



LICENSING SUB-COMMITTEE:

21 September 2016

Report of: Director of Leisure & Wellbeing

**Contact for further information: Miss Michaela Murray (Extn 5315)
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**SUBJECT: TEMPORARY EVENT NOTICE SUBMITTED IN RESPECT OF THE
LOFT, 13 MOORGATE, ORMSKIRK L39 4RT**

Borough wide interest

1.0 PURPOSE OF REPORT

1.1 Under the Licensing Act 2003 (the Act), to consider a Temporary Event Notice (TEN) submitted in respect of The Loft, 13 Moorgate, Ormskirk L39 4RT

2.0 RECOMMENDATIONS

2.1 The Sub-Committee's instructions are requested.

3.0 PREMISES INFORMATION

3.1	Address of Premises:	The Loft 13 Moorgate Ormskirk L39 4RT
3.2	Premises Licence Holder	McComb Property Company Ltd Southsprings St Michaels Road Aughton L39 6SA
3.3	Designate Premises Supervisor	Leah Jayne King 47 Roland Avenue St Helens WA11 9AS

4.0 THE NOTICE

- 4.1 On 6 September 2016 a TEN was received. A copy of the notice is attached as Appendix 1 to this report.
- 4.2 A location plan and a copy of the existing Premises Licence are also attached as Appendices 2 and 3 to this report respectively.

5.0 RELEVANT PERSONS

Environmental Health Authority

- 5.1 On 9 September 2016, an objection notice was submitted by a Senior Environmental Health Officer from the Council's Environmental Protection Service. The objection raises concerns regarding potential disturbance from recorded music and patrons that would cause a public nuisance to occupiers of residential dwellings in close proximity. The objection is made under the 'prevention of public nuisance' Licensing Objective.
- 5.2 A copy of the objection notice is attached as Appendix 4 to this report,

Lancashire Constabulary

- 5.3 No objections.

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 on receipt of an objection notice, the Licensing Authority must hold a hearing to consider it.
- 6.4 In determining this matter, the Licensing Authority should have regard to the TEN, the objection and any information provided at the hearing. The Licensing Authority may take the following steps if it considers it appropriate for the promotion of the licensing objectives:

- (i) Accept the TEN as notified
- (ii) As the TEN relates to a premises that is already licensed accept the TEN as notified but impose one or more of the existing Premises Licence conditions insofar as such conditions are not inconsistent with the event
- (iii) Reject the TEN and issue a counter-notice to render the event unauthorised. In such cases, the reasons for the decision must also be provided

6.5 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 Public Nuisance	pages 14-17
Section 10	Consideration of Temporary Event Notices	page 34

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.

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

Appendix 1: Temporary Event Notice

Appendix 2: Location plan

Appendix 3: Premises Licence - The Loft, 13 Moorgate, Ormskirk L39 4RT

Appendix 4: Objection Notice - Environmental Protection