

# LICENSING ACT SUB COMMITTEE

## LICENSING ACT 2003 PREMISE LICENCE GRANT– CHAPEL STREET WINES, 9 CHAPEL STREET, LANCASTER, LA11NZ

### DETERMINATION OF APPLICATION FOLLOWING RELEVANT REPRESENTATIONS

25th February 2020

#### Report of Licensing Enforcement Officer

##### PURPOSE OF REPORT

To enable members to determine an application for a Premise Licence under Section 17 of the Licensing Act 2003 submitted by Chapel Street Wines Ltd, Abacus House, Rope Walk, Garstang, Preston, PR3 1NS, following the receipt of relevant representations.

The report is public

##### RECOMMENDATIONS

The Sub Committee is requested to determine in the light of the representations made and having regard to the Council's Statement of Licensing Policy, The Licensing Act 2003 and any Regulations made under that Act as well as Government Guidance whether to grant the application as requested, modify any conditions of the licence, or to reject the whole application. Members are reminded that they should state the reasons for their decision.

##### 1.0 Introduction

1.1 The Council grants permissions for Premise Licences submitted under the Licensing Act 2003 (the Act). Chapel Street Wines Ltd have submitted an application under Section 17 of the Licensing Act 2003 for a premises licence in respect of Chapel Street Wines, 9 Chapel Street, Lancaster, LA1 1NZ.

The application is for a licence to facilitate the following:-

The sale & supply of alcohol: Monday – Saturday 11:00 hours until 22:00 hours.

Details of the application for the premises licence are set out in the application form including the plan, which is detailed as Appendix No.1 to this report.

1.2 There is a statutory requirement to advertise such applications for a period of 28 days in which time representations in favour or against the application can be submitted. Any representation submitted must relate to the likely impact of the grant of the licence on one or more of the four licensing objectives which are:

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

1.3 During the 28 day consultation period the Council received one relevant representation from Lancaster Constabulary as defined by The Act. This relates to the crime prevention licensing objective.

1.4 Lancashire Constabulary have proposed to implement additional conditions to the current licensing conditions listed on the application received. The additional conditions have been agreed between Lancashire Constabulary and the applicant prior to today's hearing.

Details of the agreement between the applicant and Lancashire Constabulary with regard to the additional conditions are attached at Appendix No.2.to this report.

1.5 Any representations must relate to the likely impact of the grant of the licence in relation to all four of the licensing objectives, namely:

- Public Safety
- The prevention of crime and disorder
- Public Nuisance
- The protection of children from harm

1.6 Under Section 18(3) of the Act, it is necessary for a hearing to be held to consider the application, as representations have been received from Responsible Authorities. The relevant section prescribes:

Where relevant representations are made, the authority must-

- (a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and
- (b) having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives.

The steps are-

(a) to grant the licence subject to –

- (i) the conditions mentioned in subsection 2 (a) modified to such extent as the authority considers appropriate for the promotion of the licensing objectives and

- (ii) any condition which must under section 19,20 or 21 be included in the licence;

(b) to exclude from the scope of the licence any of the licensable activities to which the application relates;

(c) to refuse to specify a person in the licence as the premises supervisor

(d) to reject the application

1.7 The Council's Statement of Licensing Policy is attached at Appendix No.3 to this report. The following sections are relevant to this application:-

- Section 3: refers the duty to protect residential properties and having wider considerations to the application.
- Section 4: refers to the representations by Responsible Authorities.
- Section 9: refers to Operating Schedule and Conditions.
- Section 11: refers to Opening Hours.
- Section 12: refers to Protection of Children
- Section 13: refers to Public Nuisance (noise).
- Section 14: refers to Prevention of Crime and Disorder.
- Section 15: refers to Public Safety.

1.8 In accordance with the relevant Regulations, the parties have been given notice of the hearing. The parties have been required in accordance with the Regulations to indicate at least five working days before the hearing whether they intend to attend and/or be represented at the hearing and if they wish any witness to appear at the hearing. Any responses and any further documentation submitted by any of the parties after the circulation of this agenda will be circulated to Members in advance of the meeting. Members are reminded that documentary or other information submitted on the day of the hearing may only be taken into account with the consent of the Sub-Committee and all the parties.

1.9 Members are reminded that they must follow the rules of natural justice, and must also consider human rights implications. In particular, in accordance with Article 6, all parties are entitled to a fair hearing. Consideration also needs to be given to the right to respect for private and family life and home, contained within Article 8, although this is a qualified right, and interference is permitted where this is in accordance with the law, or is necessary in a democratic society in the interests of public safety or the prevention of crime and disorder, or for the protection of the rights and freedoms of others. Article 1 of the First Protocol provides that every person is entitled to the peaceful enjoyment of his possessions, although again this right is qualified in the public interest.

## **2.0 Conclusion**

2.1 Members should consider, having regard to the Councils Statement of Licensing Policy, The Licensing Act 2003 and any Regulations made under that Act, Government Guidance and representations made, whether to grant the application as requested, modify any conditions of the licence, or to reject the whole application. Members are reminded that they should state the reasons for their decision.

**CONCLUSION OF IMPACT ASSESSMENT**

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None.

**FINANCIAL IMPLICATIONS**

Financial Services have not been consulted as there are no financial implications.

**LEGAL IMPLICATIONS**

Legal implications are contained within the report, In accordance with Section 181 and Schedule 5 of the Licensing Act 2003, the parties have a right of appeal to the magistrates court within 21 days

**BACKGROUND PAPERS**

None

**Contact Officer:** Sarah Jones

**Telephone:** 01524 582077

**E-mail:** [sjones@lancaster.gov.uk](mailto:sjones@lancaster.gov.uk)

**Ref:** SLJ