



**AGENDA ITEM: 8**

**LICENSING SUB-COMMITTEE:**

**8 September 2015**

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**Report of: Assistant Director Community Services**

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

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**SUBJECT: APPLICATION FOR VARIATION OF A PREMISES LICENCE IN RESPECT OF WEST TOWER COUNTRY HOTEL, MILL LANE, AUGHTON**

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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 the Variation of a Premises Licence in respect of West Tower Country Hotel, Mill Lane, Aughton.

**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:	West Tower Country Hotel Mill Lane Aughton L39 7HJ
3.2	Premises Licence Holder	West Tower Country House Ltd West Tower Country Hotel Mill Lane Aughton L39 7HJ
3.3	Designated Premises Supervisor	Mr Paul Bolton Bispham Hall Barn Eccles Lane Bispham L40 3SD

## **4.0 THE APPLICATION**

- 4.1 On 24 June 2015 an application for a Variation of a Premises Licence was received, a copy of which is attached as Appendix 1 to this report.
- 4.2 A copy of the current Premises Licence is attached as Appendix 2 to this report.
- 4.3 A location plan is attached as Appendix 3 to this report.
- 4.4 There have been 6 relevant representations received against the application which have been received from local residents. Copies are attached as Appendix 4 to this report.
- 4.5 On 23 July 2015 a Senior Environmental Health Officer submitted a representation against the grant of the application, a copy of which is attached as Appendix 5 to this report.

## **5.0 RELEVANT REPRESENTATIONS - MEMBERS OF THE PULIC**

- 5.1 The representations from the local residents (Appendix 4) raise concerns regarding disturbance from noise and disorderly behaviour. The representations are made under the 'prevention of public nuisance' Licensing Objective.

## **6.0 RELEVANT REPRESENTATION – RESPONSIBLE AUTHORITIES**

- 6.1 The representation from the Environmental Protection Officer (Appendix 5) raises concerns regarding disturbance from noise. The representation is made under the 'prevention of public nuisance' Licensing Objective.

## **7.0 LICENSING POLICY AND LEGAL CONSIDERATIONS**

- 7.1 The Local Authority must have regard to the provisions of the Licensing Act 2003. In addition 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.
- 7.2 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
- 7.3 The Act provides that before determining the application, the Licensing Authority must hold a hearing to consider it and relevant representations.

- 7.4 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 objective:
- (i) Modify or add conditions in respect of the variation application
  - (ii) Refuse a licensable activity from the variation
- 7.5 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.
- 7.6 In particular, Members' attention is drawn to the following sections of the Policy, which must be read in conjunction with this report:

Section 16                      Prevention of Public Nuisance                      pages 14-16

## **8.0 HUMAN RIGHTS ACT IMPLICATIONS**

- 8.1 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.

## **9.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

- 9.1 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).

## **10.0 FINANCIAL AND RESOURCE IMPLICATIONS**

10.1 No additional financial or other resources are required.

## **11.0 RISK ASSESSMENT**

11.1 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	(Appendix 1)
Premises Licence	(Appendix 2)
Location plan	(Appendix 3)
Public representations	(Appendix 4)
Environmental Protection representation	(Appendix 5)