

FOR PUBLICATION

APPLICATION FOR A NEW PREMISES LICENCE BY MARCELLA KIRK IN RESPECT OF PETITE MAISON, 21 OLD ROAD, BRAMPTON, CHESTERFIELD. S40 2RE (LC170)

MEETING: LICENSING COMMITTEE

DATE: 17 DECEMBER 2014

REPORT BY: LICENSING MANAGER

WARD BRAMPTON

1.0 APPLICATION

- 1.1 The Applicant is Marcella Kirk.
- 1.2 The premise is Petite Maison, 21 Old Road, Brampton, Chesterfield, S40 2RE.

2.0 PURPOSE OF REPORT

- 2.1 For Members to determine the application for a new premises licence in respect of Petite Maison.
- 2.2 The application is made by Marcella Kirk of 'Maison Mes Amis', 19 Old Road, Brampton. Maison Mes Amis already has a premises licence in Ms Kirk's name.
- 2.3 Because relevant representations have been made and not withdrawn, the application cannot be granted or refused under officer delegated authority.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 premises are adjacent to 'Maison Mes Amis' and are currently unlicensed. Until recently it was a florist shop.

3.2 The intention is to use 'Petite Maison' in conjunction with 'Mes Amis', albeit under separate licences.

3.3 The applicant requests the following:

- Live music (indoors)
10.00 to 23.00 each day.
- Recorded music (indoors and outdoors)
10.00 to 23.00 on Monday to Thursday; 10.00 to 01.00 on Friday and Saturday; and 12 noon to 00.30 on Sunday.
- Late night refreshment (indoors)
23.00 to 23.30 Monday to Wednesday; 23.00 to midnight on Thursday; 23.00 to 01.00 on Friday and Saturday; and 23.00 to 00.30 on Sunday.
- Supply of alcohol (on and off the premises)
10.00 to 23.00 Monday to Wednesday; 10.00 to midnight on Thursday; 10.00 to 01.00 Friday and Saturday; and 12.00 noon to 00.30 on Sunday.
- Opening hours
10.00 to 23.30 Monday to Wednesday; 10.00 to 00.30 on Thursday; 10.00 to 01.30 on Friday and Saturday; and 12.00 noon to 01.00 on Sunday. New years eve from 11.00 to 02.30.

3.4 A copy of the application form and location plan are attached as Appendix 1 and 1a.

3.5 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.

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 3rd November 2014 from Pollution Control, Environmental Protection (Appendix 2a).

3.7 A representation was received on 5th November 2014 from local residents (Appendix 2b).

- 3.8 Representations were received on 9th and 10th November 2014 from Ward Members for the Holmbrook area (Appendix 2c and 2d)).
- 3.9 A representation was received on 11th November 2014 from local residents (Appendix 2e).
- 3.10 A representation was received on 27th November 2014 from an elected Member (Derbyshire County Council) (Appendix 2f).
- 3.11 A representation was received from a local resident (Appendix 2g).
- 3.12 A representation was received from a local resident (Appendix 2h).
- 3.13 All the objections received are with regard to the Prevention of Public Nuisance licensing objective.
- 3.14 A representation in support of the application for a new Premises Licence was received from a local resident on 30th November 2014, but this has not been accepted as it was received after the consultation period.

4.0 **ISSUES**

- 4.1 Any representation received must be relevant to the likely effect of the proposed variation 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.

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 aggrieved by the decision of the Licensing Authority, appeal is to the Magistrates' Court.

6 RECOMMENDATION

- 6.1 That the Committee determine whether the application for a variation of a Premises Licence made by Marcella Kirk for the premises at Petite Maison, 21 Old Road, Brampton, Chesterfield be granted, granted with conditions, or refused.

LICENSING MANAGER

For more information on this report please contact the author,
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