



# Licensing Act 2003 Sub-Committee

Agenda and Reports

For consideration on

## Thursday, 27th October 2011

In the Committee Room 1, Town Hall, Chorley

At 2.00 pm

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18 October 2011

Dear Councillor

**LICENSING ACT 2003 SUB-COMMITTEE - THURSDAY, 27TH OCTOBER 2011**

You are invited to attend a meeting of the Licensing Act 2003 Sub-Committee to be held in Committee Room 1, Town Hall, Chorley on Thursday, 27th October 2011 commencing at 2.00 pm.

**AGENDA**

1. **Apologies for absence**
2. **Declarations of Any Interests**
3. **Procedure for the Licensing Act 2003 Sub Committee (Pages 1 - 4)**  
Procedure relating to Premises/Club Premises Licence Applications (enclosed)
4. **Application to transfer a premises licence and an application to vary the premises licence to specify an individual as a Designated Premises Supervisor - The Crown, 46 - 48 Chapel Street, Chorley (Pages 5 - 20)**  
To consider the enclosed report of the Director of People and Places
5. **Any other item(s) that the Chair decides is/are urgent**

Yours sincerely



Gary Hall  
Chief Executive

Dianne Scambler  
Democratic and Member Services Officer  
E-mail: [dianne.scambler@chorley.gov.uk](mailto:dianne.scambler@chorley.gov.uk)  
Tel: (01257) 5151034  
Fax: (01257) 515150

## **Distribution**

1. Agenda and reports to all Members of the Licensing Act 2003 Sub-Committee (Councillor Stella Walsh (Chair) and Councillors Terry Brown and Alan Platt for attendance.
2. Agenda and reports to Zeynab Patel (Senior Solicitor), Bob Beeston (Public Protection Officer) and Dianne Scambler (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 APPLICATION AND RELEVANT REPRESENTATIONS****3. QUESTIONS TO PUBLIC PROTECTION OFFICER FOR CLARIFICATION FROM:**

- Sub-Committee
- Applicant

**4. APPLICANT OR REPRESENTATIVE OUTLINES APPLICATION****5. QUESTIONS TO APPLICANT FROM:**

- Sub-Committee
- Interested Representative

**6. LANCASHIRE POLICE REPRESENTATIONS****7. QUESTIONS TO LANCASHIRE POLICE FROM:**

- Sub-Committee
- Applicant

**8. LANCASHIRE POLICE REPRESENTATIVES INVITED TO BRIEFLY SUM UP****9. APPLICANT (OR REPRESENTATIVE) INVITED TO SUM UP****10. DECISION MAKING**

All parties retire whilst Sub-Committee makes decision.

**11. NOTICE OF DECISION**

Parties re-admitted and Chair announces decision and reasons.

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| Report of                   | Meeting                          | Date            |
|-----------------------------|----------------------------------|-----------------|
| Director of People & Places | Licensing Act 2003 Sub Committee | 27 October 2011 |

**APPLICATION TO TRANSFER A PREMISES LICENCE UNDER SECTION 42 OF THE LICENSING ACT 2003 AND AN APPLICATION TO VARY THE PREMISES LICENCE TO SPECIFY AN INDIVIDUAL AS A DESIGNATED PREMISES SUPERVISOR UNDER SECTION 37 OF THE LICENSING ACT 2003 RELATING TO THE PREMISES KNOWN AS THE CROWN 46-48 CHAPEL STREET CHORLEY**

**PURPOSE OF REPORT**

- To enable Members to determine whether an application to transfer a premises licence can be granted and also to determine whether an application to vary the premises licence to specify an individual as a designated premises supervisor.

**RECOMMENDATION(S)**

- Members are asked to consider the details contained in the report and any representations made by the applicant and/or his representative and Lancashire Constabulary.

**REASONS FOR RECOMMENDATION(S)**

(If the recommendations are accepted)

- Not applicable.

**ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

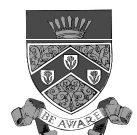
- Not applicable.

