton
Organisation name/name of body you represent (if appropriate)	
Postal and email address	[REDACTED]
Contact telephone number	[REDACTED]

Name of the premises you are making a representation about	Skinny Kitten Café
Address of the premises you are making a representation about.	Main Street, Barton under Needwood, Burton on Trent

Your representation must relate to one of the four Licensing Objectives (see note 2 overleaf)

Licensing Objective	Yes Or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder		
Public safety	yes	The access to the café is on a very narrow part of main street with a very narrow footpath. People leaving at a late hour will therefore be in danger from traffic.
To prevent public nuisance	yes	The noise nuisance currently suffered by residents in the immediate vicinity from the Middle Bell will be worsened by revellers leaving at a late hour which will constitute a considerable public nuisance.
To protect children from harm		

Please suggest any conditions that could be added to the licence to remedy your representation or other suggestions you would like the Committee to take into account.	
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Signed: [REDACTED]

Date: 28.9.17

Please see notes attached

NOTES

1. Representations can be made by any individual, body or business, regardless of their geographic proximity to the premises.
2. Your representation must relate to one or more of the four licensing objectives for it to be deemed relevant:-
 - ❖ The prevention of crime and disorder
 - ❖ Public safety
 - ❖ The prevention of public nuisance
 - ❖ The protection of children from harm

You must in your representation be able to demonstrate that if the premises were to be granted a new licence it would not:

- Deter and prevent crime or disorder
 - Promote public safety
 - Cause a public nuisance
 - Protect children from moral, Psychological and Physical harm
3. If you make a representation you will be expected to attend a meeting of the Licensing Sub Committee and any subsequent appeal proceeding. Details of your representation will be published in the report available to the Committee and the licence applicant. You will be given notice of the hearing before it takes place and will also be given a copy of the committee report.
 4. The hearing shall take the form of a discussion led by the Licensing Authority. The applicant for the licence will also be at the meeting and it will usually be open to the public and the media.
 5. This form must be returned within the statutory period of 28 days from the day after the date the application was given to the Licensing Authority – the deadline should be given in the notice displayed on the premises and in the public notice in a local newspaper or other local publication.
 6. Please return this form when completed to:

The Licensing Authority
East Staffordshire Borough Council
The Maltsters
Wetmore Road
Burton upon Trent
Staffordshire
DE14 1LS

Tel: 01283 508506
licensing@eaststaffsbc.gov.uk

Helen Farman-McKenna

From: Helen Farman-McKenna
Sent: 03 October 2017 14:54
To: 'Somdev Mookerjee'
Subject: RE: Proposed licensing of Skinny Kitten, Main Street, Barton-under-Needwood
Attachments: representation form.docx

Importance: High

Dr MOOKERJEE

Thank you for the below. For us to determine your objection in relation to the above, would you please fill in the attached Representation form. We can only consider your representation if it relates to one of the four Licensing objections.

This document needs to be returned back by the 5th October 2017 as this is the last date for representations.

Regards
H

Helen Farman-McKenna
Licensing Officer
Regulatory Services
East Staffordshire Borough Council
PO Box 8045
Burton Upon Trent DE14 9JG

Tele: 01283 508310
Email: Helen.Mckenna@eaststaffsbc.gov.uk

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

From: Somdev Mookerjee [mailto:Somdev.Mookerjee@eaststaffsbc.gov.uk]
Sent: 03 October 2017 14:35
To: Licensing
Subject: Proposed licensing of Skinny Kitten, Main Street, Barton-under-Needwood

Dear Sir/Madam,

We are residents of Main Street, Barton, and we strongly object to the proposed licensing to sell alcohol on this existing coffee shop for the following reasons:

The shops car park (opposite our house), has a small entrance/exit with limited visibility, not suitable for driving in or out especially at night time.
Noise pollution from customers and vehicles into small hours.

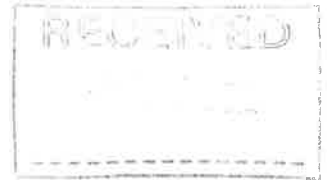
Very narrow existing footpaths on the Main Street makes hazardous for customers coming out of Skinny Kitten after consuming alcohol.

Finally, the village has 4 existing pubs selling alcohol on the High Street alone, therefore there is no need for another alcohol outlet.

Yours Sincerely,

Dr.S and Mrs M. Mookerjee.

