



LICENSING SUB-COMMITTEE

NO HEARING IS SOUGHT

Report of: Director Of Leisure And Environment

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SUBJECT: LICENSING ACT 2003 - ENDORSEMENT OF AN AMENDED PREMISES LICENCE APPLICATION IN RESPECT OF 9/11 AUGHTON STREET, ORMSKIRK L39 3BH

Borough wide interest

1.0 PURPOSE OF REPORT

1.1 To request that Members endorse an amended application for a Premises Licence under the Licensing Act 2003 (the Act) for a Premises Licence in respect of 9/11 Aughton Street, Ormskirk L39 3BH following an agreement between the applicant and objectors.

2.0 RECOMMENDATIONS

2.1 That the Sub-Committee endorse the amended application as detailed in this report and grant the Premises Licence on those terms.

3.0 PREMISES INFORMATION

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



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.

5.0 RELEVANT REPRESENTATIONS

- 5.1 The Environmental Protection and Community Safety Manager submitted a representation against the grant of the application, a copy of which is attached as Appendix 2 to this report. The representation is made under the Prevention of Public Nuisance Licensing Objective.
- 5.2 Lancashire Constabulary put forward conditions in respect of the application which were agreed by the applicant (Appendix 3).

6.0 AGREEMENT BETWEEN APPLICANT AND OBJECTORS

- 6.1 Following mediation, an agreement has been reached between the applicant and the Environmental Protection and Community Safety Manager. The applicant's agreement is attached as Appendix 4 to this report.
- 6.2 All parties have confirmed their acceptance of the amended application and agree that a hearing to determine the representation is unnecessary.

7.0 LICENSING POLICY AND LEGAL CONSIDERATIONS

- 7.1 Whilst all parties have agreed that a hearing is unnecessary, the Act makes no provision for an application to be amended once it has been issued. Therefore the endorsement of the Sub-Committee is required to ensure the application is determined and the licence granted in accordance with the Act.
- 7.2 Accordingly, the Sub-Committee can only decide whether to endorse the amended application so that the licence can be granted on those terms or not. Members cannot amend the application. If Members are not willing to endorse the application then the matter has to be adjourned to be determined at a full hearing in order that all parties can make representations.

As none of the parties will be in attendance Members only have the option to either:

1. Grant the licence in accordance with the agreed amendments
2. Adjourn the hearing to the next available date

If Members want to take action for example add or amend conditions a full hearing will be required to allow the application and any party who has made a representation to state their case. Legally this is required in the interests of

natural justice and in accordance with European Law and a person's right to a fair trial.

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

9.1 The recommendations contained in this report have limited sustainability implications. However, the Council's Licensing Policy (required under the Licensing Act 2003), which underpins the Sub-Committee's decision, impacts upon many areas within the Community.

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 Act and therefore is required to endorse the matter contained in this report. A failure to endorse this matter by refusal or inaction 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	Appendix 1
Environmental Protection Representation	Appendix 2
Lancashire Constabulary agreed conditions	Appendix 3
Agreement between applicant & Environmental Protection	Appendix 4