**CORPORATE PRIORITIES**

- 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   | Quality Community Services and Spaces                |
| 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**



6. On 6th October 2011 an application to vary the premises licence to specify and individual as a designated premises supervisor was received by the Licensing Authority, a copy is attached at appendix 1. The Licensing Authority also received an application to transfer the premises licence with respect to The Crown 46-48 Chapel Street Chorley, a copy is attached at appendix 2. Both these applications were made by Euro Business & Property Brokers Limited 7 Regency Gardens Euxton PR7 6NW.
7. On 6<sup>th</sup> October 2011 Lancashire Constabulary made a representation in respect of both applications. With respect to both these applications the Police feel there are exceptional circumstances that would undermine the Crime Prevention Objective of the Licensing Act 2003 if the applications are granted.
8. Where such an objection is made, the Licensing Authority will hold a hearing to consider the objection. The Licensing Authority will confine its consideration to the issue of the crime prevention objective. The burden would be on Lancashire Police to demonstrate to the Licensing Authority that there were good grounds for believing that the transfer of the licence would undermine the crime prevention objective.
9. Section 4 of Licensing Act 2003 provides that a Licensing Authority must have regard to its Statement of Licensing Policy and also the guidance issued by the Secretary of State under Section 182 of the Act.
10. 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**

11. 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**

12. Pursuant to section 44(5), the Authority must reject the application if it considers it necessary for the promotion of the crime prevention objective to do so.
13. Notification of determination under section 44 must state the licensing authority's reasons for granting or rejecting the application.
14. In accordance with Schedule 5, Part 1, Section 6(2), the chief officer of police may appeal against the decision to grant the application.

15. There is a right of appeal to the Magistrates Court within 21 days from the date of receipt of the notification of the decision.

JAMIE CARSON  
DIRECTOR OF PEOPLE & PLACES

There are no background papers to this report.

| <b>Report Author</b>   | <b>Ext</b> | <b>Date</b>     | <b>Doc ID</b> |
|------------------------|------------|-----------------|---------------|
| Robert William Beeston | 5726       | 11 October 2011 | ***           |

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**Application to vary a premises license to specify an individual as designated premises supervisor 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/We** Euro Business & Property Brokers Ltd  
(full name(s) of premises licence holder)

**being the premises license holder, apply to vary a premises license to specify the individual named in this application as the premises supervisor under Section 37 of the Licensing Act 2003**

**Premises licence number**

PLA0090

**Part 1 -Premises details**

**Postal address of premises or, if none, ordinance survey map reference or description**

Crown  
46-48 Chapel Street  
Chorley  
Lancashire  
PR7 1BY

**Post Town**

Chorley

**Postcode**

PR7 1BY

**Telephone number (if any)**

**Description of premises (please read guidance note 1)**

The premises operates as a Public House in Chorley

**Part 2****Full name of proposed designated premises supervisor**

George David Ikin

**Personal license number of proposed designated premises supervisor and issuing authority of that license (if any)**PA0500  
Chorley Borough Council Licensing Authority**Full name of existing designated premises supervisor (if any)**

Sheila Davis

**Please tick Yes**I would like this application to have immediate effect under Section 38 of the Licensing Act 2003 I have enclosed the premises licence or relevant part of it 

(If you have not enclosed the premises licence, or relevant part of it, please give reasons why not)

**Reasons why I have failed to enclose the premises licence or relevant part of it**

The licence is currently with TLT Solicitors. We have spoken to them and they are forwarding to us as soon as possible. Once received, we will forward to the council asap.

**Please tick ' Yes**I have made or enclosed payment of the fee I will give a copy of this application to the chief officer of police I have enclosed the consent form completed by the proposed premises supervisor I have enclosed the premises licence, or the relevant part of it or explanation I will give a copy of this form to the existing premises supervisor, if any 

I understand that if I do not comply with the above requirements my application will be rejected

**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 3 - SIGNATURES** (please read guidance note 2)

**Signature of applicant or applicant's solicitor or other duly authorised agent.** (please read guidance note 3) **If signing on behalf of the applicant please state in what capacity.**

Signature



Date

05/10/2011

Capacity

LICENSING ASSISTANT

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent.** (Please read guidance note 4). **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 5) |
| Amy Hall<br>Flint Bishop LLP<br>St. Michael's Court<br>St. Michael's Lane<br>Derby<br>DE1 3HQ  |
| Telephone number (if any) 01332 340 211  |
| If you would prefer us to correspond with you by e-mail your e-mail address (optional)   |
| amy.hall@flintbishop.co.uk   |

**Guidance notes**

1. Describe the premises. For example the type of premises it is.
2. The application form must be signed.
3. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
5. This is the address which we shall use to correspond with you about this application.

