



Licensing Act 2003 Sub-Committee

Agenda and Reports

For consideration on

Monday, 18th July 2011

In the Council Chamber, Town Hall, Chorley

At 2.00 pm



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06 July 2011

Dear Councillor

LICENSING ACT 2003 SUB-COMMITTEE - MONDAY, 18TH JULY 2011

You are invited to attend a meeting of the Licensing Act 2003 Sub-Committee to be held in the Council Chamber, Town Hall, Chorley on Monday, 18th July 2011 commencing at 2.00 pm.

AGENDA

1. **Apologies for absence**
2. **Declarations of Any Interests**

Members are reminded of their responsibility to declare any personal interest in respect of matters contained in this agenda. If the interest arises **only** as result of your membership of another public body or one to which you have been appointed by the Council then you only need to declare it if you intend to speak.

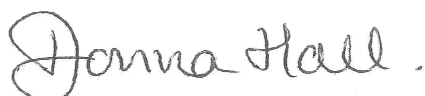
If the personal interest is a prejudicial interest, you must withdraw from the meeting. Normally you should leave the room before the business starts to be discussed. You do, however, have the same right to speak as a member of the public and may remain in the room to enable you to exercise that right and then leave immediately. In either case you must not seek to improperly influence a decision on the matter.

3. **Application for a Premises Licence - Talbot Express Store, 7 Talbot Row, Balshaw Lane, Euxton (Pages 1 - 32)**

To receive and consider a report from the Director of People and Places (enclosed).

4. **Any other item(s) that the Chair decides is/are urgent**

Yours sincerely



Donna Hall CBE
Chief Executive

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Democratic and Member Services Officer
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Distribution

1. Agenda and reports to all Members of the Licensing Act 2003 Sub-Committee (Councillor Stella Walsh (Chair) and Councillors Doreen Dickinson and Marion Lowe for attendance).
2. Agenda and reports to Alex Jackson (Senior Lawyer), Stephen Culleton (Public Protection Officer) and Cathryn Filbin (Democratic and Member Services Officer) for attendance.

This information can be made available to you in larger print or on audio tape, or translated into your own language. Please telephone 01257 515118 to access this service.

આ માહિતીનો અનુવાદ આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા માટે કૃપા કરી, આ નંબર પર ફોન કરો: 01257 515822

ان معلومات کا ترجمہ آپ کی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون

01257 515823

کیجئے:

CHORLEY BOROUGH COUNCIL**LICENSING ACT 2003****SUB-COMMITTEE****GENERAL PROCEDURE POINTS FOR HEARINGS****INTRODUCTION**

The Licensing Act 2003 Sub-Committee will conduct hearings in accordance with the following general principles:

- All parties have a right to a fair hearing.
- Decision-making will be conducted in an open, transparent and accountable way.
- Each application will be determined on its own merits and the decision will be based upon:
 - the merits of the application
 - the promotion of the four licensing objectives
 - the Council's Statement of Licensing Policy
 - the Guidance issued by the Secretary of State for Culture, Media and Sport under Section 182 of the Licensing Act 2003
- the Licensing Authority will only permit licensing decisions to be taken by Sub-Committee consisting of three members. In the event of one member being unable to attend, the Licensing authority will use its best endeavours to substitute another member, taken from the membership of the Licensing Act 2003 Sub-Committee reserve list.
- the Sub-Committee may disallow cross-examination in exceptional circumstances; this decision will be taken on a case by case basis with a presumption to allow. However, parties are advised that the Sub-Committee wishes to discourage hostile cross examination.
- late representations and evidence will usually only be considered with the agreement of all parties present.
- decisions will generally be taken regardless of whether the applicant/other party is present unless the Sub-Committee consider it necessary in the public interest to adjourn the hearing to a specified date. All notices and representations from absent parties will be considered.
- the Sub-Committee will generally allow parties a maximum of 30 minutes per party to make all relevant Statements. However, the Sub-Committee recognises that in certain circumstances this may be insufficient due to the complexity of the issues involved. In this situation the Sub-Committee will consider representations from those parties involved in the hearing as to the length required to make all relevant statements. The

Licensing Authority respectfully requests that all parties keep points pertinent and the discussion moving in the interests of cost and efficiency.

- the Sub-Committee recognises that Regulation 14 requires all hearings should take place in public unless the Licensing Authority “considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing taking place in public” in which the applicant, those assisting the applicant or other interested parties can be excluded. In the absence of any criteria in the Licensing Act 2003, the guidance issued under section 182 of the Act or the licensing Regulations, the Licensing Authority has adopted the existing criteria in Schedule 12A of the Local Government Act 1972 for excluding the press and public. The public and press will be excluded when the Sub-Committee is considering an application for a personal licence, where Lancashire Police have lodged an objection notice due to an existing relevant offence(s). Generally, the public and the applicant will be excluded when the Sub-Committee is determining a decision. Once a decision has been made all parties will be readmitted and the Chair will announce the decision and give reasons.
- all parties will be notified of the decision in accordance with any periods set down by the Licensing Act 2003 or where none are prescribed within 5 working days.
- the Sub-Committee has the right to exclude any parties behaving in a disruptive manner at the hearing at its own discretion.

HEARING PROCEDURE**PREMISES/CLUB PREMISES LICENCE APPLICATIONS****1. CHAIR OF SUB-COMMITTEE:**

- opens meeting
- introduces Members and Officers
- confirms details of all parties in attendance
- outlines procedure to be followed

2. PUBLIC PROTECTION OFFICER OUTLINES THE APPLICATION AND RELEVANT REPRESENTATIONS**3. QUESTIONS TO PUBLIC PROTECTION OFFICER FOR CLARIFICATION FROM:**

- Sub-Committee
- The Applicant and/or Legal Representative

4. THE APPLICANT AND/OR LEGAL REPRESENTATIVE MAKES REPRESENTATIONS REGARDING HIS/HER APPLICATION**5. QUESTIONS TO THE APPLICANT AND/OR LEGAL REPRESENTATIVE FROM:**

- Sub-Committee
- Interested Parties Representative

6. INTERESTED PARTIES REPRESENTATIONS**7. QUESTIONS TO INTERESTED PARTIES FROM:**

- Sub-Committee
- The Applicant/ Legal representative

8. INTERESTED PARTIES INVITED TO BRIEFLY SUMMARISE**10. THE APPLICANT/ LEGAL REPRESENTATIVE INVITED TO SUM UP (IF THEY WISH)****11. DECISION MAKING**

All parties retire whilst Sub-Committee makes decision.

