

Report of	Meeting	Date
Director of People & Places	Licensing Act 2003 Sub Committee	27 October 2011

APPLICATION TO TRANSFER A PREMISES LICENCE UNDER SECTION 42 OF THE LICENSING ACT 2003 AND AN APPLICATION TO VARY THE PREMISES LICENCE TO SPECIFY AN INDIVIDUAL AS A DESIGNATED PREMISES SUPERVISOR UNDER SECTION 37 OF THE LICENSING ACT 2003 RELATING TO THE PREMISES KNOWN AS THE CROWN 46-48 CHAPEL STREET CHORLEY

PURPOSE OF REPORT

- To enable Members to determine whether an application to transfer a premises licence can be granted and also to determine whether an application to vary the premises licence to specify an individual as a designated premises supervisor.

RECOMMENDATION(S)

- Members are asked to consider the details contained in the report and any representations made by the applicant and/or his representative and Lancashire Constabulary.

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

- Not applicable.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- Not applicable.

CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Strong Family Support		Education and Jobs	
Being Healthy		Pride in Quality Homes and Clean Neighbourhoods	
Safe Respectful Communities		Quality Community Services and Spaces	
Vibrant Local Economy		Thriving Town Centre, Local Attractions and Villages	
A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money			

BACKGROUND



6. On 6th October 2011 an application to vary the premises licence to specify and individual as a designated premises supervisor was received by the Licensing Authority, a copy is attached at appendix 1. The Licensing Authority also received an application to transfer the premises licence with respect to The Crown 46-48 Chapel Street Chorley, a copy is attached at appendix 2. Both these applications were made by Euro Business & Property Brokers Limited 7 Regency Gardens Euxton PR7 6NW.
7. On 6th October 2011 Lancashire Constabulary made a representation in respect of both applications. With respect to both these applications the Police feel there are exceptional circumstances that would undermine the Crime Prevention Objective of the Licensing Act 2003 if the applications are granted.
8. Where such an objection is made, the Licensing Authority will hold a hearing to consider the objection. The Licensing Authority will confine its consideration to the issue of the crime prevention objective. The burden would be on Lancashire Police to demonstrate to the Licensing Authority that there were good grounds for believing that the transfer of the licence would undermine the crime prevention objective.
9. Section 4 of Licensing Act 2003 provides that a Licensing Authority must have regard to its Statement of Licensing Policy and also the guidance issued by the Secretary of State under Section 182 of the Act.
10. 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.

IMPLICATIONS OF REPORT

11. 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	No significant implications in this area	

COMMENTS OF THE HEAD OF GOVERNANCE

12. Pursuant to section 44(5), the Authority must reject the application if it considers it necessary for the promotion of the crime prevention objective to do so.
13. Notification of determination under section 44 must state the licensing authority's reasons for granting or rejecting the application.
14. In accordance with Schedule 5, Part 1, Section 6(2), the chief officer of police may appeal against the decision to grant the application.

15. There is a right of appeal to the Magistrates Court within 21 days from the date of receipt of the notification of the decision.

JAMIE CARSON
DIRECTOR OF PEOPLE & PLACES

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
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