

Report of	Meeting	Date
Director of Planning and Development	Licensing Act 2003 Sub Committee	Thursday 9 th September 2021

Confidential report	Yes	No
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Applicant details

Applicant Name:	Punch Taverns Limited	Premises Name:	Lord Nelson
Address:	Lord Nelson, Out Lane, Croston, Leyland, PR26 9HJ		
Application:	Section 34- Application to Vary a Premises Licence		

Reason for referral

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

Corporate priorities

- This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		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

8. The premises has been licensed since its conversion from a Justice's Licence at the coming into force of the Licensing Act in 2005. This original premises licence lapsed on the death of the premises licence holder in 2012, with a further premises licence being granted following this.
9. The premises licence has been transferred and varied to specify a new DPS a number of times since then until the most recent iteration of the licence being granted in 2015. A copy of the existing premises licence is appended at Appendix 1.
10. The premises itself is surrounded by residential properties in close proximity on all sides. To the south west is another licensed premises. The premises has a substantial beer garden to the front and a large car park to the rear. A site plan of the premises is attached at Appendix 2 with the beer garden area shaded in green and the car park in yellow.
11. Since the re-opening following Covid restrictions, the Council has received a number of complaints regarding noise at the premises. These complaints relate to the use of the beer garden on Sunday afternoons for live music. A number of joint visits between Police, Environmental Health and Licensing were carried out as a result of these complaints which ultimately resulted in the application to be determined.

The application

12. On 22.07.21, an application to vary the premises licence was received and a copy of the application is appended at Appendix 3. The application was advertised in accordance with the regulations.
13. The application seeks the following changes to be authorised:
 - The removal of Condition 6.ii- *Noise from the premises shall not exceed ambient background noise at the boundary*
 - The removal of Condition 6.ii.a- *Where noise from the premises exceeds ambient background noise at the boundary of the premises, steps shall be taken to reduce the volume accordingly.*
 - The addition of the following Condition: *Any entertainment held within the external area of the premises shall only take place between the months of April and September (inclusive) and shall cease at 9pm on any day.*
 - The addition of the following Condition: *Any event held within the external area shall be documented by a risk assessment regarding preventing any noise disturbance to any nearby properties. Such risk assessment shall be held at the premises for not less than 6 months and shall be produced to a responsible authority on request.*

Representations

14. On 30.07.21, a representation was received from Mrs Anne Peet of 51 Town Road, Croston. A copy of the representation is appended at Appendix 4 and relates to the Prevention of Public Nuisance objective.

Implications of report

15. This report has implications in the following areas and the relevant Directors' comments are included:

Finance	X	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

16. No comments.

Comments of the Monitoring Officer

17. The licensing objectives to be promoted and guidances to which the licensing authority must have regard are set out in the body of the report, as is the right of the premises licence holder to appeal against a refusal of the application. The premises licence holder may also appeal the modification of any conditions. The person who made relevant representations may appeal to the magistrates' court within 21 days against the grant of the variation, or the modification of the conditions or contend that the conditions should have been modified differently. The options open to the licensing authority when determining the application are set out below.

Conclusions

18. 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 of the hearing.

19. 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 in the manner it has been applied for
- Modify the conditions of the licence,
- Reject (refuse to grant) the whole or part of the variation.

For the purposes of the preceding paragraph, conditions are modified if any of them are altered or any new condition is added.

Jonathan Noad
Director of Planning and Development

Appendices

Appendix	Description
Appendix 1	Current Premises Licence
Appendix 2	Location Plan of the premises
Appendix 3	Application to Vary the Premises Licence
Appendix 4	Representation- Mrs Anne Peet

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 th August 2021