

# **FOR PUBLICATION**

**APPLICATION FOR A NEW PREMISES LICENCE BY**  
**CHESTERFIELD OFF-LICENSE LTD**  
**IN RESPECT OF**  
**CHESTERFIELD OFF-LICENSE LTD, 9 CAVENDISH STREET,**  
**CHESTERFIELD, S40 1XA.**  
**(LC170)**

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MEETING: LICENSING COMMITTEE

DATE: WEDNESDAY 13<sup>TH</sup> JANUARY 2016

REPORT BY: STEVE ASHBY  
LICENSING OFFICER

WARD ALL WARDS

## **1.0 APPLICATION**

- 1.1 The Applicant is Chesterfield Off Licence Ltd (company number 09835287).
- 1.2 The premise is Chesterfield Off License Ltd, 9 Cavendish Street, Chesterfield, S40 1XA.

## **2.0 PURPOSE OF REPORT**

- 2.1 For Members to determine the application for a new premises licence in respect of 9 Cavendish Street.
- 2.2 The application is made by Chesterfield Off License Ltd (company number 09835287).  
The company contact address is c/o  
Cairns Accountants  
102 Snape Hill Lane  
Dronfield  
S18 2GP

- 2.3 Because relevant representations have been made and not withdrawn, the application cannot be granted or refused under officer delegated authority.

### 3.0 **BACKGROUND**

- 3.1 The premise is a three storey building.  
The convenience store will be confined to the ground floor with a front entrance. A separate toilet area at the rear of the premises gives access to stairs. The floor above will be dedicated to storage with the top floor identified as office space.
- 3.2 The application received in Licensing on 18<sup>th</sup> November 2015 is for a Premises Licence to supply alcohol off the premises (and hours open to the public) between 07.00 am – 02.00 am Monday to Saturday and 07.00 am – 16.00 pm on Sunday.
- 3.3 A copy of the application form and location plan are attached as Appendix 1 and 2 respectively.
- 3.4 Applications for a new Premises Licence are required to be advertised by way of site notice displayed at the premises, an advert in the local press, and copies of the application submitted to all Responsible Authorities. These requirements were complied with. A copy of the press advertisement is included at appendix 3.
- 3.5 Responsible Authorities and Interested Parties are entitled to make representations to the Licensing Authority provided they are relevant.
- 3.6 A representation was received on 15<sup>th</sup> December 2015 from Mr Durham, the Licensing Manager at Chesterfield Borough Council.

The representation referred to:-

- this premises being located in the Cumulative Impact Area as defined in the Borough Council's Statement of Licensing Policy
- the 02.00 hours terminal hour which will impact upon crime and disorder in the town centre
- the lack of detail in the operating schedule to address crime and disorder concerns.

A copy of the letter of representation is included at appendix 4.  
The Cumulative Impact section of the Licensing Policy is attached at appendix 5.

- 3.7 A representation was also submitted by Sergeant Booth of Derbyshire Police. This was made on 16<sup>th</sup> December 2015. Undermining of the Licensing objective of “prevention of crime and disorder” is cited as the reason for this objection.

Reference is made to:-

- the premises being situated within the cumulative impact area
- the operating schedule and proposed operating hours not satisfying the concern that crime and disorder will not be added to.

A copy of the letter of representation is included at appendix 6.

#### 4.0 **ISSUES**

- 4.1 Any representation received must be relevant to the likely effect of the application on the promotion of at least one of the 4 licensing objectives which are:

- (1) The prevention of crime and disorder;
- (2) Public safety;
- (3) Prevention of public nuisance and
- (4) The protection of children from harm.

Representations which are not relevant must be rejected.

If a representation has been made but is subsequently withdrawn it is no longer a relevant representation and provided there are no other relevant representations the application can be dealt with under officer delegated authority.

- 4.2 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. These volunteered proposed steps will under the Licensing Act 2003 be attached to the premises licence as conditions which must be complied with. These are set out in section M of the application form (Appendix 1).
- 4.3 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.

A copy of the Statement of Licensing Policy is attached at appendix 7.

## **5 OPTIONS**

- 5.1 The Licensing Committee may
- grant the application as requested
  - grant it subject to conditions
- or
- refuse the application.
- 5.2 Where either the applicant or a person who made relevant representations is not satisfied by the decision of the Licensing Authority, the route of appeal is through the Magistrates' Court.

## **6 RECOMMENDATION**

- 6.1 That the Committee determine whether the application for a new Premises Licence made by Chesterfield Off Licence Ltd, be granted, granted with conditions, or refused.

Steve Ashby  
LICENSING OFFICER

For more information on this report please contact the author,  
Steve Ashby on 01246 345780,  
email [steve.ashby@chesterfield.gov.uk](mailto:steve.ashby@chesterfield.gov.uk)