

Report of	Meeting	Date
Director of Customer and Digital	Licensing Act Sub Committee	Wednesday 12 th June 2019

Confidential report	Yes	No
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APPLICANT DETAILS

Applicant Name:	Croston Sports Club	Premises Name:	Croston Sports Club
Address:	Westhead Road, Croston, Leyland, PR26 9RR		
Application:	Application for a premises licence to be granted under the Licensing Act 2003		

REASON FOR REFERRAL

- To advise members of an application for a premises licence to be granted under Section 17 of the Licensing Act 2003, to which relevant representations have been received
- 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	X
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 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. In particular, Section 9.31 to 9.44 may guide members.
 - The Council's Statement of Licensing Policy effective from 2016.
 - The Licensing Act 2003.

BACKGROUND

8. The premises have enjoyed the benefit of a Club Premises Certificate (CPC) since its conversion from the old Act in 2005. Prior to this, it was licensed under the old Act for many years. It is the intention of the applicant to surrender this CPC if the premises licence is granted.
9. The premises came to the attention of officers following recent events being held there. It became clear that these events were not being provided for the benefit of members of the club and that, as a result, the activities would be considered unauthorised. This resulted in the application which is the subject of the hearing.

THE APPLICATION

10. On 25.04.19, an application for a new premises licence was made. The application, which is appended at Appendix 1, seeks to authorise the following licensable activities:

Licensable Activity	Proposed Hours
Provision of Films (Indoors)	Sunday- Thursday: 11:00-00:00hrs Friday- Saturday: 11:00- 00:30hrs Non-Standard: 11:00-02:30hrs on New Year's Eve and Day
Provision of Live Music (Indoors)	Sunday- Thursday: 23:00- 00:00hrs Friday- Saturday: 23:00- 00:30hrs Non-Standard: 23:00-02:30hrs on New Year's Eve and Day
Provision of Recorded Music (Indoors)	Sunday- Thursday: 23:00- 00:00hrs Friday- Saturday: 23:00- 00:30hrs Non-Standard: 23:00-02:30hrs on New Year's Eve and Day
Late Night Refreshment (Indoors)	Sunday- Thursday: 23:00- 00:00hrs Friday- Saturday: 23:00- 00:30hrs Non-Standard: 23:00-02:30hrs on New Year's Eve and Day
Sale of Alcohol (On and Off Sales)	Sunday- Thursday: 11:00- 00:00hrs Friday- Saturday: 11:00- 00:30hrs Non-Standard: 11:00-02:30hrs on New Year's Eve and Day Permitted hours are 08:00hrs on occasions of pre-booked sporting events occurring at or associated with the club and the 4 days of the Grand National meeting.

11. Members will note, at Section 18 of the application, the applicant has provided a comprehensive operating schedule.
12. Following consultation with Lancashire Constabulary, the applicant agreed the following conditions:

1. *Signage advising that CCTV is in operation will be displayed.*

2. *The Premises Licence Holder shall require the Designated Premises Supervisor, or in his/her absence other responsible person, to keep an Incident/Refusal Register in which full details of all incidents are recorded. This shall include details of any refused sales and shall give details of the persons involved, incident description, time and date, actions taken and final outcome of the situation. This shall be completed as soon as possible and in any case no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry. The register is to be kept on the premises at all times and shall be produced to a Police Officer or authorised officer upon request.*

3. *The Designated Premises Supervisor or Premises Licence Holder shall conduct six monthly training reviews with all members of staff authorised to sell, serve or deliver alcohol in order to reinforce the training and to promote best practice. The written record shall be kept of the content of such reviews and be available for inspection by any responsible authority upon request.*

13. In arriving at their decision, members may wish to impose these conditions on the licence.

REPRESENTATIONS

14. In accordance with the Regulations, notices have been displayed at the premises for the 28 day consultation period.
15. On 15th May 2019, a representation was received from Paul Carter, Environmental Health Officer on the Prevention of Public Nuisance objective. A copy of this representation is appended at Appendix 2.
16. On 20th May 2019, a representation was received from Mr Neil Rees, a resident of Westhead Road. This representation is concerned with the Prevention of Public Nuisance objective and a copy is appended at Appendix 3.
17. On 22nd May 2019, a representation was received from Mr Mark Wilson, an ex- employee of the premises and a resident of Croston. This representation is concerned with the Prevention of Crime and Disorder and the Prevention of Public Nuisance objectives and a copy is appended at Appendix 4.

OTHER RELEVANT INFORMATION

18. Members will note that, on 10th May 2019, Mr Carter served two Abatement Notices under the Environmental Protection Act 1990 on the premises. These notices require the premises to abate the nuisance described within 21 days of service.

IMPLICATIONS OF REPORT

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

Finance	X	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

20. No comments

COMMENTS OF THE MONITORING OFFICER

21. For the purpose of the Licensing Act 2003 public nuisance retains a broad common law meaning and may include in appropriate circumstances low-level nuisance affecting a few people living locally in addition to a major disturbance affecting the whole community.

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.

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 4 of the report.

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.

The requirement for the licensing authority to consider the s.182 guidance and its own policy are addressed within the body of the report.

Breach of an abatement notice on an industrial, trade or business premises is a criminal offence punishable by an unlimited fine. The recipient of an abatement notice may lodge a civil appeal at the magistrates' court within 21 days.

CONCLUSIONS

22. The decision should be based on the individual merits of the application and the representation. 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.
23. In accordance with Section 18, the Authority must, having regard to the representation made, take such steps mentioned below (if any) as it considers appropriate for the promotion of the licensing objectives:
- to grant the licence subject to:
 - the conditions offered in the operating schedule, modified in any way as the authority considers appropriate for the promotion of the licensing objectives, and
 - the mandatory licensing conditions;
 - to exclude any licensable activities from the licence;
 - to refuse to specify a person in the licence as the premises supervisor;
 - to reject the application (ie. refuse to grant the licence).
24. When giving their decision, members must be mindful that they must give full reasons for that decision.

Appendix	Description
Appendix 1	Application for the grant of Premises Licence
Appendix 2a	Representation- Paul Carter
Appendix 2b	Location Map
Appendix 2c	Transcript- Beer Festival
Appendix 2d	Transcript- Crostonfest
Appendix 3	Representation- Neil Rees
Appendix 4	Representation- Mark Wilson

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	1 st June 2019