12. NOTICE OF DECISION

Parties re-admitted and Chair announces decision and reasons.

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Report of	Meeting	Date
Director People and Places	Licensing Act 2003 Sub-Committee	18 July 2011

SECTION 17 OF THE LICENSING ACT 2003, APPLICATION FOR A PREMISES LICENCE FOR THE TALBOT EXPRESS STORE , 7 TALBOT ROW, BALSHAW LANE , EXUTON, PR7 6HS

PURPOSE OF REPORT`

1. To bring to the attention of members of the Licensing Sub-Committee an application for the grant of a premises licence for the Talbot Express Store, 7 Talbot Row , Balshaw Lane, Euxton, Chorley.
2. Members should be aware that the determination of this matter is appealable to the Magistrates Court within 21 days. In reaching determination, Members shall have regard to the Council’s Statement of Licensing Policy and the Secretary of State Section 182 Guidance.

CORPORATE PRIORITIES

3. This report relates to the following Strategic Objectives:

Strong Family Support		Education and Jobs	
Being Healthy		Pride in Quality Homes and Clean Neighbourhoods	
Safe Respectful Communities	X	Quality Community Services and Spaces	X
Vibrant Local Economy		Thriving Town Centre, Local Attractions and Villages	
A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money			

BACKGROUND

4. The Council received an application for the grant of a premises licence made under Section 17 of the Licensing Act 2003. The application was made by Robert Jordan, PR Consultants on behalf of Mr Noushad Kannukaran the proposed premises licence holder, for premises to be known as Talbot Express Stores at 7 Talbot Row, Balshaw Lane, Euxton, Chorley. A copy of the relevant part of the application is attached (Appendix 1 pages 17-26).
5. The application was made in accordance with the Section 17 of the Licensing Act 2003. On the 20 June 2011, officers received two separate representations in the form of petitions made by interested parties, and on the 22 June 2011, a representation from an interested party.



6. In accordance with the Secretary of State 182 Guidance officers have determined that one of the petitions which make representation is not relevant to the licensing objectives and has been removed from this hearing. From the remaining petition 22 of the 30 signatories' have been regarded as not relevant by reason of vicinity or we have been unable to identify them by the details given on the petition.
7. Officers have considered the representations that have been made and submit that the issues to be determined for the purposes of the Licensing Act 2003 relate to licensing objective - the prevention of public nuisance. A copy of the representation is attached (Appendix 2 27-30).
8. On receipt of the representation officers have consulted with one of the signatories to ensure the authenticity of the petition, this person identified himself as Mr E Armstrong of 3 Highways Avenue, Euxton, Chorley. Officers are satisfied that the petition is valid however it has not been possible to attempt a mediation process due to the number of interested parties, which for the purpose of this hearing is established as 8 and they have been invited to attend the hearing.
9. In order to assist members with the location of the proposed premises and the location of the interested parties officers have produced a map of the area indicating the location of the proposed licensed premises in relation to the representations that have been made and is attached (Appendix 3 pages 31-32).
10. There have been no representations received from the following Responsible Authorities;
 - Planning,
 - Environmental Health
 - Lancashire County Council Safeguarding Children Board
 - Lancashire Fire & Safety
 - Health & Safety
 - Trading Standards
 - Lancashire Constabulary
11. Officers are aware that Lancashire Constabulary has directly responded to the application that has been made, and through mutual agreement have satisfactorily agreed further conditions to be attached to the Premises Licence Operating Schedule. The condition is,
 - a) The CCTV system at the premises should be installed and operated to the satisfaction of Lancashire Constabulary. The system will record for 24 Hours 7 days a week and record for 28 days minimum.
 - b) There will be, at all times the premises is open , someone available who can operate and download images from the system and provide a copy of those images to any responsible authority on reasonable request.

POLICY AND LEGAL CONSIDERATIONS

12. Section 4 of the Licensing Act 2003 provides that a Licensing Authority must have regard to its Statement of Licensing Policy and to the guidance issued by the Secretary of State under section 182 of the Act.
13. As members will be aware the four licensing objectives are as follows:
 - The prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - The protection of children from harm.

14. The Licensing Authority shall determine the application, having had considered the representations that have been made, and having regard to its Statement of Licensing Policy and to the guidance issued by the Secretary of State under section 182 of the Act. Section 18 Licensing Act 2003 is the authority the Licensing – sub-committee can rely upon with regards to this matter, which is reproduced below.

Section 18 Determination of application for premises licence

- (1) This section applies where the relevant licensing authority:
 - (a) receives an application for a premises licence made in accordance with section 17, and
 - (b) is satisfied that the applicant has complied with any requirement imposed on him under subsection (5) of that section.
- (2) Subject to subsection (3), the authority must grant the licence in accordance with the application subject only to:
 - (a) such conditions as are consistent with the operating schedule accompanying the application, and
 - (b) any conditions which must under section 19, 20 or 21 be included in the licence.
- (3) Where relevant representations are made, the authority must:
 - (a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and
 - (b) having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.
- (4) The steps are:
 - (a) to grant the licence subject to:
 - (i) the conditions mentioned in subsection (2)(a) modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and
 - (ii) any condition which must under section 19, 20 or 21 be included in the licence;
 - (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
 - (c) to refuse to specify a person in the licence as the premises supervisor;
 - (d) to reject the application.
- (5) For the purposes of subsection (4)(a)(i) the conditions mentioned in subsection (2)(a) are modified if any of them is altered or omitted or any new condition is added.
- (6) For the purposes of this section, “relevant representations” means representations which:
 - (a) are about the likely effect of the grant of the premises licence on the promotion of the licensing objectives,
 - (b) meet the requirements of subsection (7),
 - (c) if they relate to the identity of the person named in the application as the proposed premises supervisor, meet the requirements of subsection (9), and
 - (d) are not excluded representations by virtue of section 32 (restriction on making representations following issue of provisional statement).

