

Report of	Meeting	Date
Chief Executive	Licensing Act 2003 Sub Committee	Thursday 3 rd August 2023

Confidential report	Yes	No
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PREMISES DETAILS

Premises Name:	Vinny's Nooze and Booze	Address:	83- 85 Water Street, Chorley, PR7 1EX
Premises Licence Holder:	Mr Vinod Vishram HALAI	DPS:	Mr Vinod Vishram HALAI

Reason for the referral

- To advise the Sub Committee that an application for the review of a premises licence has been received from Lancashire Constabulary, in respect of the premises detailed above.
- For the Sub Committee to determine the application in accordance with the provisions of the Licensing Act 2003.

Corporate Priorities

- This report relates to the following Strategic Objectives:

Housing where residents can live well		A green and sustainable borough	
An enterprising economy with vibrant local centres in urban and rural areas		Healthy, safe and engaged communities	X

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.

History of the premises licence

8. The premises has been licensed for many years although, due to the length of time, licensing records are not complete. It's uncertain when the premises was first licensed under the Licensing Act.
9. The licence was, however, transferred into the current licence holder's name on 26.08.09. At the same time, he became the designated premises supervisor. A copy of this current licence is appended at Appendix 1.
10. The premises itself is set back from Water Street, the end property in a row of various business premises. It sits on the junction between Water Street and Congress Street. Residential properties can be found to the rear with the A6 to the front. A plan view of the area is appended at Appendix 2.

Application for the review of a premises licence

11. On 13th June 2023, an application for the review of a premises licence was received from PC 6884 Connolly, for and on behalf of the Chief Constable of Lancashire Constabulary. A copy of the application is appended at Appendix 3 and is concerned with the licensing objectives of The Prevention of Crime and Disorder and The Protection of Children from Harm being undermined at the premises.
12. The grounds for the review are as followed:

The premises has failed two test purchases of age-restricted products in recent weeks, in that a trimming knife was sold to the 13 and 15 year old test purchasers on 17.05.23 and alcohol was sold to the 16 and 17 year old test purchasers on 02.06.23.

Advertisement of the applications 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. During this period and on 19/06/23, a representation was received from Jason Middleton, Principal Officer Alcohol and Tobacco, of Lancashire County Council's Trading Standards Service. This representation relates to the prevention of crime and disorder and protection of children from harm objectives and a copy is appended at Appendix 4.
15. On 28/06/23, additional documents were provided by PC Connolly to support the application, comprising a report and appendices including a witness statement, an image of the premises, body-worn camera (BWC) footage from 02/06/23 and a number of proposed conditions to be imposed. These documents are appended at Appendix 5. The BWC footage can be accessed here: <https://youtu.be/pbxwxAznMzw>.

Implications of the report

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

Finance		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 monitoring officer

17. The licensing objectives and the policies which the sub-committee must take into account are referred to in the report, as well as the range of options open to members and the right of appeal of the premises licence holder and the applicant for the review.

Conclusions and options

18. The decision should be based on the individual merits of the application and the representations (if any). 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 52 of the Act, the Authority must, having regard to the application and any representation made, take such steps (if any) as it considers appropriate for the promotion of the licensing objectives. The steps are:
 - a) To modify the conditions of the licence, (including altering, omitting or adding any condition),
 - b) To exclude a licensable activity from the scope of the licence,
 - c) To remove the designated premises supervisor,
 - d) To suspend the licence for a period not exceeding three months, or
 - e) To revoke the licence.
20. Where the Sub Committee decide to take such steps at a. or b. of paragraph 21 above, they may provide that they have effect for only such a period (not exceeding three months) as they may specify.

Chris Sinnott
CHIEF EXECUTIVE

Appendices

Appendix	Description
Appendix 1	Current premises licence
Appendix 2	Plan view of premises surroundings
Appendix 3	Application to review a premises licence
Appendix 4	Representation- Jason Middleton, Trading Standards
Appendix 5	Supporting representation- PC Connolly

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	December 2022	Revised Guidance issued under section 182 of the Licensing Act 2003 (publishing.service.gov.uk)

Report Author	Ext	Date
Nathan Howson	5665	12 th July 2023