

Report of	Meeting	Date
Director (Customer and Digital)	Licensing Act Sub Committee	Wednesday 13 th March 2019

Confidential report	Yes	No
----------------------------	-----	----

Application:	Application for the Review of a Premises Licence under the Licensing Act 2003
---------------------	---

LICENCE HOLDER'S DETAILS

Licence Holder:	Lakeside Collection Ltd	Premises Name:	Park Plaza (Nightclub)
Address:	Park Hall Road, Charnock Richard, Chorley, PR7 5LP		

REASON FOR HEARING

- To advise members of an application for the review of a premises licence which has been served by Lancashire Constabulary, in respect of the premises detailed above.
- 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 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

7. 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 2016.
 - The Licensing Act 2003.

HISTORY OF THE PREMISES LICENCE

8. This premises has benefitted from a premises licence since 9th August 2005, when the Licensing Act came into force. The licence authorised a number of licensable activities.
9. An application to vary the licence was received in 2008 which sought to extend the hours authorised by the licence. This variation was granted without any representations being received.
10. A further application to vary the licence was received in November 2018. This application sought to extend the opening and authorised licensable activity hours. Further, the operating schedule was completely replaced with an updated operating schedule.
11. Following consultation with the Licensing Authority and Lancashire Constabulary, the licence holder agreed a number of additional conditions. As a result, the variation was granted.

THE PREMISES LICENCE

12. The current premises licence, which is appended at Appendix 1, authorises the following activities, 24 hours a day, 7 days a week:
 - Indoor Sporting Events
 - Boxing or Wrestling
 - Performance of Live Music
 - Provision of Late Night Refreshment
 - Performance of Recorded Music
 - Entertainment of a Similar Nature
 - Sale of alcohol
13. Members will note at *Annex 2* of the premises licence, there is an extensive operating schedule.

THE APPLICATION

14. On 21st January 2019, an application for the review of the premises licence was served by Lancashire Constabulary, acting in their role as a Responsible Authority under the Act. This application, which is appended at Appendix 2, related to the following licensing objectives:
 - Prevention of Crime and Disorder
 - Public Safety
 - Prevention of Public Nuisance
15. During the statutory consultation period, public notices were displayed from the premises, in accordance with the regulations. No representations were received during this period.
16. Members will note from the application that the premises held a large dance event between approximately 9pm on 26th December 2018 and 4am on 27th December 2018. It was found that this event did not comply with a large number of conditions which were consistent with the operating schedule and which had been agreed during consultation of the variation of 2018.
17. Members will note that, during the consultation period, Lancashire Constabulary and the Licence Holder met to discuss the application. The Licence Holder and DPS had undergone training with a licensing specialist who provided a statement which is appended at Appendix 3.

18. Following this, a number of policies were produced for the premises. Copies of these policies are appended at Appendix 4.
19. In accordance with Regulation 8, the applicant has been requested to provide the following information:

The measures which, in your view, would be appropriate for the promotion of the licensing objectives.

20. In accordance with the same Regulation, the Licence Holder has been requested to provide the following information:

Confirmation of the measures the licence holder has put in place since the review application was served in order to promote the licensing objectives.

IMPLICATIONS OF REPORT

21. 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 STATUTORY FINANCE OFFICER

22. There are no comments from the Statutory Finance Officer.

COMMENTS OF THE MONITORING OFFICER

23. The powers available to the sub-committee are described in the body of the report.

The licence holder and the police enjoy a right of appeal against the decision of the licensing authority to the local magistrates' court within 21 days of notice of the decision.

The duty of the sub-committee to have regard to any relevant representations, national guidance issued by the Home Office under Section 182 of the Licensing Act 2003 and also to the Council's adopted licensing policy is referred to in the body of the report.

Aspects of the Human Rights Act 1998 are engaged, namely the right to a fair trial and the protection of property.

DETERMINATION AND OPTIONS

24. 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.
25. In accordance with Section 52 of the Act, the Authority must, having regard to the application and any representation made, 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, (including altering, omitting or adding any condition),
 - 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, or
- To revoke the licence.

26. Where members decide to take such steps at a. or b. of paragraph 20 above, they *may* provide that they have effect for only such a period (not exceeding three months) as they may specify.

Asim Khan
DIRECTOR (CUSTOMER AND DIGITAL)

APPENDICES

Appendix	Description
Appendix 1	Current Premises Licence
Appendix 2	Application for the Review of a Premises Licence
Appendix 3	Witness statement
Appendix 4	Copies of policies

BACKGROUND PAPERS

Document	Date	Place of Inspection
The Council's Statement of Licensing Policy	2016 - 2021	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	19 th February 2019