- (7) The requirements of this subsection are:
- (a) that the representations were made by an interested party or responsible authority within the period prescribed under section 17(5)(c),
 - (b) that they have not been withdrawn, and
 - (c) in the case of representations made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
- (8) Where the authority determines for the purposes of subsection (7)(c) that any representations are frivolous or vexatious, it must notify the person who made them of the reasons for its determination.
- (9) The requirements of this subsection are that the representations:
- (a) were made by a chief officer of police for a police area in which the premises are situated, and
 - (b) include a statement that, due to the exceptional circumstances of the case, he is satisfied that the designation of the person concerned as the premises supervisor under the premises licence would undermine the crime prevention objective.
- (10) In discharging its duty under subsection (2) or (3)(b), a licensing authority may grant a licence under this section subject to different conditions in respect of:
- (a) different parts of the premises concerned;
 - (b) different licensable activities.

15. Members must have regard to the Statement of Licensing Policy when determining this application. In particular, member's attention is drawn to the following paragraphs:

Paragraph 1.3 The policy provides guidance on the general approach the Council, as Licensing Authority, within the meaning of the Act, will take in terms of licensing. However, each application will be considered separately, on its individual merits.

Paragraph 1.4 The Statement of Licensing Policy sets out how the licensing objectives will be achieved and to secure the safety and amenity of residential communities whilst facilitating a sustainable entertainment and cultural industry. The Policy recognises both the needs of residents for a safe and healthy environment in which to live and work and the importance of safe and well run entertainment premises to the local economy. Balancing these interests will not always be straightforward and will be guided by the four licensing objectives.

- The prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- The protection of children from harm.

Paragraph 1.5 This policy does not seek to undermine the right of any individual to apply under the Act for a variety of permissions and as stated above each application will be considered on its individual merits. Nor does the Policy seek to override the right of a person to make representations on an application or seek a review of a licence or certificate. However, the Council in adopting this policy is indicating that a wide range of considerations will be taken into account.

Paragraph 2.2 each of the licensing objectives are of equal importance with these objectives.

Paragraph 2.3 each of the licensing objectives is of equal importance for the purposes of this policy.

Paragraph 2.4 this policy statement is designed to deal with matters within the control of the licensee. It focuses on the premises in which each business is carried on and the effect that has on members of the public living, working or engaged in normal activity in the vicinity.

Paragraph 2.5 Licensing law is not envisaged by the Licensing Authority as a mechanism to control anti-social behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned. Therefore any terms and conditions imposed will be focused on matters within the control of individual Licensees and others granted relevant permissions. These matters will centre on the premises and places used for licensable activities and in the vicinity of the places.

Paragraph 2.6 The Licensing Authority considers that every holder of a licence, certificate or permission and designated premises supervisor is responsible for minimising the impact of their activities and anti-social behaviour by their customers within the vicinity of their premises.

Paragraph 5.3 the policy will not fix the hours during which alcohol can be sold. The Licensing Authority considers that stricter controls regarding noise nuisance may be necessary in more densely populated areas. The grant of a licence will be dependent on the impact of an activity on the licensing objectives.

CRIME AND DISORDER

Paragraph 6.1 Licensed premises, especially those offering late night entertainment, alcohol and refreshment can be a source of crime and disorder problems.

Paragraph 6.2 The Council is committed to reducing crime and disorder across the Borough through its statutory duty under the Crime and Disorder Act 1998 and the Community Safety Strategy.

Paragraph 6.3 The Community Safety Partnership will regularly monitor and review crime statistics within the Borough and their association with alcohol and provide reports to the Licensing Authority where appropriate. The Licensing Authority will give due consideration to any submissions made concerning the impact on crime and disorder of alcohol related problems. The Council may review this Policy where it considers it appropriate to do so.

Paragraph 6.4 The Council will have particular regard to the likely impact on licensing of related crime and disorder in the Borough particularly when considering the location, impact and the operation and management of all proposed licensed premises and applications for variations.

Paragraph 6.5 the promotion of the crime and disorder-licensing objective, places a responsibility on licence holders to try and achieve this objective. Applicants will therefore be required to address, in their operating schedules, where appropriate, those measures that have been identified and will be implemented and/ or maintained to reduce or prevent crime and disorder in the vicinity of their premises. The Licensing Authority considers that best practice will be exemplified by the night safe initiative and would recommend that licence holders join this initiative.

Paragraph 6.6 Where relevant representations are received on the crime and disorder objective, the Licensing Authority may have regard to the following where relevant: (though this is not an exhaustive list):

- Crime prevention measures.
- Physical security features installed in the premises, (this may include CCTV both inside and outside the premises, where alcohol is stored in relation to off licences, the use of toughened drinking glasses).
- Weapon detection and search facilities.
- procedures for risk assessing promotions and events such as 'happy hours', drinks promotions, for the potential to cause crime and disorder, and the plans to minimising such risks.
- Adoption of best practice guidance in relation to safer clubbing guide.
- measures to prevent the use or supply of illegal drugs including search and entry policies.
- Employment of licensed door supervisors.
- Participation in other appropriate schemes eg pub watch scheme.
- measures to be taken for the prevention of violence or disorder.

Paragraph 6.7 The Licensing Authority where relevant representations are made will consider attaching conditions to deter and prevent crime and disorder, if appropriate and necessary and these may include conditions from the model pool of conditions. Certain premises may be required to install CCTV system to an evidential standard should the Council be satisfied it is necessary and /or appropriate to meet the licensing objectives.

