



AGENDA ITEM:

LICENSING SUB-COMMITTEE

Date: Friday 8 December 2017

Report of: Director Of Leisure And Wellbeing

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SUBJECT: APPLICATION FOR A PREMISES LICENCE IN RESPECT OF 23 CHURCH STREET, ORMSKIRK L39 3AG

Borough wide interest

1.0 PURPOSE OF REPORT

- 1.1 To consider an application under the Licensing Act 2003 (the Act) for the grant of a premises licence in respect of 23 Church Street, Ormskirk L39 3AG.

2.0 RECOMMENDATIONS

- 2.1 The Sub-Committee's instructions are requested.
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3.0 PREMISES INFORMATION

- 3.1 Address of Premises: 23 Church Street
Ormskirk
L39 3AG
- 3.2 Premises Licence Holder: Vici Leisure Group Ltd
Satis Old Hall Farm
St Michael Road
Ormskirk
L39 6SA

4.0 THE APPLICATION

- 4.1 On 23 October 2017 an application for the grant of a Premises Licence was received, 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 two relevant representations received against the application that have been received from Resident Groups. Copies are attached as Appendices 3 and 4.

5.0 RELEVANT REPRESENTATIONS

- 5.1 The representation from New Way Tenants Residents Association (Appendix 3) raise concerns regarding disturbance to residents. The representation is made under the Prevention of Public Nuisance Licensing Objective.
- 5.2 The representation from New Ormskirk Residents Group (Appendix 4) principally raises concerns regarding disturbance to residents. The representation is made under the Prevention of Public Nuisance Licensing Objective.

6.0 RESPONSIBLE AUTHORITIES

- 6.1 A representation, including conditions, was initially made by Environmental Protection, and is attached as Appendix 5 to this report. The applicant subsequently agreed for the conditions to be attached to the Premises Licence should the application be granted
- 6.2 Lancashire Constabulary have also submitted a set of conditions attached as Appendix 6 to this report. These have also been agreed by the applicant.
- 6.3 The above agreed conditions have been sent to New Way Tenants Residents Association and New Ormskirk Residents Group to ascertain whether they wish to withdraw or amend their representation. At the time of writing this report, neither residents group had contacted the Licensing Service.

7.0 LICENSING POLICY AND LEGAL CONSIDERATIONS

- 7.1 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.
- 7.2 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
- 7.3 The Act provides that before determining the application, the Licensing Authority must hold a hearing to consider it and relevant representations.
- 7.4 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.

7.5 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.

7.6 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

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/COMMUNITY STRATEGY

9.1 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).

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 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)
Representation from New Way Tenants Residents Association	(Appendix 3)
Representation from New Ormskirk Residents Group	(Appendix 4)
Agreed Environmental Protection Conditions	(Appendix 5)
Agreed Lancashire Constabulary Conditions	(Appendix 6)