

Report of	Meeting	Date
Director of Planning and Development	Licensing Act 2003 Sub Committee	24 <sup>th</sup> November 2021

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

<b>Premises Name:</b>	Cosmopolitan	<b>Address:</b>	30 St Georges Street, Chorley, PR7 2AA
<b>Premises Holder:</b>	<b>Licence</b>	Mrs Vanda Rome-Tankut	<b>DPS:</b> Mr Recep Tankut

### Reason for referral

- To advise members that an application for the review of a premises licence in respect of the premises detailed above has been received.
- 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

- 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.

## Background

8. The premises have been licensed in the name of the current premises licence holder since July 2011. The premises licence was granted to the current licence holder and the Designated Premises Supervisor. A copy of the current licence is appended at [Appendix 1](#).
9. The premises is located on St Georges Street off Market Street which continues onto Church Street. The building is a two-storey traditional end terraced building and comprises of an extended outside area used for eating and drinking. It is next door to a new build building which houses an office on the ground floor together with a number of residential apartments on the ground floor and the first floor. The other properties on St Georges Street are mainly used for numerous business purposes which does not reflect on the night-time economy. At the rear of the premises on Halliwell Street and Halliwell Court the dwellings on these streets are mainly residential family type houses. A location map of the premises is appended at [Appendix 2](#).

## Application for review of a premises licence

10. On 30<sup>th</sup> September 2021, an application for the review of a premises licence was received from Mrs Lesley Miller, 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.
11. 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 24<sup>th</sup> September 2021 following repeated complaints by many local residents and the installation of noise monitoring equipment at a neighbouring property. A site visit was made by Licensing colleagues on 10<sup>th</sup> September 2021.*

12. There were a number of documents provided in support of this application by the Environmental Health Officer and these are appended as [Appendix 3b-e](#).

## Advertisement of the application and relevant representations

13. 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.
14. In response to this consultation and on 25/10/21, Mr Nathan Howson Enforcement Team Leader (Licensing) an authorised officer of Chorley Council under the Licensing Act 2003, on behalf of Chorley Council made a representation. This representation is appended as [Appendix 4a](#) and relates to the Prevention of Public Nuisance objective.

Two further representations were received during the consultation period from residents who reside near the premises. These representations also relate to the Prevention of Public Nuisance objective which are appended as Appendix 4b and 4c.

## 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 Authority is required to hold a hearing to consider the review application and any relevant representations made. The hearing must be held in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

The Licensing Panel is required to give appropriate weight to the review application, representations (including supporting information) presented by all the parties, the Guidance issued pursuant to section 182 of the Licensing Act 2003, the Council's statement of licensing policy and the steps (if any) that are appropriate to promote the licensing objectives.

It should be noted that clear reasons must be given for the decision and any additional or modified conditions should be practical and enforceable.

The applicant for the review, the premises licence holder and any person who made relevant representations would have the right of appeal to a magistrates' court within 21 days from notification of the decision, on one of the grounds provided in schedule 5 to the Licensing Act 2003.

In addition to determining the application in accordance with the legislation, Members must have regard to the rules of natural justice (i.e. ensuring a fair and unbiased hearing etc); provisions of the Human Rights Act 1998. The Panel should take in to account particularly articles 6 (relating to the right to a fair trial); article 8 (protection of private and family life); and article 1 of the First Protocol (protection of property).

The decision made by the committee will not take effect until the end of the period given for appealing against the decision or, if the decision is appealed against, until the appeal is disposed of.

## **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, beginning with the day of the hearing.
19. 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.
20. 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	Summary of complaints
Appendix 3c	Transcript of noise recordings
Appendix 3d	Certified copies of the abatement notices
Appendix 3e	Covering letter to premises licence holder
Appendix 4a	Relevant representation- Nathan Howson (Licensing)
Appendix 4b	Relevant representation – Denise Richmond (Resident)
Appendix 4c	Relevant representation – Paul Schofield

## 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>

Report Author	Ext	Date
Usman Gazra		25 <sup>th</sup> October 2021