



LICENSING SUB-COMMITTEE

Date: 18 November 2019

Report of: Corporate Director of Place and Community

Contact for further information: Mrs Samantha Jordan (Extn 3231)
(E-mail: licensing.enquiries@westlancs.gov.uk)

SUBJECT: APPLICATION FOR A PREMISES LICENCE IN RESPECT OF 69 TOWN GREEN LANE, AUGHTON, ORMSKIRK, L39 6SE

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 69 Town Green Lane, Aughton, Ormskirk, L39 6SE.

2.0 RECOMMENDATIONS

2.1 The Sub-Committee's instructions are requested.

3.0 PREMISES INFORMATION

3.1 Address of Premises: 69 Town Green Lane
Aughton
Ormskirk
L39 6SE

3.2 Premises Licence Holder: JSCS Group Ltd
12a Hydro Avenue
West Kirkby
Wirral
CH48 3HR

4.0 THE APPLICATION

4.1 An application for a Premises Licence was received on 2 October 2019, 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 have been five relevant representations received against the application that have been received from Members of the Public and the Parish Council. Copies are attached as Appendix 3.

5.0 RELEVANT REPRESENTATIONS

5.1 The representations from Members of the Public and the Parish Council (Appendix 3) raise concerns regarding anti-social behaviour, noise nuisance and public nuisance. The representations are made under the Prevention of Public Nuisance and the 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 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:

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

(Appendix 1)

Location plan

(Appendix 2)

Representations

(Appendix 3)