

| Report of | Meeting | Date |
|--------------------------------------|----------------------------------|--------------------------------|
| Director of Planning and Development | Licensing Act 2003 Sub Committee | 23 rd February 2022 |

| | | |
|----------------------------|-----|----|
| Confidential report | Yes | No |
|----------------------------|-----|----|

Applicant details

| | |
|------------------------|-----------------------------------------------------------------------|
| Applicant Name: | One Digital Outdoor Ltd |
| Agent: | GoTo Live Ltd |
| Address: | Old Camelot Site, Park Hall Road, Charnock Richards, Chorley. PR7 5LP |
| Application: | Application for a Premises Licence, Section 17, Licensing Act 2003 |

Reason for referral

- To advise the Sub Committee of an application for a premises for the above premises, regarding which, a number of relevant representations have been received.
- To request that Sub Committee 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 2021.
 - The Licensing Act 2003.

The application

8. On 7th January 2022, an application for a premises licence was submitted by GoTo Live Ltd, for and on behalf of One Digital Outdoor Ltd. A copy of the application is appended at Appendix 1. GoTo Live are an event management and production company and have been brought in to assist in the planning and delivery of the Camelot Rises event.
9. A copy of the plan of the premises is appended at Appendix 2. The site is an open air site, which is proposed to be used to host events. It incorporates the site of the old Camelot Theme Park and makes use of the existing features of the theme park in order to create a novel atmosphere. The nearest residential property lies approximately 350m to the north west with small pockets of residential housing to the south east. To the north east, and approximately 350m from the site, lies the M6. The nearest significant area of housing lies approximately 900m to the east.
10. The application seeks to authorise the following licensable activities:

| Licensable activity | Day | Permitted Hours |
|-------------------------------------------|------------------------------------|-----------------------------|
| Provision of Films | Monday- Friday Saturday- Sunday | 13:00-23:00 10:00- 23:00 |
| Provision of Live Music | Monday- Sunday | 13:00-23:00 |
| Provision of Recorded Music | Monday- Sunday | 13:00-23:00 |
| Provision of Performances of Dance | Monday- Sunday | 13:00-23:00 |
| Supply of Alcohol | Monday- Sunday | 13:00-23:00 |
| Hours the Premises are open to the Public | Monday- Friday Saturday- Sunday | 12:00-23:30 09:30-23:30 |

11. A comprehensive set of steps are proposed by the applicant in order to promote the licensing objectives. These can be found at section 18 of the application for a premises licence.
12. The application was advertised in accordance with the regulations in that notices were posted around the perimeter of the site, a notice was published in a local newspaper and the application was advertised on the Council's website during the consultation period of 28 days.
13. The first event proposed to be carried out under the premises licence is that of Camelot Rises.

Camelot Rises

14. Camelot Rises is described as an immersive, interactive drive-in cinema event which will include performances from trained actors, concluding in a film showing. During the film, alcoholic and non-alcoholic drinks and food shall be made available to the audience. The event is a ticketed event, with tickets having to be purchased in advance.
15. An event safety management plan has been prepared by GoTo Live and this is appended at Appendix 3.
16. On 18th February 2022, the event was discussed at the Council's Events Safety Advisory Group (ESAG). This is a multi-agency meeting, convened to discuss events within the Borough. Members include representatives from Lancashire Constabulary, Lancashire Fire and Rescue Service, LCC Highways, Licensing, North West Ambulance Service, Streetscene, Health and Safety and Covid Information Officers.

17. Concerns were raised by the emergency services regarding the access for emergency vehicles. Following this, and on 2nd February 2022, a site visit was carried out with the relevant services. Confirmation was received that there was adequate access for all parties and no further concerns were raised.
18. The opening night of this event was authorised by Temporary Event Notices on 4th February 2022. Licensing Officers and Police attended during this event and found the event to be well run without any audible noise being heard at nearby residential properties. At the time of writing this report, no complaints have been received by the Police or Council regarding this opening night.

Representations

19. During the consultation period a number of representations were received which were determined to be relevant. A number of points raised were not relevant to licensing control and so have been redacted. The representations are summarised below:

| Name | Address | Licensing Objectives | Appendix |
|-----------------|--------------------------|-------------------------------------------------------------------|-----------------|
| Alan McMillan | 5 Stocks Court Heskin | Prevention of Public Nuisance | <u>4</u> |
| Brian Roocroft | 84 Wood Lane Heskin | Prevention of Crime and Disorder Prevention of Public Nuisance | <u>5</u> |
| Doreen Hounslea | 2 Stocks Court Heskin | Prevention of Crime and Disorder Prevention of Public Nuisance | <u>6</u> |
| John Wane | Wynways Stocks Lane | Prevention of Public Nuisance | <u>7</u> |
| Jan Bitcon | 1 Stocks Court Heskin | Prevention of Crime and Disorder Prevention of Public Nuisance | <u>8</u> |

20. Mediation between a resident and the event organisers was nominally arranged however this did not occur.

Statement of Licensing Policy

21. Section 4 of the Licensing Act requires the Licensing Authority to “have regard to” its Statement of Licensing Policy when carrying out its functions.
22. The Licensing Policy sets out the vision the licensing authority has for the regulation of licensed premises throughout Chorley and outlines the standards expected in order to ensure the promotion of the licensing objectives in the Borough. The Sub Committee may depart from the policies should it consider doing so would benefit the promotion of the licensing objectives. Reasons are to be given for any such departure from the Policy.