Consent of individual to being specified as premises supervisor

I <sup>DAVID</sup> GEORGE A IKIN  
[full name of prospective premises supervisor]

of 18 FORSYTHIA DRIVE  
CHORLEY  
PR6 7DF  
[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for CHANGE OF OPS [type of application]

by EURO BUSINESS + PROPERTY SERVICES LTD [name of applicant]

relating to a premises licence PLA 0090 [number of existing licence, if any]

for CROWN

46-48 CHAPEL STREET  
CHORLEY PR7 1BY  
[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by EURO BUSINESS + PROPERTY SERVICES LTD [name of applicant]

concerning the supply of alcohol at CROWN

46-48 CHAPEL STREET  
CHORLEY PR7 1BY  
[name and address of premises to which application relates].

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number PA 0500  
[insert personal licence number, if any]

Personal licence issuing authority CHORLEY BOROUGH COUNCIL  
[insert name and address and telephone number of personal licence issuing authority, if any]

 signed

GIKIN name (please print)

30/9/14 dated



Application to transfer 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/We Euro Business & Property Brokers Ltd

(Insert name of applicant)

apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

PLA0090

## Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description

Crown  
46-48 Chapel Street  
Chorley  
Lancashire  
PR7 1BY

Telephone number at premises (if any)

Please give a brief description of the premises

The premises operates as a Public House in Chorley

Name of current premises licence holder

Scottish & Newcastle Pub Company (Management) Limited

## Part 2 - Applicant details

In what capacity are you applying for the premises licence to be transferred to you?

- 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) an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  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:

- Please tick yes
- 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

(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

Daytime contact telephone number

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (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

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<br>Euro Business & Property Brokers Ltd   |
| Address<br>Euro Business & Property Brokers Ltd<br>7 Regency Gardens<br>Euxton<br>Lancashire<br>PR7 6NW    |
| Registered number (where applicable)<br>07316469   |
| Description of applicant (for example partnership, company, unincorporated association etc)<br><br>Company |
| Telephone number (if any)  |
| E-mail address (optional)  |

## Part 3

Please tick yes

Are you the holder of the premises licence under an interim authority notice?

Do you wish the transfer to have immediate effect?

If not when would you like the transfer to take effect?

Day Month Year

|  |  |  |  |  |  |  |  |  |  |
|--|--|--|--|--|--|--|--|--|--|
|  |  |  |  |  |  |  |  |  |  |
|--|--|--|--|--|--|--|--|--|--|

Please tick yes

I have enclosed the consent form signed by the existing premises licence holder

If you have not enclosed the consent form referred to above please give the reasons why not. What steps have you taken to try and obtain the consent?

Please tick yes

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)

Please tick yes

I have enclosed the premises licence

If you have not enclosed premises licence referred to above please give the reasons why not.

The licence is currently with TLT Solicitors. We have spoken to them and they are forwarding to us as soon as possible. Once received, we will forward to the council asap.

- I have made or enclosed payment of the fee
- I have enclosed the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed
- I have enclosed the premises licence or relevant part of it or explanation
- I have sent a copy of this application to the chief officer of police today
- I understand that if I do not comply with the above requirements my application will be rejected

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

Part 4 – Signatures (please read guidance note 2)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 3). If signing on behalf of the applicant please state in what capacity.

Signature



Date 5 October 2011

Capacity

LICENSING ASSISTANT

3 For joint applicants signature of 2<sup>nd</sup> applicant, 2<sup>nd</sup> applicant’s solicitor or other authorised agent (please read guidance note 4). 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 5)

Amy Hall  
Flint Bishop LLP  
St. Michael's Court  
St. Michael's Lane  
Derby  
DE1 3HQ

Telephone number (if any) 01332 340 211

If you would prefer us to correspond with you by e-mail your e-mail address (optional)

amy.hall@flintbishop.co.uk

#### Notes for Guidance

1. Describe the premises. For example the type of premises it is, its general situation and layout and any other information which would be relevant to the licensing objectives.
2. The application form must be signed.
3. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
5. This is the address which we shall use to correspond with you about this application

Consent of premises licence holder to transfer

I/we SCOTTISH & NEWCASTLE PUB COMPANY (MANAGEMENT) LTD  
*[full name of premises licence holder(s)]*

the premises licence holder of premises licence number PLA0090  
*[insert premises licence number]*

relating to

CROWN, 46-48 Chapel St, Chorley, PR7 1BY.  
*[name and address of premises to which the application relates]*

hereby give my consent for the transfer of premises licence number

PLA0090.  
*[insert premises licence number]*

to

EURO BUSINESS & PROPERTY BROKERS LTD.  
*[full name of transferee].*

signed Karen Hughes

name (please print) K A HUGHES

dated 05.10.2011