



**AGENDA ITEM:**

**LICENSING SUB-COMMITTEE**

**3 October 2024**

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**Report of: Corporate Director Of Place and Community**

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**SUBJECT: APPLICATION FOR THE REVIEW OF A PREMISES LICENCE IN RESPECT OF WEST LANCS BUTCHERS AND DINER, WITHAM ROAD, SKELMERSDALE, WN8 8HP**

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Borough wide interest

**1.0 PURPOSE OF REPORT**

1.1 To consider an application under the Licensing Act 2003 (the Act) for the Review of a Premises Licence in respect of West Lancs Butchers and Diner.

**2.0 RECOMMENDATIONS**

2.1 The Sub-Committee's instructions are requested.

**3.0 PREMISES INFORMATION**

3.1 Address of Premises: West Lancs Butchers & Diner  
Witham Road  
Skelmersdale  
WN8 8HP

3.2 Premises Licence Holder: Michael Parker  
35 Parklands  
Skelmersdale  
WN8 6UD

3.3 Designated Premises Supervisor: Michael Parker  
35 Parklands  
Skelmersdale  
WN8 6UD

## **4.0 BACKGROUND INFORMATION**

- 4.1 The Premises Licence held in respect of West Lancs Butchers and Diner, Witham Road, Skelmersdale is attached as Appendix 1 to this report.
- 4.2 A location plan of the premises and the surrounding area is attached as Appendix 2 to this report.

## **5.0 THE APPLICATION FOR REVIEW**

- 5.1 In accordance with the Act, on 9 July 2024 Lancashire Constabulary submitted an application for the Review of the Premises Licence in respect West Lancs Butchers and Diner, Witham Road, Skelmersdale. The grounds for the Review as stated in the application are:

*"Despite police support and interventions the management of the premise has remained poor and failed to comply with the premise licence conditions. The Constabulary believes that West Lancs Diner are undermining the Licensing Objectives of the Prevention of Crime & Disorder, public safety and prevention of public nuisance."*

- 5.2 A copy of the full application for review is attached as Appendix 3 to this report.
- 5.3 On 9 August 2024 Lancashire Constabulary submitted a report detailing their representation. This is attached as Appendix 4 to this report.
- 5.4 On 13 August 2024 following an unannounced inspection to West Lancs Butchers and Diner on 12 August 2024, Lancashire Constabulary submitted further information in respect of the representation. This is attached as Appendix 5 to the report.
- 5.5 In accordance with Section 51(3) of the Act, the relevant Notices detailing the aforementioned grounds for Review were displayed on the premises thereof giving interested parties and responsible authorities, the right to make representations regarding the application for Review. The notice was also published on the Council's website. The Premises Licence Holder/ Designated Premises Supervisor have been forwarded copies of the application for Review.
- 5.6 On 10 September 2024 the Licensing Service received further representations from Lancashire Constabulary this is attached as Appendix 6 to the report.

## **6.0 RELEVANT REPRESENTATIONS**

- 6.1 A representation in support of West Lancs Butchers and Diner has been received from a member of the public. This is attached as Appendix 7 to the report.

## **7.0 ADDITIONAL INFORMATION**

- 7.1 The time period in which the hearing had to be held was extended due to the unavailability of the applicant's legal representative. This was in accordance with

Regulation 11 of the Licensing Act 2003 (Hearings) Regulations 2005. The Licensing Authority intends to extend the time period within which the hearing has to be held due to the unavailability of a legal advisor and/or Councillors to determine the hearing. The Authority believes that taking this decision is in the public interest. All parties were advised of this.

## **8.0 LICENSING POLICY AND LEGAL CONSIDERATIONS**

8.1 The Licensing Authority must have regard to the provisions of the Act. In addition, Section 4 of the Act 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.

8.2 The Council's Licensing Policy provides that licence holders should be given sufficient warning of any concerns regarding problems, which have been identified at the premises, and the need to make improvements. Licensees are expected to respond to such warning and implement the necessary remedial action. The message is clear that any failure to respond to such warnings would more than likely lead to a request for review of the licence.

8.3 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

8.4 The Act provides that before determining a review application, the Licensing Authority must hold a hearing to consider it and relevant representations.

8.5 The Licensing Authority in determining a review 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 the conditions of the licence
- (ii) Exclude a licensable activity from the scope of the licence
- (iii) Remove the Designates Premises Supervisor
- (iv) Suspend the licence for a period not exceeding three months
- (v) Revoke the licence

8.6 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.

8.7 In particular, Members' attention is drawn to the following sections of the Policy, which must be read in conjunction with this report:

Section 4.0	Prevention of Crime & Disorder	pages 10/12
Section 12.0	Reviews and suspension	pages 37/39

## **9.0 HUMAN RIGHTS ACT IMPLICATIONS**

- 9.1 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.

## **10.0 SUSTAINABILITY IMPLICATIONS**

- 10.1 The Council's Licensing Policy (required under the Act), which underpins the Committee's decision, impacts upon many areas within the Community. The Committee must balance the Licensing Objectives contained in the Policy to ensure these impacts are suitably controlled.

## **11.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 11.1 No additional financial or other resources are required.

## **12.0 RISK ASSESSMENT**

- 12.1 The Council has a legal duty to administer the Act 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.

## **13.0 HEALTH AND WELLBEING IMPLICATIONS**

- 13.1 There are no health and wellbeing implications arising from this report.

## **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	(Appendix 1)
Location Plan	(Appendix 2)
Application for Review	(Appendix 3)
Lancashire Constabulary report	(Appendix 4)
Lancashire Constabulary Information following unannounced visit	(Appendix 5)
Lancashire Constabulary further information received 10/09/24	(Appendix 6)
Representation in support from a member of the public	(Appendix 7)