Paragraph 6.8 The Council reserves its right to use its powers to designate areas where alcohol may not be consumed in a public place to meet the Public Safety and Crime and Disorder objectives.

LICENSING HOURS

Paragraph 7.1 The policy recognises that longer (more flexible) licensing hours can contribute to easing crime and disorder problems by ensuring that concentrations of customers leaving premises simultaneously are avoided thus helping to reduce friction at taxi ranks, private hire offices, fast food outlets etc.

Paragraph 7.2 Individual applications will be considered on their merits and in general terms a flexible approach will be adopted. Fixed predetermined closing times for particular areas will not form part of the policy and restrictions on trading hours will be considered only where necessary to meet the licensing objectives.

Paragraph 7.3 The Licensing Authority, however, considers that the risk to disturbance to local residents is greater when licensable activities continue late at night and into the early hours of the morning as the ambient noise levels will be lower. The Licensing Authority may impose stricter conditions with regard to noise control in areas, which have denser residential accommodation, but each premise will be considered on its individual merits.

Paragraph 7.5 The Licensing Authority also recognises the principle of 24 hour opening of all licensed premises. However, it considers that longer opening hours may be more acceptable in commercial areas with high levels of public transport. The grant of a licence will in all cases be dependent on the impact of an activity in relation to the licensing objectives.

Paragraph 7.6 where relevant representations are received, the Licensing Authority may have regard to the following where relevant (though this is a non exhaustive list);

- the nature of the area where the premises are located (e.g. commercial, residential)
- Arrangements to ensure adequate availability of taxis and private hire vehicles, public transport.

- Whether appropriate car parking is readily accessible to premises and whether the use/parking of vehicles would cause a demonstrable adverse impact on the amenity of residents.
- whether the licensable activities are likely to cause adverse impact especially on local residents and whether appropriate measures will be put in place to prevent any adverse impact
- in relation to the grant of a new premises licence whether the premises will give rise to a negative cumulative impact on one or more of the licensing objectives

In assessing the impact of the activity proposed the Licensing Authority may consider a number of factors inter alia,

- the type and scale of activity, the number and nature of clientele likely to attend
- the levels of noise from the premises, which may be acceptable later in the evening
- the proposed hours of operation
- the levels of public transport accessibility for customers and the likely means of public or private transport that will be used, access to private hire/taxis
- the means of access to the premises e.g. whether on principal pedestrian routes
- the level of car parking demand on surrounding residential streets and its effect on local residents, and movement of traffic
- the cumulative impact of licensed premises in an area and scope for mitigation
- Frequency of the activity.

Operating Schedules to set out the measures to be taken to ensure that the licensing objectives are addressed. Applicants are also referred to paragraph 6.6.

PROTECTION OF CHILDREN FROM HARM

Paragraph 10.1 The policy does not seek to prevent or limit the access of children to licensed premises unless it is necessary for the prevention of physical, moral or psychological harm to them. The Licensing Authority is committed to protecting children from harm and activities associated with premises that sell alcohol or provide regulated entertainment, May in certain circumstances, give rise to concerns for the health and welfare of children. For the purpose of this Policy, a 'child' is defined as any person who is under the age of 16.

Paragraph 10.2 The Licensing Authority will not impose any conditions that specifically require access of children to premises and where no limitation is imposed this should remain a matter for the individual licence holder or club premises certificate holder. The Licensing Authority will consider the individual merits of each application. However, the Licensing Authority will have particular concern in respect of children:

- Where there have been convictions of the current management for serving alcohol to minors or those where there is a reputation of under age drinking.
- Where there is reputation of drug taking or dealing.
- where there is a strong element of gambling on the premises.(but not for example, the simple presence of a small number of cash prize gaming machines)
- Where entertainment of an adult or sexual nature is provided (see paragraph 29 for additional information).
- Where the supply of alcohol is the exclusive or primary purpose of the services provided at the premises.

Paragraph 10.3 The Licensing Authority, in such circumstances as outlined above, may consider it necessary to impose a complete prohibition; it is envisaged that this would be

rarely imposed. The Licensing Authority would normally be likely to impose requirements such as:

- Limitations on the hours when children may be present.
- age limitations for persons under 18
- limitations or exclusions when certain activities are taking place
- requirements for accompanying adults
- limitations of access to certain parts of the premises when particular licensable activities are taking place
- provision of suitable signage
- Such other conditions or restrictions as may be necessary to achieve the licensing objectives.

Paragraph 10.4 Licensees are not to provide alcohol except as provided for by the Act. The Council expects applicants to consider child access in their operating schedules and volunteer appropriate conditions where relevant. The Council recommends that the following documents should be used as evidence of age:

- Passport
- Photo Card Driving licence issued in the European Union
- Proof of Age Scheme Card (i.e. Portman Group) and schemes which carry the Proof of Age Standard Scheme logo
- Citizen Card supported by the Home Office
- Official ID card issued by HM Forces or a European Union Country bearing a photograph and date of birth of the holder.

Paragraph 10.5 The Licensing Authority requires applicants to consider, where relevant, those factors that impact on the protection of children objective, and identify where necessary and appropriate, suitable measures to promote this objective. Applicants may wish to consider, where appropriate:

- arrangements to prevent children acquiring of consuming alcohol
- arrangements to prevent children being exposed to drugs, drug taking, or drug dealing
- arrangements to prevent children being exposed to gambling, or activities of an adult or sexual nature
- steps to be taken to prevent children being exposed to violence or disorder
- arrangements for training staff in relation to the protection of children
- Steps to be taken to prevent children purchasing cigarettes from vending machines and preventing access to Amusement with Prize Machines (except in accordance with the Gaming Legislation).

Paragraph 10.6 Applicants may volunteer prohibitions and restrictions on their Operating Schedules as a result of their own risk assessments determining that the presence of children is undesirable or inappropriate. Where no relevant representations are made to the Licensing Authority these volunteered prohibitions and restrictions will become conditions attached to the licence or certificate. The Licensing Authority may impose conditions where relevant representations are made if it considers it necessary and/or appropriate including those drawn from the Model Pool of Conditions.

