

Report of	Meeting	Date
Director of Planning and Property	Licensing Act Sub Committee	19 <sup>th</sup> September 2024

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

<b>Premises Name:</b>	Fab Bar & Bistro	<b>Address:</b>	30-32 Market Street, Chorley, PR7 2SE
<b>Premises Holder:</b>	<b>Licence</b>	Fabulous Entertainment Limited	<b>DPS:</b> Mr Karl George CHADWICK

### 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:

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 which are appropriate 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.

Any decision made does not have effect until the end of this period or, if the decision is appealed, until the appeal is disposed of.

### 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 and Section 11.16 to 11.23** may guide members.

- The Council's Statement of Licensing Policy effective from 2021.
- The Licensing Act 2003.

### **Background**

8. The premises have been licensed in the name of the current premises licence holder Fabulous Entertainment Limited since 10<sup>th</sup> May 2023. A variation application was submitted on 16<sup>th</sup> June 2023 for a Change of Designated Premises Supervisor which specified Karl Chadwick as the DPS. A copy of the current licence appended at [Appendix 1](#).
9. The building is a two-storey semi-detached building next door to other commercial buildings. The premises is located in the main Town Centre on Market Street and is opposite the Flat Iron carpark and other commercial properties with established businesses which also house residents above those properties. A location map of the premises is appended at [Appendix 2](#).

### **Application for review of a premises licence**

10. On 31<sup>st</sup> July 2024, an application for the review of a premises licence was received from PS2700 John Richard Lovick, Licensing Sergeant for an on behalf of the Chief Constable of Lancashire.
11. The grounds for the review are as follows:

The Constabulary believes that the Premises is undermining the Licensing Objectives of the Prevention of Crime & Disorder and Public Safety. A copy of the review application is appended at [Appendix 3](#)

12. On 24<sup>th</sup> August 2024 PS2700 John Richard Lovick Licensing Sergeant submitted a Police Disclosure File for Fab Bar & Bistro This is appended to the report as [Appendix 4](#).

### **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 16<sup>th</sup> August 2024, Mr Nathan Howson Principal Licensing Officer - Team Leader 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 5](#) and relates to the Prevention of Crime and Disorder objective.

### **Implications of report**

15. 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 Authority is required to hold a hearing to consider the review of a premises licence, 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, any representations (including supporting information), the Guidance issued pursuant to section 182 of the Licensing Act 2003 (as suggested by the Licensing officer within his report) and

the Council's statement of licensing policy.

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, if they felt aggrieved by the decision.

### 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.

Gayle Wootton  
Director of Planning and Property

### Appendices

Appendix	Description
Appendix 1	Current premises licence
Appendix 2	Location map of the surrounding area
Appendix 3	Application for the review of a premises licence
Appendix 4	Police Disclosure File
Appendix 5	Representation from N Howson (Licensing)

### Background papers

Document	Date	Place of Inspection
The Council's Statement of Licensing Policy	2021 - 2026	<a href="#">Statement of Licensing Policy</a>
Secretary of State Section 182 Guidance	January 2024	<a href="#">Secretary of State Section 182 Guidance</a>

Report Author	Ext	Date
Usman Gazra		29/08/2024