



LICENSING SUB-COMMITTEE

Date: 24 April 2019

Report of: Director Of Leisure And Environment

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SUBJECT: APPLICATION FOR A PREMISES LICENCE IN RESPECT OF 9/11 AUGHTON STREET, ORMSKIRK, L39 3BH

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 9/11 Aughton Street, Ormskirk, L39 3BH.

2.0 RECOMMENDATIONS

2.1 The Sub-Committee's instructions are requested.

3.0 PREMISES INFORMATION

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|-----|--------------------------|--|
| 3.1 | Address of Premises: | 9/11 Aughton Street Ormskirk L39 3BH |
| 3.2 | Premises Licence Holder: | Chia Chia Limited 72 (b) New Court Way Ormskirk L39 2YT |

4.0 THE APPLICATION

4.1 On 15 February 2019 an application for a Premises Licence was received, a copy of which is attached as Appendix 1 to this report.

4.2 A location plan is attached at Appendix 2 to this report.

4.3 There has been one relevant representation received against the application that has been received from the Environmental Protection and Community Safety Manager. Copy attached as Appendix 3.

5.0 RELEVANT REPRESENTATIONS

- 5.1 The representation from the Environmental Protection and Community Safety Manager (Appendix 3) raises concerns regarding noise from live and recorded music and noise from patrons causing a public nuisance to occupiers of residential dwellings in close proximity. The representation is made under the Prevention of Public Nuisance Licensing Objective.
- 5.2 Lancashire Constabulary have put forward conditions that have been agreed by the applicant (Appendix 4). These will form part of the Premises Licence should it be granted.

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 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/Add conditions in respect of the New Application.
 - (ii) Refuse a licensable activity from the New Application.
- 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:
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|-----------|---|-------------|
| Section 4 | The Prevention of Crime & Disorder | pages 10-12 |
| Section 4 | Public Safety | pages 12-14 |
| Section 4 | Prevention of Public Nuisance | pages 14-17 |
| Section 4 | The Protection of Children from harm | pages 17-19 |
| Section 8 | Consideration of Premises Licences & Club Premises Certificates | pages 28-32 |

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

8.1 The Sub-Committee decision has the potential to impact upon the local community affected by the operation of the business. 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.

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

Location plan

Environmental Protection Representation

Lancashire Constabulary Agreed Conditions

Appendix 1

Appendix 2

Appendix 3

Appendix 4