

Report of	Meeting	Date
Director of Planning and Development	Licensing Act 2003 Sub Committee	15 <sup>th</sup> November 2021

<b>Confidential report</b>	Yes	No
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## Premises Details

<b>Premises Name:</b>	Applejax Nightclub	<b>Address:</b>	1 Back Mount Street, Chorley, PR7 1EA
<b>Premises Licence Holder:</b>	Mr Craig Leeming	<b>DPS:</b>	Ms Rachel Eastham

### Reason for referral

1. To advise members that an application for the review of a premises licence in respect of the premises detailed above has been received.
2. To request that members give due consideration to the application and any relevant representations and take such steps as are considered appropriate for the promotion of the licensing objectives.

### Corporate priorities

3. 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

4. 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
5. 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

6. 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

7. 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.

## Background

8. The premises has been licensed since the coming into force of the Licensing Act in 2005. The premises has undergone a number of variations, transfers and DPS variations since this time.
9. The licence was transferred into the current premises licence holder's name on 18<sup>th</sup> January 2021, with the most recent licence being granted on 23/07/21, following an application to specify the current DPS. A copy of the current licence appended at [Appendix 1](#).
10. The premises itself sits slightly outside of the main town centre, on Back Mount Street. Across Back Mount Street, approximately 5m to the north, is a residential block of flats. Approximately 60m to the east of the premises, across the Farrington Street car park starts a block of residential properties with a significant number of residential properties in the adjacent streets. To the south lies a vacant licensed premises and to the east, across Park Road, lies St Laurence's Church. A location map of the premises is appended at [Appendix 2](#).

## Application for review of a premises licence

11. On 21<sup>st</sup> September 2021, an application for the review of a premises licence was received from Mr Paul Carter, for an on behalf of the Environmental Health Department of Chorley Council. A copy of the application is appended at [Appendix 3a](#) and is concerned with the Prevention of Public Nuisance objective being undermined at the premises.
12. The grounds for the review are as follows:

*The licensing objective of The Prevention of Public Nuisance is being undermined at the premises in that there are continuous occurrences of a statutory noise nuisance from the premises from the playing of loud amplified sound. An abatement notice has been served on 17th September 2021 following repeated complaints by many local residents and the installation of noise monitoring equipment at a neighbouring property.*

13. There were a number of documents provided in support of this application and these are appended as [Appendix 3b-e](#).

## Advertisement of the application and relevant representations

14. The application was advertised in accordance with the regulations in that a notice was displayed at the premises, at the Council Offices and a copy of the application was published on the Council's website for the whole 28-day consultation period.
15. In response to this consultation and on 25/09/21, PS 777 Richard Horton, on behalf of the Chief Constable of Lancashire Constabulary, made a representation. This representation is appended [Appendix 4](#) and relates to the Protection of Children from Harm and the Prevention of Public Nuisance objectives.

## Implications of report

16. 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

17. No comments.

### Comments of the Monitoring Officer

18. The premises licence holder may appeal to the magistrates' court within 21 days of notice of the decision against any adverse decision. The responsible authorities who have made representations may also appeal. The effect of the decision is stayed for 21 days and also if an appeal is lodged until the magistrates' court determines the appeal.

Breach of conditions attached to a premises licence is a criminal offence. Paragraph 11.24 of the section 182 national Guidance states that the licensing authority's role in a review when considering allegations of crime is not to establish guilt or innocence but to promote the licensing objectives.

Members must consider the Human Rights Act 1998, in particular the right to a fair hearing and protection of property.

### Conclusions

19. The decision should be based on the individual merits of the application and the representations. In accordance with Regulation 26 of the Licensing Act 2003 (Hearings) Regulations 2005, a decision must be made within 5 working days, beginning with the day of the hearing.
20. In accordance with Section 52, the Authority must, having regard to the application and any relevant representations, take such steps mentioned below (if any) as it considers appropriate for the promotion of the licensing objectives:
- to modify the conditions of the licence;
  - to exclude a licensable activity from the scope of the licence;
  - to remove the designated premises supervisor;
  - to suspend the licence for a period not exceeding three months;
  - to revoke the licence.
21. For the purposes of the previous paragraph, a condition of the licence is modified if any of them are altered, or omitted, or any new condition is imposed.

Jonathan Noad  
Director of Planning and Development

### Appendices

Appendix	Description
Appendix 1	Current premises licence
Appendix 2	Location map of the surrounding area
Appendix 3a	Application for the review of a premises licence
Appendix 3b	PC1 Letter to PLH 29.07.21
Appendix 3c	PC2 Noise Control Actions- Applejax
Appendix 3d	PC3 Applejax- Further complaints
Appendix 3e	PC4- Transcript of recordings
Appendix 4	Relevant representation- PS 777 Richard Horton

### Background papers

Document	Date	Place of Inspection
The Council's Statement of Licensing Policy	2016 - 2021	<a href="#">The Council's Statement of Licensing Policy</a>
Secretary of State Section 182 Guidance	April 2018	<a href="#">Secretary of State Section 182 Guidance</a>

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>
Nathan Howson	5661	25 <sup>th</sup> October 2021