



**AGENDA ITEM: 8**

**LICENSING SUB-COMMITTEE:**

**4 MARCH 2016**

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**Report of: Director of Leisure and Wellbeing**

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**SUBJECT: APPLICATION TO VARY A PREMISES LICENCE TO SPECIFY AN INDIVIDUAL DESIGNATED PREMISES SUPERVISOR FOR A PREMISES LICENCE IN RESPECT OF RED ROCK STEAK HOUSE, 140 STATION ROAD, HESKETH BANK**

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Borough wide interest

**1.0 PURPOSE OF REPORT**

1.1 To consider an application to vary a premise licence to specify an individual Designated Premises Supervisor under the Licensing Act 2003 (the Act) in respect of Red Rock Steak House, 140 Station Road, Hesketh Bank.

**2.0 RECOMMENDATIONS**

2.1 The Sub-Committee's instructions are requested.

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**3.0 PREMISES INFORMATION**

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| 3.1 | Address of Premises:            | Red Rock Steak House<br>140 Station Road<br>Hesketh Bank<br>PR4 6SR |
| 3.2 | Premises Licence Holders:       | Serlect Services Ltd<br>140 Station Road<br>Hesketh Bank<br>PR4 6SR |
| 3.3 | Designated Premises Supervisor: | Shaun Peter Hartley<br>31 Bela Grove<br>Blackpool<br>FY1 5RD        |

#### **4.0 THE APPLICATION**

4.1 On 28 January 2016 an application to vary a premises licence to specify an individual Designated Premise Supervisor Licence was received, a copy of which is attached as Appendix 1 to this report.

#### **5.0 POLICE REPRESENTATION**

5.1 Lancashire Constabulary submitted a representation against the grant of the application on 11 February 2016, a copy of which is attached as Appendix 2 to this report. The representation raises concerns regarding the potential for failure to co-operate with Responsible Authorities and criminal activities within the premises. The representation is made under the 'prevention of crime and disorder' Licensing Objective.

#### **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 where a representation from the Police is received the Licensing Authority must hold a hearing to consider it unless the parties agree that a hearing is unnecessary.

6.4 The Licensing Authority, having regard to the representation:-

- (i) Must reject the application if it considers it necessary for the promotion of the crime prevention objective to do so.
- (ii) Grant the application in any other case.

6.5 In deciding which of these powers to use it is expected that the Licensing Authority should, so far as possible, seek to establish the causes of the concerns that the representation identifies. 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

## **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**

Application to vary a premise licence to specify a Designated  
Premises Supervisor

(Appendix 1)

Police Representation

(Appendix 2)