Paragraph 10.7 The Licensing Authority will also expect applicants, where relevant, to consider how they intend to provide for the supervision of children as unaccompanied customers and as performers providing regulated entertainment. Licence holders should give consideration to the welfare of children as performers in such cases. As a minimum requirement the Licensing Authority will require an adult to be nominated to be responsible for such child performers.

Paragraph 10.8 where large numbers of unaccompanied children are to be present e.g. children's show or pantomime; conditions may be imposed, where relevant representations are received, requiring the presence of an appropriate number of adult staff to ensure public safety and protection of children from harm. The Licensing Authority requires applicants to address those matters in their operating schedules. See paragraph 12.1 for further guidance.

Paragraph 10.9. The Licensing Authority recognises Lancashire County Council Social Services Department or a future body with the relevant legislative functions of a social services department as being competent to advise on matters relating to the protection of children from harm.

PREVENTION OF PUBLIC NUISANCE

Paragraph 13.1 Licensed Premises have significant potential to adversely impact on communities through public nuisances arising from their operation.

Paragraph 13.2 The Licensing Authority is aware of the importance of the licensed trade to the local economy as well as in cultural and social terms. The Licensing Authority is also concerned to protect the amenity of residents and businesses in the vicinity of licensed premises. 'Vicinity' is not defined in the Act or Guidance issued by the Secretary of State. Whether or not incidents can be regarded, as 'in the vicinity' of licensed premises is a question of fact and will depend on the particular circumstances of the case.

Paragraph 13.3 The Licensing Authority will interpret 'public nuisance' in its widest sense and include such matters as noise emanating from the premises, light, litter, odour and anti social behaviour where these matters impact on those living or working in an area.

Paragraph 13.4 Activities that involve public entertainment, drinking or eating, have the potential to impact adversely on their surrounding areas due to noise, litter, and odours. There is also the potential for disturbance caused by those attending licensable activities. Late at night the impact of licensed activities is likely to be more objectionable to residents living close to a licensed activity, as the ambient noise levels are often lower so noise disturbance becomes more noticeable.

Paragraph 13.5 the policy allows for later opening hours except where there will be an adverse impact on the licensing objectives. In general the Licensing Authority will expect more comprehensive measures to be proposed at late night venues and/or where there has been a history of public nuisance.

Paragraph 13.6 on receipt of relevant representations, the Licensing Authority will assess the likelihood of it causing an adverse impact, by generally considering the following factors where relevant:

- the location of the premises (in particular proximity to residential and other noise sensitive premises, e.g. hospitals, nursing homes, hospices and places of worship)
- the type of activities, the number and nature of clientele likely to attend at the time of the application
- the proposed hours of operation
- levels of public transport accessibility for customers either arriving or leaving the premises (including taxis and private hire)
- means of access to premises (whether on principal pedestrian routes)
- the level of car parking demand on any surrounding residential streets and its effect on local residents
- the cumulative impact on licensed premises in an area
- the scope for mitigating an impact i.e. CCTV, door supervisors
- the frequency of an activity

- the design and layout of the premises
- measures taken or proposed to be taken to prevent noise or vibration escaping from the premises e.g. sound proofing, air conditioning and sound limitation devices
- measures taken to prevent unreasonable disturbance by customers/staff arriving and leaving the premises, goods deliveries etc
- measures taken to lessen the impact of parking in the vicinity
- control of operating hours for all or parts of the premises (e.g. gardens, last admission times and 'wind down' periods)
- measures to be taken to prevent drunkenness on the premises
- measures to ensure collection and disposal of litter and waste outside their premises

Paragraph 13.7 The Licensing Authority when considering an application will take into account previous substantiated nuisance complaints particularly when a statutory notice has been served. Applicants may wish to have regard to the Good Practice Guide on the Control of Noise from Pubs & Clubs produced by the Institute of Acoustics and the British Beer and Pub Association.

Paragraph 13.8 On receipt of relevant representations, the Licensing Authority, where it considers it necessary and/or appropriate may attach conditions to a licence to prevent public nuisance including those drawn from the Model Pool of Conditions. In particular, it may attach a condition requiring the use of door supervisors licensed by the Security Industry Authority.

Paragraph 13.9 The Licensing Authority requires Operating Schedules, where relevant to satisfactorily address the issue of public nuisance.

Paragraph 13.10 The Licensing Authority would also recommend applicants highlight local public transport links and taxi and private hire services within their premises, (including agreeing arrangements with nominated taxi and private hire firms for dropping off and collecting customers).

Paragraph 13.11 The Licensing Authority, will in accordance with the Guidance, focus on matters within the control of the individual Licence holder. The Licensing Authority accepts that the difficulty that a licence holder has in preventing anti-social behaviour by individuals once they are behind the direct control of the Licence Holder. However, the licensing objection of preventing public nuisance will not be achieved if customers from premises regularly conduct themselves in an anti-social manner to the detriment of local residents or businesses. In addition, the Council has a duty to do all it can to prevent crime and disorder in the Borough under the Crime & Disorder Act 1998.

PUBLIC SAFETY

Paragraph 14.1 The Licensing Authority considers that members of the public when visiting licensed premises, have a right to expect that due consideration has been given to public safety. The Licensing Authority notes that the public safety objective is concerned with the physical safety of people using premises and not with public health which is dealt with in other legislation.

Paragraph 14.2 The Licensing Authority is committed to ensuring public safety across the Borough by working in partnership with Lancashire Police, Lancashire Fire & Rescue and Licence Holders.

Paragraph 14.3 Applicants should carefully consider the safety of the premises having regard to the licensable activities that are proposed and to address in the operating schedule, where relevant, how public safety will be achieved. Such measures may include, where relevant to the premises:

- the occupancy capacity of the premises
- age, design and layout of the premises including means of escape
- nature of the licensable activities to be provided, in particular the sale and supply of alcohol
- hours of operation
- customer profile (e.g. age)
- Use of special effects e.g. lasers, pyrotechnics, smoke/foam machines.

