

Report of	Meeting	Date
Director of Early Intervention and Support	Licensing Act 2003 Sub - Committee	15 Nov 2017

APPLICATION FOR A PREMISES LICENCE UNDER SECTION 17 OF THE LICENSING ACT 2003, FOR THE COPPULL CONSERVATIVE CLUB

PURPOSE OF REPORT

- To enable Members to determine an application received from Kevills Solicitors 5 Park Road Chorley PR7 1QS for a new premises licence for Coppull Conservative Club, 261 Spendmore Lane, Coppull, Chorley PR7 5DF

RECOMMENDATION(S)

- Members are asked to consider the application and any representations made by relevant authorities and / or other persons and after considering those representations determine the application for the purpose of the premises licence for Coppull Conservative Club.

EXECUTIVE SUMMARY OF REPORT

- On 29 September 2017 the Council received an application from Kevills Solicitors made under Section 17 of the Licensing Act 2003 for a new Premises Licence for Coppull Conservative Club; the application is attached as **Appendix 1**.
- Although the premises currently benefits from a Club Premises Certificate this hearing is to consider a new premises licence application not the existing CPC.
- The application seeks to obtain a full premises licence to allow none members to attend the venue whilst continuing to have the CPC running in conjunction with the new licence.
- The application has received three representations, one of which from Environmental Health has now been resolved through negotiation and agreement to additional conditions. There are two other representations from local residents, although one of those representations came attached to the first via email. The public representations are attached to the report at **Appendix 2** and the Environmental Health representation is **Appendix 3**.
- Lancashire Constabulary have agreed additional conditions (**Appendix 4**) and made no representations. Both Environmental Health and Lancashire Constabulary have agreed with the applicant a time limit of 6-8 weeks after the licence is issued to implement the changes required within the additional conditions in Appendix 3 & 4.
- Chorley Licensing Enforcement also negotiated a reduction in the operating and licensable activities hours applied for with the applicant. The agreed conditions and change of hours are attached **Appendices 5 and 6**.

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all	X	A strong local economy	X
Clean, safe and healthy communities	X	An ambitious council that does more to meet the needs of residents and the local area	

BACKGROUND

10. The premises have a long history as a Conservative Club offering a range of facilities including the provision of alcohol, regulated entertainment and food. The current Club Premises Certificate was issued during conversion in 2005.
11. The original Premises Licence application (**Appendix 1**) submitted to the Local Authority sought licensable provisions set out below;

Indoor sporting events Mon to Sun 10:00 – 00:00

Live music Mon to Thurs 19:00 – 00:00 Fri to Sun 19:00 – 00:30

Recorded Music Mon to Sun 10:00 – 01:00

Supply of alcohol Mon to Sun 10:00 – 01:00

Hour's premises open Mon to Thurs 10:00 – 00:00 Fri to Sun 10:00 – 02:00
12. A call was made to Kevills solicitors on the 2nd of October pointing out the requested alcohol hours were longer than the requested opening hours Monday to Thursday.
13. After a subsequent meeting with the applicant at the venue on the 19th of October, reduced hours from the ones in the application were agreed as per **Appendix 6**.
14. The issues raised by the representations relate to the licensing objective for; **The Prevention of Public Nuisance**.
15. The Council's Environmental Health Officer Stuart Oakley made a representation with regards to noise as a result of complaints made towards the premises by Mr Whelan.
16. The representation has been resolved by way of a meeting with the operators of the venue and formal agreement to additional conditions and work carried out at the venue to negate the noise issues as per **Appendix 5**.
17. There are two outstanding representations by local residents for consideration as per **Appendix 2**.
18. Mr Whelan attached two letters/notes to his email from other parties. One of those parties we are told by Mr Whelan has moved away so this letter is considered to carry far less weight as the venue cannot affect the author of this letter. No subsequent representations have been received from the new residents at their address. The second note is from a Mr Wawrzyniak.
19. Numerous calls have been made to Mr Wawrzyniak's mobile number obtained from Mr Whelan asking him to contact us but to date we have not had a reply. A notification of the hearing has been posted at his address inviting him to the hearing.
20. Where relevant representations have been received by the council in a timely manner the persons making representation have been invited to attend the hearing by the prescribed statutory notice on 31 October 2017. Members will be advised at the hearing of the number of replies received.

POLICY AND LEGAL CONSIDERATIONS

21. Section 4 of the Licensing Act 2003 provides that a Licensing Authority must have regard to its Statement of Licensing Policy, the guidance issued by the Secretary of state under section 182 of the Licensing Act 2003.

As members will be aware the four licensing objectives are as follows:

- The prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- The protection of children from harm.

22. The Licensing Authority shall determine the application, having had considered the representations that have been made, and having regard to its Statement of Licensing Policy and to the guidance issued by the Secretary of State under section 182 of the Act. Section 18 of the Licensing Act 2003 is the authority the Licensing – sub - committee can rely upon with regards to this matter.

Section 18, Determination of application under Section 17.

23. Human Rights Act Implications

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.

24. Schedule 5 APPEALS Part 1 PREMISES LICENCES

Where a licensing authority rejects an application for a premises licence under sec 18 the applicant may appeal within 21 days to the magistrates court.

1) This paragraph applies where a licensing authority grants a premises licence under section 18.

(2) The holder of the licence may appeal against any decision—

(a) to impose conditions on the licence under subsection (2)(a) or (3)(b) of that section, or

(b) to take any step mentioned in subsection (4)(b) or (c) of that section (exclusion of licensable activity or refusal to specify person as premises supervisor).

(3) Where a person who made relevant representations in relation to the application desires to contend—

(a) that the licence ought not to have been granted, or

(b) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) or (c) of that section, he may appeal against the decision.

(4) In sub-paragraph (3) “relevant representations” has the meaning given in section 18(6).

IMPLICATIONS OF REPORT

25. This report has implications in the following areas.

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

26. A premises licence may be granted to be in effect concurrently with a Club Premises Certificate by virtue of Section 2(3) of the Licensing Act 2003.
27. Public nuisance for the purposes of the Licensing Act 2003 retains a broad common law meaning in contrast to statutory nuisance as defined under the Environmental Protection Act 1990. Public nuisance may affect a small number of people living and working locally resulting in a reduction in their living and working amenity as well as major disturbance affecting the whole community.
28. 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 21 of the report.
29. 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.
30. The requirement for the licensing authority to consider the s.182 guidance, its own policy and human rights implications are addressed within the body of the report.

CHRIS SINNOTT
DIRECTOR OF EARLY INTERVENTION AND SUPPORT

There are background papers to this report.

Background Papers			
Document	Date	File	Place of Inspection
The Councils Statement of licensing Policy	2016- 2020		***
Section 182 Secretary of State Guidance.	Oct 2017		

Report Author	Ext	Date	Doc ID
C Carney	5665	01 Nov 2017	