



AGENDA ITEM: 8

LICENSING SUB-COMMITTEE

Date: Tuesday 24 January 2017

Report of: Director Of Leisure And Wellbeing

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SUBJECT: APPLICATION FOR A PREMISES LICENCE VARIATION IN RESPECT OF JUNK BAR, 12 CHURCH STREET, ORMSKIRK L39 3AN

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 Variation in respect of Junk Bar, 12 Church Street, Ormskirk, L39 3AN.

2.0 RECOMMENDATIONS

2.1 The Sub-Committee's instructions are requested.

3.0 PREMISES INFORMATION

3.1	Address of Premises:	Junk Bar 12 Church Street Ormskirk L39 3AN
3.2	Premises Licence Holder:	Burroughs & Boschetto Ltd 27 Granby Close Southport PR9 9QG
3.3	Designated Premises Supervisor:	Mr Stephen Warbrick Jessop House Hotel 65 Church Street Tewkesbury GL20 5RZ

4.0 THE APPLICATION

- 4.1 On 25 November 2016 an application for a Premises Licence Variation was received, a copy of which is attached as Appendix 1 to this report.
- 4.2 A copy of the current Premises Licence is attached as Appendix 2 to this report.
- 4.3 A location plan is attached at Appendix 3 to this report.
- 4.4 There has been a relevant representation received against the application that has been received from Lancashire Constabulary. A copy is attached as Appendix 4 to this report.

5.0 RELEVANT REPRESENTATIONS

- 5.1 The representation from Lancashire Constabulary (Appendix 4) states that not long after opening, the premises operated later hours using Temporary Event Notices during Fresher's week. During this period the Police visited the premises and issues were identified which resulted in advice being given to the operators. As a result of these concerns, the representation is made under the Crime & Disorder and Public Nuisance 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 (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 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 or add conditions in respect of the variation application
 - (ii) Refuse a licensable activity from the variation
- 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	Prevention of Public Nuisance	pages 14-16

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

Premises Licence variation application	(Appendix 1)
Premises Licence	(Appendix 2)
Location plan	(Appendix 3)
Representation	(Appendix 4)