



## **AGENDA ITEM: 8**

### **LICENSING SUB-COMMITTEE**

**Tuesday 26 November 2013**

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**Report of: Assistant Director Community Services**

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

**Contact for further information: Mr Antony Denton (Extn 5315)  
(E-mail: [antony.denton@westlancs.gov.uk](mailto:antony.denton@westlancs.gov.uk))**

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**SUBJECT: APPLICATION FOR A VARIATION OF PREMISES LICENCE IN RESPECT OF FIFTEENS @ THE FOX, 24 ROBY MILL, UP HOLLAND, LANCASHIRE WN8 0QF**

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Borough wide interest

#### **1.0 PURPOSE OF REPORT**

1.1 To consider an application under the Licensing Act 2003 (the Act) for a Variation of Premises Licence in respect of Fifteens @ The Fox, 24 Roby Mill, Up Holland, Lancashire WN8 0QF.

#### **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:	Fifteens @ The Fox 24 Roby Mill Up Holland Lancashire	WN8 0QF
3.2	Premises Licence Holder:	Ms Lisa Langton 5 Moss Bank Coppull Chorley Lancashire	PR7 5UT
3.3	Designated Premises Supervisor:	Ms Lisa Langton 5 Moss Bank Coppull Chorley Lancashire	PR7 5UT

## **4.0 THE APPLICATION**

- 4.1 A Premises Licence was granted in respect of the Fox Inn on 12<sup>th</sup> October 2006. The Premises Licence was transferred to the applicant on 19<sup>th</sup> August 2013. A copy of the existing Premises Licence is attached at Appendix 1 to this report.
- 4.2 On 2 October 2013, an application for a Variation of a Premises Licence was received, a copy of which is attached as Appendix 2 to this report. A location plan is attached at Appendix 3 to this report.
- 4.3 26 relevant representations against the grant of the application were originally received from members of the public and their representatives. However, 2 of these representations were subsequently withdrawn following discussions with the applicant.
- 4.4 On 11<sup>th</sup> October 2013, the Environmental Protection and Community Safety Manager submitted a relevant representation against the application unless the proposed operational hours were reduced on week days. The applicant agreed to this request on 25<sup>th</sup> October 2013 and therefore the representation was withdrawn. Confirmation is attached at Appendix 4 to this report.
- 4.5 On 18<sup>th</sup> October 2013, Lancashire Constabulary recommended that several conditions should be added to the Licence. The applicant agreed to these conditions later the same day and therefore no representation was submitted. The agreed conditions and confirmation is attached as Appendix 5 to this report.
- 4.6 The amendments and agreed conditions were forwarded to the 24 remaining members of the public and representatives who submitted a relevant representation. As a result, 2 respondents withdrew their objection. Of the remaining 22 representations, 9 respondents upheld their representation and 13 have not replied. The details of the 22 representations are attached at Appendix 6 to this report. A verbal update will be provided at the hearing.

## **5.0 RELEVANT REPRESENTATIONS – MEMBERS OF THE PUBLIC AND REPRESENTATIVES**

- 5.1 Appendix 6 details the 22 representations received from members of the public, which includes one representation from the Ward Councillors for Wrightington. The representations raise concerns of public order problems. The representations are made under the ‘prevention of crime and disorder’, ‘protection of children from harm’ 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 necessary for the promotion of the Licensing Objectives:

- (i) Modify or add conditions to the licence
- (ii) Exclude a licensable activity from the scope of the licence
- (iii) Remove the designated premises supervisor.

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 22-23
Section 15	Public Safety	pages 34-35
Section 16	Prevention of Public Nuisance	pages 26-28
Section 17	The Protection of Children from harm	pages 39-41
Section 19	Licensed Operating Hours	page 34

## 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 No additional financial or other resources are required.

## **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**

Existing Premises Licence	(Appendix 1)
Variation of Premises Licence application	(Appendix 2)
Premises Location Plan	(Appendix 3)
Env Protection & Community Safety Manager Agreed Conditions	(Appendix 4)
Lancashire Constabulary Agreed Conditions	(Appendix 5)
Representations: Members of the Public	(Appendix 6)