The following sections of the SoLP are relevant to the application being considered:

Encouraging diversity in the night-time economy that is less focused on alcohol

6.6 Chorley has a vibrant night-time economy that far exceeds other towns of similar sizes. It is recognised that the night-time economy plays an important part in creating a vibrant and sustainable economy but this must be balanced with the ambition to expand the offer for leisure, tourism and business by providing an attractive offer for all age and religious groups.

6.7 To this end, the authority will explore and support opportunities to increase events, activities and businesses which are not necessarily alcohol led which are more socially-inclusive and drive the economy.

6.32 Where relevant representations have been made, it will take the following matters into consideration when making a decision. These are not a definitive list and other matters may be considered:

- a) Operating schedules - demonstration of compliance with management standards to support each of the licensing objectives.
- b) Proximity to residential accommodation - the likelihood of the operation to have an adverse impact on the peace and quiet of local residents.
- c) Potential noise and nuisance from people leaving and entering the premises.
- d) Ability to demonstrate that systems in place to ensure timely dispersal of customers away from residential areas.
- e) Use of external areas for carrying out the licensable activities and potential noise impact on local residents.
- f) Proposed hours of the licensing activities and general opening times for the public – The use of winding down periods to enable more efficient dispersal.
- g) Type of use – alcohol led premises such as pubs, bars and nightclubs, off licenses and hot food take away premises are more likely to be associated with crime and disorder and public nuisance than other premises such as seated restaurants, theatres, cinemas and other cultural activities.
- h) Availability of public transport to assist in the timely dispersal of customers from the vicinity and to ensure safe travel home.
- i) The potential for contamination of the street environment through increased litter

Section 3a- Crime and Disorder and Section 3c- Public Nuisance are also relevant sections.

Implications of report

23. 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

24. No comments.

Comments of the Monitoring Officer

25. For the purpose of the Licensing Act 2003 public nuisance retains a broad common law meaning and may include inappropriate circumstances low-level nuisance affecting a few people living locally in addition to a major disturbance affecting the whole community.

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.

Conditions which are proportionate may be imposed on the grant of a licence which promote one or more of the four licensing objectives referred to in paragraph 4 of the report.

The applicant may appeal the refusal of the grant of a licence or appeal against the imposition of a condition on a licence which they consider to be unreasonable.

Any person who has made a representation may also appeal against the grant of a licence or argue that different or additional conditions should have been imposed. Such appeals must be made to the local magistrates' court within 21 days of notification of the decision.

The requirement for the licensing authority to consider the s.182 guidance and its own policy are addressed within the body of the report.

Conclusions

26. 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.
27. In accordance with Section 18, 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:
 - a) To grant the licence subject to:
 - i) the conditions consistent with the operating schedule accompanying the application, which the Sub Committee may modify to such extent as they consider appropriate,
 - ii) and any mandatory conditions that must be included in the licence;
 - b) To exclude from the scope of the licence any of the licensable activities to which the application relates;
 - c) To refuse to specify the person proposed in the application as the designated premises supervisor;
 - d) To reject the application.
28. **The Sub Committee is asked to determine the application.**

Jonathan Noad
Director of Planning and Development

Appendices

| Appendix | Description |
|------------|---------------------------------------------|
| Appendix 1 | Application for a premises licence |
| Appendix 2 | Plan of the premises |
| Appendix 3 | Event Safety Management Plan- Camelot Rises |
| Appendix 4 | Representation- Alan McMillan |
| Appendix 5 | Representation- Brian Roocroft |
| Appendix 6 | Representation- Doreen Hounslea |
| Appendix 7 | Representation- John Wane |
| Appendix 8 | Representation- Jan Bitcon |

Background papers

| Document | Date | Place of Inspection |
|---------------------------------------------|------------|------------------------------------------------------------------------------|
| The Council's Statement of Licensing Policy | 2021- 2026 | Statement of Licensing Policy 2021-2026.pdf (chorley.gov.uk) |
| Secretary of State Section 182 Guidance | April 2018 | Secretary of State Section 182 Guidance |

| Report Author | Ext | Date |
|---------------|------|-------------------------------|
| Nathan Howson | 5665 | 7 th February 2022 |