



**AGENDA ITEM: 8**

**LICENSING SUB-COMMITTEE:**

**27 November 2015**

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**Report of: Assistant Director Community Services**

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

**Contact for further information: Mrs Samantha Jordan (Extn 5315)**  
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**SUBJECT: APPLICATION FOR A PREMISES LICENCE IN RESPECT OF FORMER MOUNT CARMEL PLAYING FIELDS (ADJACENT TO AUGHTON PARK TRAIN STATION), LONG LANE, AUGHTON, L39 5BU**

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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 Premises Licence in respect of Co-operative Group, Former Mount Carmel Playing Fields (adjacent to Aughton Park Train Station), Long Lane, Aughton, L39 5BU.

**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: Co-operative  
Former Mount Carmel Playing Fields  
(Adjacent to Aughton Park Train Station)  
Long Lane  
Aughton  
L39 5BU

3.2 Premises Licence Holders: Co-operative Group Food Ltd  
Dept 10227  
1 Angel Square  
Manchester  
M60 0AG

3.3 Designated Premises Supervisor: Julie Veronica Gledhill  
164 Windy Arbor Road  
Whiston  
L34 3SQ

#### **4.0 THE APPLICATION**

4.1 On 7 October 2015 an application for a Premises Licence was received, a copy of which is attached as Appendix 1 to this report. A location plan of the premises is attached as Appendix 2 to this report.

#### **5.0 RELEVANT REPRESENTATIONS - MEMBER OF THE PUBLIC**

5.1 A representation has been received from a member of the public who lives in the locality of the premises. The representation is attached as Appendix 3 to this report.

5.2 The representation detailed above raises concerns regarding anti-social behaviour. The representation is made under the 'prevention of public nuisance' and 'prevention of crime and disorder' Licensing Objectives.

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

6.1 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 (the 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 objective:

- (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 4	Prevention of Crime and Disorder	pages 10-12
Section 4	Prevention of Public Nuisance	pages 14-16
Section 8	Consideration of Premises Licences & Club Premises Certificates	pages 28-32

## **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 application	(Appendix 1)
Premises location plan	(Appendix 2)
Public representation	(Appendix 3)