Paragraph 14.4 The Act requires a plan of the premises to be supplied with operating schedules showing prescribed information.

The Licensing Authority will take notice of a health and safety risk assessment submitted with an operating schedule.

Paragraph 14.5 all licensed premises will be risk related according to a Protocol agreed with Lancashire Fire and Rescue. Inspections will be carried out by Lancashire Fire & Rescue in accordance with the Protocol.

Paragraph 14.6 The Licensing Authority may inspect premises where it considers it appropriate on public safety grounds.

Paragraph 14.7 on receipt of relevant representations the Licensing Authority may, where it considers it necessary and/or appropriate, impose conditions to secure the public safety objective including those drawn from the Model Pool of Conditions. Any conditions imposed will relate to the particular circumstances of the individual premises and will not duplicate other requirements of the law.

REVIEWS

16. Human Rights Act Implications

The Human Rights Act 1998 makes it unlawful for a local authority to act in a way that is incompatible with the European Convention on Human Rights. The Council will have particular regard to the following convention Rights;

- Article 6 that in the determination of civil rights and obligations everyone is entitled to a fair public hearing within a reasonable time by an independent and impartial tribunal established by law;
- Article 8 that everyone has the right to respect for his home and family life;
- Article 1 of the First Protocol that every person is entitled to the peaceful enjoyment of his/her possessions including for example, possession of a licence.

IMPLICATIONS OF REPORT

17, This report has implications in the following areas and the relevant Directors’ comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	X	No significant implications in this area	

COMMENTS OF THE HEAD OF GOVERNANCE

18. Comments are contained within the body of the report at 2 above.

JAMIE CARSON
DIRECTOR PEOPLE AND PLACES

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Steve Culleton	5665	5 July 2011	

CHORLEY BOROUGH COUNCIL
CUSTOMER SERVICES

25 MAY 2011

**Application for a premises licence to be granted
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I **...NOUSHAD KANNUKARAN...**

.....(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description TALBOT EXPRESS STORE 7 TALBOT ROW, BALSHAW LANE, EUXTON, CHORLEY, LANCASHIRE	
Post town CHORLEY	Post code PR7 6PD

Telephone number at premises (if any)

[Empty box]

Non-domestic rateable value of premises

14,750

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick ✓ yes

a) an individual or individuals*

please complete section (A)

b) a person other than an individual*

i. as a limited company

please complete section (B)

ii. as a partnership

please complete section (B)

iii. as an unincorporated association or

please complete section (B)

iv. other (for example a statutory corporation)

please complete section (B)

c) a recognised club

please complete section (B)

- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm:

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

Please tick yes

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal Address if different from premises address

Post Town Postcode

Daytime contact telephone number

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (IF APPLICABLE)

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal
Address if
different from
premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address
(optional)

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned

Name
Address
Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

Day Month Year

When do you want the premises licence to start? AS SOON AS POSSIBLE

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
----------------------	----------------------	----------------------	----------------------	----------------------	----------------------	----------------------	----------------------

Day Month Year

If you wish the licence to be valid only for a limited period, when do you want it to end?

--	--	--	--	--	--	--	--

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

--

Please give a general description of the premises (please read guidance note1)

CONVENIENCE STORE SELLING USUAL CONVENIENCE STORE GOODS AND SERVICES.

What licensable activities do you intend to carry on from the premises?
 (Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Please tick ✓ yes

Provision of regulated entertainment

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g)
 (if ticking yes, fill in box H)

Provision of entertainment facilities for:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j)
 (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Supply of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

M

Supply of Alcohol Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption (please tick [√]) (please read guidance note 7)	On the premises	
Day	Start	Finish		Off the premises	√
				Both	
Mon	07.00	24.00	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Tues	07.00	24.00			
Wed	07.00	24.00			
Thur	07.00	24.00		Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)	
Fri	07.00	24.00			
Sat	07.00	24.00			
Sun	07.00	24.00			

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name... MOHAMED SHIYAM ABDUL JALEEL.....

Address 6 RIBBLE ROAD, BLACKPOOL,

.....

Postcode..... FY1 4AB

.....

Personal Licence number(if known) ... PA2809...

.....

Issuing licensing authority (if known)..... BLACKPOOL

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

NONE

O

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	07.00	24.00	<p><u>Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</u></p>
Tue	07.00	24.00	
Wed	07.00	24.00	
Thur	07.00	24.00	
Fri	07.00	24.00	
Sat	07.00	24.00	
Sun	07.00	24.00	

P

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

STAFF TRAINING TO OCCUR AT REGULAR INTERVALS.

b) The prevention of crime and disorder

CCTV. . I.D. PERSONS WHO APPEAR TO BE UNDER 25 WHO ATTEMPT TO PURCHASE ALCOHOL.
 LIASE WITH LOCAL POLICE COMMUNITY SUPPORT TEAM AS they REQUIRE.
 ACCEPTABLE I.D. TO BE PASSSPORT, NEW STYLE DRIVING LICENCE WITH PHOTO I.D. AND PASS ACCREDITED CARDS.

c) Public safety

CCTV-DISPLAY ANY NOTICES REQUIRED BY RELEVANT AUTHORITIES.

d) The prevention of public nuisance

CCTV- STAFF TRAINING AND RESPONSIBLE RETAILING SHOULD ENSURE THE SHOP DOES NOT PRESENT A PUBLIC NUISANCE.
 NO UNREASONABLE SMELL OR NOISE

e) The protection of children from harm

REFUSAL REGISTER-I.D. PERSONS WHO APPEAR TO BE UNDER 25 WHO ATTEMPT TO PURCHASE ALCOHOL. BE AWARE OF POSSIBLE PROXY SALES.
 STAFF TRAINING AT SIX MONTHLY INTERVALS WHICH WILL BE RECORDED.

