

Report of	Meeting	Date
Director of Planning and Development	Licensing Act Sub Committee	Thursday 21 st July 2022

Confidential report	Yes	No
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APPLICATION DETAILS

Applicant Name:	Chorley Borough Council	Premises Name:	Astley Park
Address:	Park Road, Chorley		
Application:	Application for a premises licence to be granted under the Licensing Act 2003		

Reason for referral

- To advise members of an application for a premises licence to be granted under Section 17 of the Licensing Act 2003, to 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. In particular, Section 9.31 to 9.44 may guide members.
 - The Council's Statement of Licensing Policy effective from 2021.
 - The Licensing Act 2003.

The Application

8. On 07/06/22, an application for a premises licence in respect of Astley Park, Park Road, Chorley was submitted by Chris Sinnott, Deputy Chief Executive, for and on behalf of Chorley Borough Council. A copy of the application is appended at [Appendix 1](#).
9. The application seeks to authorise the following licensable activities:

Activity	Proposed Authorised Hours
Provision of a Performance of a Play	Mon-Sun: 09:00-23:00hrs
Provision of a Performance of Live Music	Mon-Sun: 09:00-23:00hrs
Provision of Playing of Recorded Music	Mon-Sun: 09:00-23:00hrs
Provision of a Performance of Dance	Mon-Sun: 09:00-23:00hrs
Provision of Anything of a Similar Description to Live Music, Recorded Music or Performances of Dance	Mon-Sun: 09:00-23:00hrs
Sale by retail of alcohol for consumption on and off the premises	Mon-Sun: 10:00-23:00hrs

10. Section 18 of the application sets out the steps the applicant intends to take to promote the licensing objectives.
11. The application seeks to license the whole area of the park, an extensive area, incorporating a lake, tennis courts and bowling green, a large playing and wooded areas. The plan of the premises is appended at [Appendix 2](#).
12. The application was advertised in accordance with the regulations in that a notice was displayed across the premises for the whole 28-day consultation period, a notice was posted in a local newspaper and the application has been published on the Council's website.
13. During this consultation period, a representation was received from a member of the public regard the grant of the application undermining a licensing objective.

Representations

14. On 28/06/22, a representation was received from Mr John Trafford of Deerfold, Astley Village, Chorley. This representation relates to the Prevention of Public Nuisance objective.

Implications of the 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. 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 sub-committee should 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 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

18. The decision should be based on the individual merits of the application and the representation. In accordance with Regulation 26(2) of the Licensing Act 2003 (Hearings) Regulations 2005, a decision must be made within the period of 5 working days beginning with the day or the last day on which the hearing was held.
19. 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:
- to grant the licence subject to:
 - the conditions offered in the operating schedule, modified in any way as the authority considers appropriate for the promotion of the licensing objectives, and
 - the mandatory licensing conditions;
 - to exclude any licensable activities from the licence;
 - to refuse to specify a person in the licence as the premises supervisor;
 - to reject the application.

20. The Sub Committee is requested to determine the matter.

Jonathan Noad
Director of Planning and Development

APPENDICES

Appendix	Description
Appendix 1	Application for a premises licence- Astley Park
Appendix 2	Plan of the Premises
Appendix 3	Representation- John Trafford

BACKGROUND PAPERS

Document	Date	Place of Inspection
The Council's Statement of Licensing Policy	2021-2026	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	12/07/22