Sent from my iPad



Licensing Act 2003

REPRESENTATION FORM FROM OTHER PERSONS

This representation is made by an 'Other Person' in respect of the premises to be licensed as detailed below (see note 1 attached):

Your name	DR. SOMDEV MOOKERJEE
Organisation name/name of body you represent (if appropriate)	
Postal and email address	[REDACTED]
Contact telephone number	[REDACTED]

Name of the premises you are making a representation about	Skinny Kitten
Address of the premises you are making a representation about.	Main Street, Barton under Needwood

Your representation must relate to one of the four Licensing Objectives (see note 2 overleaf)

Licensing Objective	Yes Or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	Yes	Possibility of drunken behaviour late into night
Public safety	Yes	Entrance/exit of Car park for Skinny Kitten extremely narrow with very limited visibility for car drivers.
To prevent public nuisance	Yes	Significant noise nuisance into small hours.
To protect children from harm	No	

Please suggest any conditions that could be added to the licence to remedy your representation or other suggestions you would like the Committee to take into account.	
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Signed: [REDACTED]	Date: 2nd October 2017
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Helen Farman-McKenna

From: Anita [REDACTED]
Sent: 04 October 2017 19:23
To: Helen Farman-McKenna
Subject: RE: Skinny Kitten
Attachments: skinny kitten objection.docx

Please find attached completed Representation form
Anita Tuft

Sent from Mail for Windows 10

From: Helen Farman-McKenna
Sent: 27 September 2017 15:11
To: [REDACTED]
Subject: RE: Skinny Kitten
Importance: High

Ms TUFT

Thank you for the below. For us to determine your objection in relation to the above, would you please fill in the attached Representation form. We can only consider your representation if it relates to one of the four Licensing objectives.

This document needs to be returned back by the 5th October 2017 as this is the last date for representations.

Regards
H

Helen Farman-McKenna
Licensing Officer
Regulatory Services
East Staffordshire Borough Council
PO Box 8045
Burton Upon Trent DE14 9JG

Tele: 01283 508310
Email: Helen.Mckenna@eaststaffsbc.gov.uk

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From: [REDACTED]
Sent: 26 September 2017 06:49
To: Licensing
Subject: Fwd: Skinny Kitten

Sent from my Samsung device

----- Original message -----

From: [REDACTED]
Date: 26/09/2017 06:39 (GMT+00:00)
To: licensing@eaststaffsbc.gov.uk
Subject: Skinny Kitten

Dear Sir,

I would like to register my objections to the proposed hours of licencing for Skinny Kitten. I cite the following reasons as a nearby resident :-

1. The outside space backs on to residential property and there would be a noise issue especially at night.
2. A passive smoke issue close to residential properties
3. The door from Skinny Kitten leads directly on to a main road via steep steps to a very narrow pavement. This could be a serious hazard if patrons stumble out after consuming alcohol.
3. There is only one small toilet inside Skinny Kitten.
4. It is an old building and the sound insulation would nor be adequate.

Anita Tuft

[REDACTED]
[REDACTED]

Sent from my Samsung device

Licensing Act 2003

REPRESENTATION FORM FROM OTHER PERSONS

This representation is made by an 'Other Person' in respect of the premises to be licensed as detailed below (see note 1 attached):

Your name	Anita Tuft
Organisation name/name of body you represent (if appropriate)	
Postal and email address	1st James Court Barton under Needwood DE13 8HN
Contact telephone number	

Name of the premises you are making a representation about	Skinny Kitten
Address of the premises you are making a representation about.	Main Street Barton under Needwood

Your representation must relate to one of the four Licensing Objectives (see note 2 overleaf)

Licensing Objective	Yes Or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	Yes	The outside area is very small and next door to residential properties. This will be the designated smoking area and there will be consequential noise and smoke pollution to the next door properties
Public safety	Yes	Pavement outside premises, which adjoins a main road, is very narrow . There is potential for customers who have had a drink and are therefore less in control to fall down the steps from Skinny Kitten and into the road. There is only one small toilet in the property. Not therefore adequate for public health and safety
To prevent public nuisance	Yes	Potential for noise from the outside area especially at night. This area is next to residential properties. The building itself is old and poorly insulated against sound. This could have an effect on all the houses and flats around it.
To protect children from harm		

Please suggest any conditions that could be added to the licence to remedy your representation or other suggestions you would like the	
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Please see notes attached

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