CHECKLIST:-

- | | |
|--|--|
| | Please tick <input checked="" type="checkbox"/> yes |
| • I have made or enclosed payment of the fee | <input checked="" type="checkbox"/> |
| • I have enclosed the plan of the premises | <input checked="" type="checkbox"/> |
| • I have sent copies of this application and the plan to responsible authorities and others where applicable | <input checked="" type="checkbox"/> |
| • I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable | <input checked="" type="checkbox"/> |
| • I understand that I must now advertise my application | <input checked="" type="checkbox"/> |
| • I understand that if I do not comply with the above requirements my application will be rejected | <input checked="" type="checkbox"/> |

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE (£5000), UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent. (See guidance note 11) **If signing on behalf of the applicant please state in what capacity.**

Signature R. Jordan R.JORDAN ON BEHALF OF PR RETAIL CONSULTANTS LIMITED ON BEHALF OF THE APPLICANT... **NOUSHAD KANNUKARAN**

Date..... 23/5/2011.....

Capacity
...AGENT.....

For joint applications signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent. (please read guidance note 12) **If signing on behalf of the applicant please state in what capacity.**

Signature

Date.....

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)	
R. JORDAN PR RETAIL CONSULTANTS THE PUMP HOUSE, OLD MEAD ROAD, HENHAM, BISHOPS STORTFORD, HERTS, CM22 6JG	
Post town BISHOPS STORTFORD	Post code CM22 6JG
Telephone number (if any) 01279 850753	
If you would prefer us to correspond with you by e-mail your e-mail address (optional) robertjordan01@btinternet.com	

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Appendix 2
CHORLEY BOROUGH
CUSTOMER SERVICE
20 JUN 2011

1 DALE AVENUE

EUXTON CHORLEY

PR7 6PF

17/06/2011

DEAR SIR,

LICENCING APPLICATION, 7 TALBOT ROW EUXTON

WE WISH TO MAKE REPRESENTATION AGAINST THE ABOVE APPLICATION ON THE FOLLOWING GROUNDS,

- I. WE FEEL THAT THERE ARE ENOUGH OUTLETS TO SERVE THE COMMUNITY AT PRESENT, BOTH FOR SUPPLIES AND ALCOHOL.
- II. AT PRESENT THE EXISTING PARKING IS UNABLE TO COPE AT PEAK TIMES CAUSING PARKING ON FOOTWAYS, GRASS VERGES AND DOUBLE YELLOW LINES(SOMETHING THAT IS NOT MONITORED).
- III. THE LACK OF SUFFICIENT PARKING CAUSING PARKING ON YELLOW LINES OUTSIDE TALBOT ROW WHICH LIMITS THE ABILITY OF CARS, BUSES AND WAGONS USING BALSHAW LANE JUNCTION CORRECTLY AND LEADS TO TRAFFIC BUILD UP ONTO BALSHAW LANE
- IV. PARKING ON THE FOOTWAYS MEANS THAT PEDESTRIANS HAVE TO WALK IN THE ROAD, A DANGER ESPECIALLY TO PARENTS WITH PRAMS BUGGIES ETC THIS CAN ONLY BE WORSE BY OPENING ANOTHER SHOP OVERLOADING THE EXISTING PARKING, WHICH HAD TO BE INCREASED TO ALLOW THE BETTING SHOP TO BE OPENED HAS THIS CONSIDERATION BEEN APPLIED TO THE NEW PREMISES.
- V. BY OPENING TALBOT EXPRESS, A SHOP THAT YOUTHS WILL USE, WE WILL EXPERIENCE ANTI SOCIAL BEHAVIOR, THAT WE EXPERIENCED WHEN SPAR HAD THE SAME KIND OF STORE AT THIS ADDRESS, WITH LARGE GROUPS OF YOUTHS CONGRIGATING OUTSIDE GIVING SOME OF THE OLDER PEOPLE OF THE AREA A FEELING OF INTIMIDATION, AS THE POLICE RECORDS WILL NO DOUBT PROVE.

THE ACTUAL HOURS OFF OPENING WE FEEL ARE TO WIDE IF THE OTHER

OUTLETS ON TALBOT ROW HAVE OPENING AND CLOSING TIME RESTRICTIONS ESPECIALLY FOR CLOSING TIMES WHY SHOULD THIS SHOP NOT HAVE THE SAME, IF IT IS ALLOWED TOSTAY OPEN UNTILL 24:00 HRS IT WILL MEAN MORE VEHICLE AND PEOPLE COMING FROM ALL AROUND TO TAKE ADVANTAGE OF THE LATE OPENING CAUSING LATE NIGHT NOISE AND ANTI SOCIAL BEHAVIOR WITH LATE NIGHT REVELORS CALLING IN FOR "ONE FOR THE ROAD.

WE MAKE THIS REPRESENTATION IN THE HOPE THAT YOU WILL TAKE THESE MATTERS INTO CONSIDERATION BEFORE A POSITIVE RESULT IS GRANTED.

