



AGENDA ITEM: 8

LICENSING SUB-COMMITTEE

Friday 12 September 2014

Report of: Assistant Director Community Services

Relevant Managing Director: Managing Director (People and Places)

Contact for further information: Miss Michaela Murray (Extn 5326)
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SUBJECT: APPLICATION FOR A PREMISES LICENCE IN RESPECT OF TOBY TAVERN BAR & GRILL, ASHURST ROAD, ASHURST, SKELMERSDALE WN8 6XN

Borough wide interest

1.0 PURPOSE OF REPORT

1.1 To consider an application under the Licensing Act 2003 (the Act) for a Premises Licence in respect of Toby Tavern Bar & Grill, Ashurst Road, Ashurst, Skelmersdale WN8 6XN.

2.0 RECOMMENDATIONS

2.1 The Sub-Committee's instructions are requested.

3.0 PREMISES INFORMATION

3.1	Address of Premises:	Toby Tavern Bar & Grill Ashurst Road Ashurst Skelmersdale WN6 6XN
3.2	Applicant	David Garfield Roy 9 Kingsbury Court Ashurst Skelmersdale WN8 6XW
3.3	Proposed Designated Premises Supervisor:	David Garfield Roy 9 Kingsbury Court Ashurst Skelmersdale WN8 6XW

4.0 THE APPLICATION

- 4.1 On 18 July 2014 an application for a Premises Licence was received, a copy of which is attached as Appendix 1 to this report.
- 4.2 The premises currently hold a Premise Licence. This application is to licence an additional building 'the house' which has recently been renovated. A new application has been submitted to bring the existing licenced area and the new building onto one licence.
- 4.3 On 22 July 2014, the applicant provided details of a change to the opening times and clarified the areas to which the new application refers. A copy of this correspondence is attached as Appendix 2 to this report.
- 4.4 A location plan is attached at Appendix 3 to this report.
- 4.5 There have been 3 relevant representation received against the grant of the application that have been received from local residents. Copies are attached as Appendices 4, 5 & 6 to this report.
- 4.6 On 31 July 2014 the Environmental Protection Manager and on 12 August Lancashire Constabulary submitted a representation against the grant of the application, copies are attached as Appendix 7 and Appendix 8 to this report. Both representations requested a number of conditions to be added to the licence advising that if the conditions were accepted the representation would be withdrawn.
- 4.7 On 18 August 2014 the applicant accepted both Lancashire Constabulary and the Environmental Protection Managers conditions. Both representations have now been withdrawn.

5.0 RELEVANT REPRESENTATIONS - MEMBERS OF THE PULIC

- 5.1 The representations from local residents (Appendix 4, 5 & 6) raised concerns regarding disturbance from noise both from music and patrons. The representation is made under the 'prevention of crime and disorder' and 'prevention of 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.

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 application	(Appendix 1)
Premise licence application changes	(Appendix 2)
Location plan	(Appendix 3)
Public representations	(Appendix 4,5 & 6)
Environmental Protection representation	(Appendix 7)
Lancashire Constabulary	(Appendix 8)