

| Report of | Meeting | Date |
|--------------------------------------|-----------------|------------------------|
| Director of Planning and Development | Licensing Panel | Tuesday, 1 August 2023 |

New Premises Licence Application

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| Is this report confidential? | No |
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| Is this decision key? | Not Applicable |
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Purpose of the Report

1. To provide an overview of the application and inform Members of the relevant parts of statute and guidance relating to this application.

Recommendations

Members are requested to:

2. Note the content of the report; and determine whether to grant or reject the application.
3. If members grant the application, they are asked to consider whether any additional conditions or restrictions should apply (taking into account any representations that have been made).

Reasons for recommendations

4. Where relevant representations to a new premises licence application are received concerning the licensing objectives the licensing authority will determine the application.
5. Relevant representations can be made in opposition to, or in support of, an application and can be made by any responsible authority, individual, body or business that has grounds to do so.
6. If the licensing authority decides that representations are relevant, it must hold a hearing to consider them unless the applicant and all of the persons who made relevant representations have given notice to the authority that they consider a hearing to be unnecessary.

Other options considered and rejected

7. All options are considered within the recommendations of the report.

Corporate priorities

8. The report relates to the following corporate priorities:

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|---|--|
| An exemplary council | Thriving communities |
| A fair local economy that works for everyone | Good homes, green spaces, healthy places |

Background to The Report

9. An application was submitted on 06/06/2023 for a new Premises Licence pursuant to Section 17 of the Licensing Act 2003 for;

Leyland Warriors Rugby Club
Moss Side Playing Fields
Moss Side Way
Leyland
PR26 7XU

10. The applicant has applied for a licence for the following licensable activity timings;

Opening hours

Wed – Fri 17:00 – 22:30
Saturday – Sunday 10:00 – 22:00

Supply of alcohol (on and off Sales)

Wed – Fri 17:00 – 22:00
Saturday – Sunday 10:00 – 22:00

11. The application states regulated entertainment until 22:00, but this is not a licensable activity until 23:00, so would not be included in the application.

12. The application and Plan can be found attached to the report as Background document 1.

Representations From Responsible Authorities

13. There have been no representations received from any responsible authorities.

Representations From Other Persons

14. There have been 3 representations received from other parties. The representation mentions various factors, The relevant sections of the representations raise issues in respect of licensing objectives

- The prevention of crime and disorder
- The prevention of public nuisance

15. The representations can be found within the appendix of the report.

Determination of The Application Under Section 18 Of the Licensing Act 2003

16. Members are requested to consider the evidence and to determine whether or not the application should be granted with or without modifications or rejected.

17. Section 18 of the Licensing Act 2003 sets out the steps that can be taken, which are;

- To grant the licence subject to any conditions the Licensing Authority considers appropriate for the promotion of the Licensing Objectives.
- To exclude from the scope of the licence any licensable activities to which the application relates
- To refuse to specify a person in the licence as the designated premises supervisor;
or
- To reject the application

18. A licensing authority must carry out its functions under the Act (licensing functions) with a view to promoting the licensing objectives. In carrying out its functions, a licensing authority must also have regard to;

- a) Its own statement policy published under section 5, and
- b) Any guidance issued by the Secretary of State under section 182.

18. Relevant Policy Considerations, are as follows;

12.2 The licensing authority will consider attaching conditions to licences and permissions to prevent public nuisance. In considering all licence applications, the Licensing authority will consider the adequacy of measures proposed to deal with the potential for nuisance and disorder having regard to all of the circumstances of the application, and in particular consider the following: -

a. the type of activity, the number and type of customers likely to attend;

b. the levels of noise likely to be generated from the premises;

c. particular consideration to be given to the effect of the implementation of the smoking legislation on the four licensing objectives

d. the proposed hours of operation - there is no presumption that the local authority will allow external areas to be used by customers for the consumption of food or drink after 23.00 unless otherwise stated in the particular premises licensing conditions;

e. the levels of public transport accessibility for customers and the likely means of public or private transport that will be used;

f. means of access to the premises for customers;

g. Careful consideration will be given to the dispersal arrangements from premises including the impact of customers waiting around for transport such as taxis or buses or returning to private cars parked in the immediate vicinity. Any foreseeable nuisance in respect of the dispersal of patrons should be mitigated by an adequate and appropriate policy which is implemented and understood by all management and staff at the premises.

h. the cumulative impact of licensed premises;

h. frequency of the activity;

i. the steps the applicant has taken or proposes to prevent disturbance by patrons arriving at or leaving the premises;

j. the steps the applicant has taken or proposes to prevent queuing, or if queuing is inevitable, to divert queues away from neighbouring premises, or otherwise manage the queue to prevent disturbance or obstruction;

k. the arrangements the applicant has made or proposes to make for security lighting at the premises, and the steps the applicant has taken or proposes to take to ensure that lighting will not cause a nuisance to residents;

l. whether routes to and from the premises pass residential premises; m. whether the premises would result in increased refuse storage or disposal problems or additional litter in the vicinity of the premises

19.2 The policy will not set fixed trading hours within any designated area as this could lead to significant movements of people across boundaries at particular times seeking premises opening later, with the attendant concentration of disturbance and noise.

The licensing authority will generally deal with the issue of licensing hours having due regard to the individual merits of each application. However the policy recognises that stricter conditions with regard to noise control will be necessary in more densely populated residential areas – where any application will be judged on its merits.

19. Relevant Paragraphs from The Section 182 Guidance

7.2 Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

9.3 Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant (see

paragraphs 9.4 to 9.10 below), the licensing authority's discretion will be engaged. It will also be engaged if another person makes relevant representations to the licensing authority, which are also not frivolous or vexatious (see paragraphs 9.4 to 9.10 below). Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

9.4 A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives..... There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.

9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate."

Climate change and air quality

19. The work noted in this report does not impact the climate change and sustainability targets of the Councils Green Agenda and all environmental considerations are in place.

Equality and diversity

20. South Ribble Borough Council is responsible for the licensing of premises under the Licensing Act 2003.
21. This policy applies to all licence holders regardless of gender, age, disability, religious belief, race or ethnic minority or sexual orientation.
22. No overall impacts have been identified across the equality strands within this report

Risk

23. All risk has been identified within the body of the report.

Comments of the Statutory Finance Officer

24. n/a no financial implications

Comments of the Monitoring Officer

25. The options available to the sub-committee are set out in the report. The duty of members is to have regard to the licensing objectives, the Section 182 national guidance and the council's adopted licensing policy. The applicant and any persons who made representations have a right of appeal to the Magistrates Court within 21 days.

Background documents

Background Document 1 - Premises Licence Application Form and Plan

Appendices

Appendix 1 - Representation 1

Appendix 2 - Representation 2

Appendix 3 - Representation 3

| Report Author: | Email: | Telephone: | Date: |
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