



**AGENDA ITEM: 8**

**LICENSING SUB-COMMITTEE:  
19 June 2013**

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**Report of: Assistant Director Community Services**

**Relevant Managing Director: Managing Director (People and Places)**

**Contact for further information: Mrs S Jordan (Extn 5315)  
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**SUBJECT: APPLICATION FOR VARIATION OF A PREMISES LICENCE IN  
RESPECT OF ALPINE BAR, MOORGATE, ORMSKIRK, L39 4RT**

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Wards affected: Borough wide

**1.0 PURPOSE OF THE REPORT**

1.1 To consider an application under the Licensing Act 2003 (the Act) for the variation of a Premises Licence in respect of Alpine Bar, Moorgate, Ormskirk, L39 4RT

**2.0 RECOMMENDATIONS**

2.1 The Sub-Committee's instructions are requested.

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**3.0 PREMISES INFORMATION**

- 3.1 Address of Premises: Alpine Bar  
Moorgate  
Ormskirk  
L39 2XA
- 3.2 Premises Licence Holder: Mr Jerrad James Ruehle  
10 Lathom Road  
Southport  
PR9 0JA
- 3.3 Designated Premises Supervisor: Mr Marlon Anthony Taitt  
205 Meols Cop Road  
Southport  
Merseyside  
PR8 6JU

#### **4.0 THE APPLICATION**

- 4.1 On 29<sup>th</sup> April 2013 an application for the Variation of a Premises Licence was received, a copy of which is attached as Appendix 1 to this report.
- 4.2 A location plan of the premises and the surrounding area is attached as Appendix 2 to this report.
- 4.3 A representation against the grant of the Variation has been received from Lancashire Constabulary and is attached as Appendix 3 to this report.

#### **5.0 RELEVANT REPRESENTATIONS – RESPONSIBLE AUTHORITIES**

- 5.1 Appendix 3 details the representation submitted by Lancashire Constabulary. The representation is made under the 'prevention of crime and disorder' and 'public nuisance' Licensing Objectives.

#### **6.0 LICENSING POLICY AND LEGAL CONSIDERATIONS**

- 6.1 Section 4 of the Licensing Act 2003 provides that a Licensing Authority must have regard to its Statement of Licensing Policy and to the guidance issued by the Secretary of State under Section 182 of the Act.
- 6.2 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
- 6.3 The Act provides that before determining the application, the Licensing Authority must hold a hearing to consider it and relevant representations.
- 6.4 The Licensing Authority in determining the application, having had regard to the application and any representations, may take the following steps if it considers it appropriate for the promotion of the Licensing Objectives:
- (i) Modify the conditions of the licence
  - (ii) Exclude a licensable activity from the scope of the licence
  - (iii) Remove the designated premises supervisor
  - (iv) Suspend the licence for a period not exceeding three months
  - (v) Revoke the licence
- 6.5 In deciding which of the powers to use it is expected that the Licensing Authority should, as far as possible, seek to establish the causes of the concerns that the representations identify. Any action the Committee may wish to take should generally be directed at these causes and should always be no more than an appropriate response in the cause of promoting the licensing objectives.

6.6 In particular, Members' attention is drawn to the following sections of the Policy, which must be read in conjunction with this report:

Section 14	The Prevention of Crime & Disorder	pages 31-33
Section 15	Public Safety	pages 34-35
Section 16	Prevention of Public Nuisance	pages 36-38
Section 17	The Protection of Children from harm	pages 39-42
Section 19	Licensed Operating Hours	page 44

## **7.0 HUMAN RIGHTS ACT IMPLICATIONS**

7.1 The Human Rights Act 1988 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.

## **8.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

8.1 The recommendations contained in this report have limited sustainability and/or community strategy implications. However, the Council's Licensing Policy (required under the Licensing Act 2003), which underpins the Committee's decision, impacts upon many areas within the Community. The Licensing Objectives contained in the Policy fit closely with many aspects of the Community Strategy and has the following links with the Community Strategy: Community Safety (issues A, C and E); Economy and Employment (issue D); Health and Social Care (issue A).

## **9.0 FINANCIAL AND RESOURCE IMPLICATIONS**

9.1 There are no significant financial or resource implications arising from this report.

## **10.0 RISK ASSESSMENT**

10.1 The Council has a legal duty to administer the Licensing Act 2003 and is under a legal duty to determine the matter contained in this report. A failure to determine this matter would result in potential legal challenge.

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## **Background Documents**

There are no background documents (as defined in Section 100 D (5) of the Local Government Act 1972) have been relied on to a material extent in the preparation of this report.

## **Equality Impact Assessment**

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore no Equality Impact Assessment is required.

## **Appendices**

Premises Licence Variation Application Form	(Appendix 1)
Location Plan	(Appendix 2)
Representation: Lancashire Constabulary	(Appendix 3)