SIGNATURE

ADDRESS

SIGNATURE

ADDRESS

D. Polley Roby
J. Armstrong
Eric Armstrong
K.R. Johnson
Lambert
Lambert

1 Dale Ave
3 Highways Ave
3 Highways Ave.
65 Highwage Ave

7 TALBOT DRWE.

11 SOMERSET AVENUE

L. Lamb
M LAMB
M FINAN

21 SPINNERS Court.
58 COUNTESS WAY.

11 PRINCESS WAY

E. FINAN
N STILL NEEDED

11 PRINCESS WAY

7 TALBOT DRIVE

M. George
G. Bolton Mrs MHS =

31 Regency Gardens
135 Bredon Ave

57 COUNTESS WAY

Mrs + Mrs 7 7 7

4 DALE AVE

Mrs C. RYAN

G. Herby

16 PENNING AVE

SIGNATURE

ADDRESS

LISA BAEKER *[Signature]*
CAEL BAEKER *[Signature]*
ROBERTA *[Signature]*

51 REGENTS WAY EUXTON
51 REGENTS WAY EUXTON
17 CHILDREN AVE

Jacqui Leadwell

4 GRASMER CLOSE

O. Udcraft

19 PENNINE AVE EUXTON

L. Bond
~~W. Bond~~

12 PENNINE AVE, EUXTON

19 PENNING AVE, EUXTON

K. Church

5 DALE AVE EUXTON

Tracey Harmer

5 Dale Ave, Euxton

C. Burge

2 Dale Ave, Euxton

S. R. Sharnock

THE TALBOT, BALSHAW LANE
EUXTON

G. Mutchers

10 THE TALBOT BALSHAW LANE

~~R. Shaw~~

1, H. CHURCH'S AVE, EUXTON

R. Shill

9 DALES AV EUXTON

M & M S D Fullerton

**THE TALBOT
30 BALSHAW LANE
EUXTON
CHORLEY, LANCASHIRE
PR7 6HX
01257 411531**

CHORLEY BOROUGH COUNCIL
CUSTOMER SERVICES

22 JUN 2011

Licensing Authority,
Chorley Borough Council,
Civic Buildings,
Union Street,
CHORLEY.
PR7 1AL.

20th June 2011

Dear Sirs,

Re: TALBOT EXPRESS STORE, 7 Talbot Row, Euxton


It has come to our attention this weekend that a Mr. Noushad Kannukaran has applied to open the above named store.

We had no idea this was happening as we did not receive any notification letters etc.

After having read the notice on the window we noticed the above store has applied for a License to sell alcohol between the hours of 7 am and midnight. I would like to express my objection to the applied Licensing hours for a number of reasons:

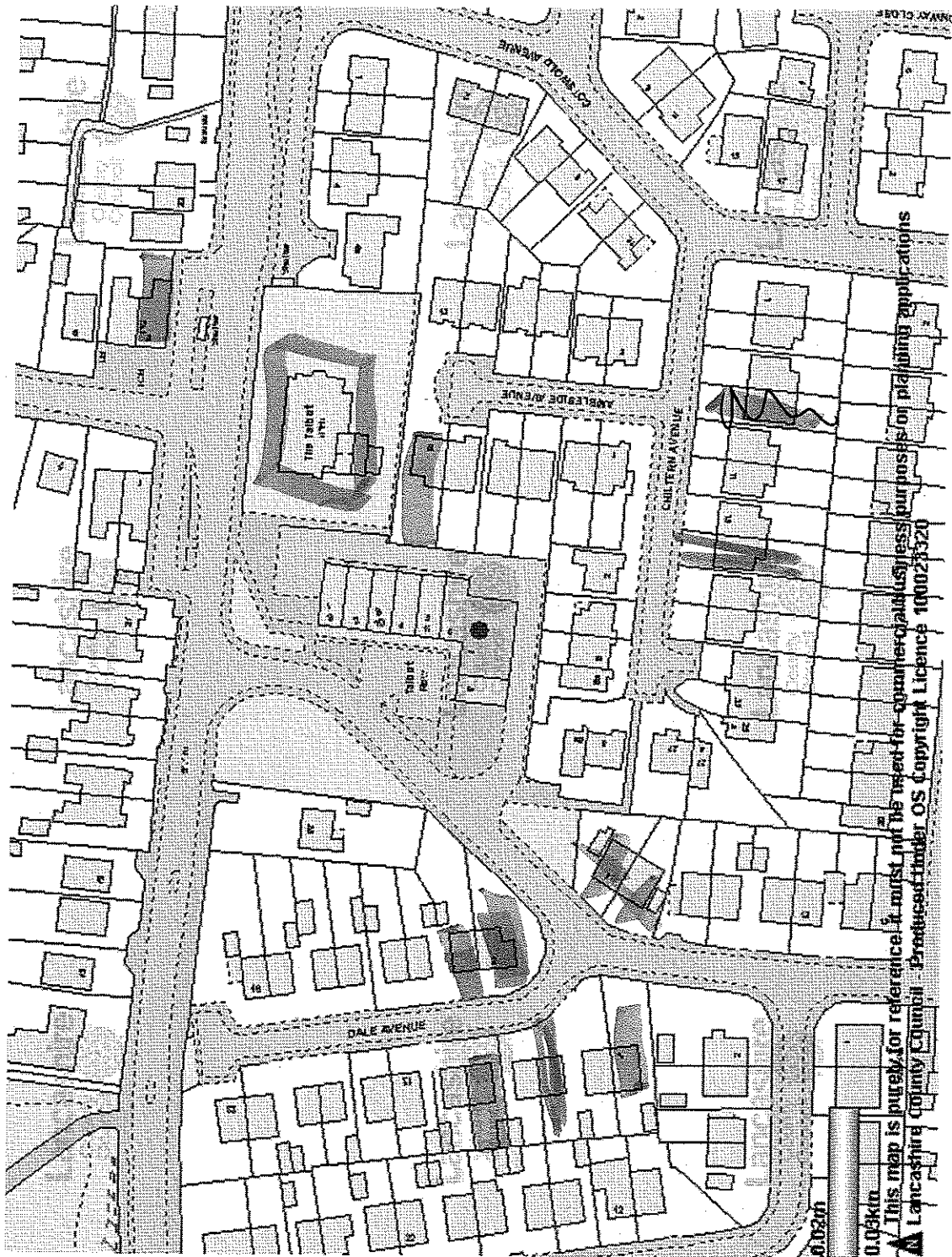
1. We feel the need for another alcohol outlet in the area is not needed as there is already our Public House, selling on and off sales, A Spar convenient store selling alcohol off sales and a Bargain Booze off Licence within a 100 yard radius. Surely a 4th business selling alcohol is not needed.
2. If this Licence was granted I feel the Licensing hours could be detrimental to the area causing more ant-social behaviour on a greater scale because the hours applied for are too long.
3. Should the application go ahead we feel that the Licensing hours should be the same as Spar and Bargain Booze.
4. On the matter of an Express Store in general we feel with a Spar and a Tesco Store within easy reach why do we need another convenient store in the village.

Yours faithfully,

 S. R. Sharrock

Mr. & Mrs. S. Sharrock

Appendix 3



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