



**AGENDA ITEM: 8**

**LICENSING SUB-COMMITTEE:**

**21 October 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 A PREMISES LICENCE IN RESPECT OF SKELMERSDALE SOCIAL CLUB, WITHAM ROAD, SKELMERSDALE WN8 8HP**

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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 Skelmersdale Social Club, Witham Road, Skelmersdale WN8 8HP.

**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: Skelmersdale Social Club  
Witham Road  
Skelmersdale  
WN8 8HP

3.2 Premises Licence Holders: Saju Patel  
50 Chisacre Drive  
Wigan  
WN6 8ER

Daniel Kenyon  
221 Millrose Close  
Skelmersdale  
WN8 8QT

- 3.3 Designated Premises Supervisor: David Bryan Webster  
15B Witham Road  
Skelmersdale  
WN8 8HW

#### **4.0 THE APPLICATION**

- 4.1 On 20 August 2015 an application for a Premises Licence was received, a copy of which is attached as Appendix 1 to this report. However, the premises currently benefits from a Premises Licence, which is attached as Appendix 2 to this report. A location plan of the premises is attached as Appendix 3 to this report.

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

- 5.1 85 relevant representations have been received from members of the public who live in the locality of the premises and do not support the application. These representations are attached as Appendix 4 to this report.
- 5.2 A petition against the grant of the application has also been received, which includes 100 names of members of the public. However, 38 of these names are included in the 85 representations detailed above. The petition is attached as Appendix 5.
- 5.3 The representations detailed above 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 Lancashire Constabulary submitted a representation against the grant of the application on 17 September 2015, a copy of which is attached as Appendix 6 to this report. The representation raises concerns regarding the potential for a significant rise in crime and disorder and public nuisance. The representation is made under the 'prevention of crime and disorder' and 'prevention of public nuisance' Licensing Objectives.
- 6.2 A Senior Environmental Protection Officer submitted a representation against the grant of the application on 17 September 2015, a copy of which is attached as Appendix 7 to this report. The representation raises concerns regarding disturbance from noise and 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 (the 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 to the licence
- (ii) Exclude a licensable activity from the scope of the licence
- (iii) Remove the designated premises supervisor.

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 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)
Current Premises Licence	(Appendix 2)
Premises location plan	(Appendix 3)
Public representations	(Appendix 4)
Petition	(Appendix 5)
Lancashire Constabulary representation	(Appendix 6)
Environmental Protection representation	(Appendix 7)