

Report of	Meeting	Date
Director of Customer and Digital	Licensing Act Sub Committee	Friday 10 th July 2020

Confidential report	Yes	No
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APPLICANT DETAILS

Applicant Name:	Mr Samuel Wells	Premises Name:	The Little Inn on the Park
Address:	4 Hallgate, Astley Village, Chorley, PR7 1XA		
Application:	Section 34- Application to Vary a Premises Licence		

REASON FOR REFERRAL

- To advise members of an application, made under Section 34 of the Licensing Act 2003, to vary a premises licence for which relevant representations have been received.
- To request that members determine the application in accordance with the provisions of the Act.

CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all	X	A strong local economy	
Clean, safe and healthy homes and communities	X	An ambitious council that does more to meet the needs of residents and the local area	

LICENSING OBJECTIVES

- Members are reminded of the Licensing Objectives, as follows:
 - Prevention of Crime and Disorder
 - Public Safety
 - Prevention of Public Nuisance
 - Protection of Children from Harm
- Members are reminded that the duty of the licensing authority is to take steps necessary to promote the licensing objectives in the interests of the wider community and not those of the individual licence holder.

APPEALS

- An appeal against the decision of the Council may be made to the Magistrates' Court within 21 days of receipt of the determination notice which will be delivered to all relevant parties.

LEGAL CONSIDERATIONS

- Members must have regard to the following:
 - The Guidance issued under Section 182 of the Licensing Act 2003.
 - The Council's Statement of Licensing Policy effective from 2016.
 - The Licensing Act 2003.

HISTORY OF THE PREMISES LICENCE

8. The premises has benefitted from a premises licence since September 2013. This licence authorises the following licensable activities:

Activity	Day	Authorised Times
Performance of Live Music	Wednesday- Thursday Friday- Saturday New Year's Eve	11:00-22:00 11:00-23:00 11:00-00:30
Playing of Recorded Music	Monday- Thursday Friday Saturday Sunday New Year's Eve	11:00-22:00 11:00-23:00 11:00-22:00 11:00-17:00 11:00- 00:30
The sale by retail of alcohol	Monday- Thursday Friday- Saturday Sunday New Year's Eve	11:00-22:00 11:00-23:00 11:00-17:00 11:00-23:00
Hours open to the public	Monday- Thursday Friday- Saturday Sunday New Year's Eve	11:00-22:00 11:00-23:00 11:00-17:00 11:00-00:30

9. On 10/12/19, applications were received to transfer the premises licence and vary the designated premises supervisor at the premises into the name of the current licence holder. A copy of the current premises licence is appended at [Appendix 1](#).

THE APPLICATION

10. On 17/02/20, an application to vary the premises licence was made by the licence holder and a copy of the application is appended at [Appendix 2](#). This application seeks to:
- Replace the existing plan with an updated layout with new bar,
 - Extend permitted hours for licensable activity and opening hours, and
 - Proposes a number of additional measures as conditions in the operating schedule.
11. The proposed extension of permitted hours are summarised below:

Activity	Day	Authorised Times
Playing of Recorded Music	Monday- Saturday Sunday New Year's Eve	11:00-00:00 11:00- 22:00 11:00-00:30
The sale by retail of alcohol	Monday- Saturday Sunday New Year's Eve	11:00-00:00 11:00-23:00 11:00-00:30
Hours open to the public	Monday- Saturday Sunday New Year's Eve	11:00-00:00 11:00-23:00 11:00-00:30

12. During the statutory, 28-day consultation period, a notice was displayed at the premises and in a local newspaper, as required by the Regulations.

During this period, the applicant agreed a number of additional measures with Lancashire Constabulary. These measures are appended at Appendix 3. If the licence were to be granted, it would be subject to these additional conditions.

REPRESENTATIONS

13. On 09/03/20, a representation was received from an Environmental Health Officer regarding the likely effect of the grant of the variation on the promotion of the prevention of public nuisance objective. A copy of this representation is appended at Appendix 4. Members will note that the officer recommends the application be refused.
14. Members will note that no other relevant representations were received.

OTHER RELEVANT INFORMATION

15. In accordance with Regulation 7(1)(d) of the Licensing Act 2003 (Hearings) Regulations 2005, the applicant has been given notice to clarification on the following particular points:
 - What action has been taken by the applicant, if any, following a visit to the premises by Environmental Health Officers regarding noise complaint.
16. Further to this, Environmental Health have been given notice to provide clarification on the following:
 - Details of any complaints made directly to Environmental Health to include any investigation carried out.
 - Detail of the number of residential properties considered to be in the vicinity and confirmation whether those same flats are currently occupied.

STATEMENT OF LICENSING POLICY

17. The following sections of the approved Statement of Licensing Policy are particularly relevant to this application. Members should, however, consider the policy as a whole when reaching their decision.
18. *The 2003 Act is part of a wider Government strategy to tackle crime, disorder and anti-social behaviour and reduce alcohol harm. It is recognised that the licensing functions under the Act are only one means of promoting the delivery of the licensing objectives and should not therefore be seen as a panacea for solving all problems within the community. The Licensing Authority will, therefore, continue to work with its partners, local businesses and local people towards the delivery of the licensing objectives.*

It is expected that applicants will normally have obtained planning consent for the proposed use prior to application.

Although public health has yet to be adopted as a licensing objective, applicants should be mindful of the health impacts and the associated harms of alcohol. Operating schedules should be sufficient to address particular issues in the locality that link alcohol with crime and disorder and public safety objectives and the consequential high incidence of hospital admissions.

The Licensing authority wishes to encourage applications for restaurants and other predominantly seated venues which do not adversely impact upon the licensing objectives in contrast to those that predominantly offer vertical drinking. If applications are made they must demonstrate how the licensing objectives are to be promoted.

IMPLICATIONS OF REPORT

19. 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	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

20. No comments

COMMENTS OF THE MONITORING OFFICER

21. The powers available to the sub-committee are described in the body of the report. The licence holder and the police have a right of appeal against the decision of the licensing authority to the local magistrates' court within 21 days of notice of the decision.

The duty of the sub-committee to have regard to any relevant representations, national guidance issued by the Home Office under Section 182 of the Licensing Act 2003 and also to the Council's adopted licensing policy is referred to in the body of the report.

Aspects of the Human Rights Act 1998 are engaged, namely the right to a fair trial and the protection of property.

CONCLUSIONS

22. The decision should be based on the individual merits of the application and the representation. In accordance with Regulation 26 of the Licensing Act 2003 (Hearings) Regulations 2005, a decision must be made within 5 working days.
23. In accordance with Section 35, the Authority must, having regard to the representation made, take such steps mentioned below (if any) as it considers appropriate for the promotion of the licensing objectives:
- Grant the variation as applied for, subject to the additional agreed conditions
 - To modify the conditions of the licence,
 - To reject the whole or part of the application.
24. Members will note that, for the purposes of the previous paragraph, conditions are modified if any of them are altered or omitted or any new condition is added.

Asim Khan
DIRECTOR OF CUSTOMER AND DIGITAL

APPENDICES

Appendix	Description
Appendix 1	Copy of current premises licence
Appendix 2	Application to vary a premises licence
Appendix 3	Additional conditions agreed by the applicant
Appendix 4	Relevant representation- Env Health

BACKGROUND PAPERS

Document	Date	Place of Inspection
The Council's Statement of Licensing Policy	2016 - 2021	The Council's Statement of Licensing Policy
Secretary of State Section 182 Guidance	April 2018	Secretary of State Section 182 Guidance

Report Author	Ext	Date
Nathan Howson	5665	25.06.20