

Report of	Meeting	Date
Chief Executive Officer	Licensing Act Sub Committee	Wednesday 5 <sup>th</sup> April 2023

<b>Confidential report</b>	Yes	<b>No</b>
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## Applicant Details

<b>Applicant (PLH):</b>	Escape Bars Ltd	<b>DPS:</b>	Andrew Howarth
<b>Premises Name</b>	Inn the Doghouse	<b>Address:</b>	20 Church Street, Adlington, PR7 4EX
<b>Application:</b>	Application to Vary a Premises Licence		

### Reason for the referral

- To advise members of an application to vary a premises licence in respect of the above premises, regarding which, relevant representations have been received.
- To request that members determine the application in accordance with the provisions of the Licensing Act 2003.

### Corporate priorities

- This report relates to the following Strategic Objectives:

Housing where residents can live well		A green and sustainable borough	
An enterprising economy with vibrant local centres in urban and rural areas	x	Healthy, safe and engaged communities	

### Licensing Objectives

- Members are reminded of the Licensing Objectives, as follows:
  - Prevention of Crime and Disorder
  - Public Safety
  - Prevention of Public Nuisance
  - Protection of Children from Harm
- Members are reminded that the duty of the licensing authority is to take steps necessary to promote the licensing objectives in the interests of the wider community and not those of the individual licence holder.

### Appeals

- An appeal against the decision of the Council may be made to the Magistrates' Court within 21 days of receipt of the determination notice which will be delivered to all relevant parties.

### Legal Considerations

- Members must have regard to the following:
  - The Guidance issued under Section 182 of the Licensing Act 2003.
  - The Council's Statement of Licensing Policy effective from 2021.
  - The Licensing Act 2003.

### History of the premises

8. The premises was first licensed in May 2018 under the name JR's Ale House. Following this, and in September 2022, the premises licence was transferred and the DPS varied into the current holders, with the name changing to Inn the Doghouse. A copy of the current premises licence is appended at [Appendix 1](#).
9. The premises itself is an end-terrace property on the A6 Church Street, Adlington. It directly attaches to a residential property to the left with other residential properties being in close proximity on all sides. A plan view of the area is appended at [Appendix 2](#).

### The application

10. On 14.02.23, an application to vary the premises was received and a copy of the application is appended at [Appendix 3](#). The application was advertised in accordance with the regulations.
11. The application seeks to make the following changes to the premises licence:
  - a) Extend the opening hours of the premises by 1.5hrs, Mon- Sun, 10:00- 23:30hrs,
  - b) Extend the permitted hours for the sale of alcohol by 1hr, Mon- Sun, 10:00-23:00hrs,
  - c) The addition of the sale of alcohol for consumption off the premises (the licence already authorises the sale for consumption on the premises),
  - d) Variation of the plans of the premises to incorporate minor amendments, and
  - e) Remove the following outdated and/or unenforceable conditions:
    - *No drunk or disorderly behaviour on the premises.*
    - *No violence or anti-social behaviour.*
    - *No harm to children.*
    - *Opening times displayed for licensable activity.*
    - *All staff areas will be secured.*
    - *A heating and air conditioning system will be in place.*
    - *Smoking will be allowed to the front of the premises.*
    - *A noise management policy will be in place.*

### Representations

12. On 27.02.23, a representation was received from Janet Jackson of 12 Church Street, Adlington. A copy of the representation is appended at [Appendix 4](#) and is concerned with the Prevention of Public Nuisance objective.
13. On 13.03.23, a representation was received from Mr P Almond of 14 Church Street, Adlington. A copy of the representation is appended at [Appendix 5](#) and is concerned with both the Prevention of Public Nuisance and the Prevention of Crime and Disorder objectives.
14. Although Lancashire Constabulary did not make a representation, negotiations were carried out with the premises licence holder which resulted in the agreement for additional conditions to be imposed on the licence. A copy of these conditions are appended at [Appendix 6](#).
15. No other representations have been received from the other responsible authorities.

### Implications of the report

16. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	X	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

### Comments of the statutory finance officer

17. There are no comments of the statutory finance officer.

### Comments of the monitoring officer

18. The powers available to the sub-committee are described in the body of the report. The licence holder and the police have a right of appeal against the decision of the licensing authority to the local magistrates' court within 21 days of notice of the decision. The duty of the sub-committee to have regard to any relevant representations, national guidance issued by the Home Office under Section 182 of the Licensing Act 2003 and also to the Council's adopted licensing policy is referred to in the body of the report. Aspects of the Human Rights Act 1998 are engaged, namely the right to a fair trial and the protection of property.

### Conclusions

19. The decision should be based on the individual merits of the application. In accordance with Regulation 26 of the Licensing Act 2003 (Hearings) Regulations 2005, a decision must be made within 5 working days, beginning with the day or last day on which the hearing is held.
20. In accordance with Section 35 of the Licensing Act 2003, the Authority must, having regard to any relevant representations made, take such steps mentioned below (if any) as it considers appropriate for the promotion of the licensing objectives:
- To modify the conditions of the licence (and for this purpose, conditions are modified if any of them are altered or omitted or any new condition is added)
  - To reject the whole or part of the application

Chris Sinnott  
Chief Executive Officer

### APPENDICES

Appendix	Description
Appendix 1	Copy of current premises licence
Appendix 2	Plan map of area
Appendix 3	Application to vary the premises licence
Appendix 4	Relevant Representation- Janet Jackson
Appendix 5	Relevant Representation- Mr P Almond
Appendix 6	Agreed conditions with Lancashire Constabulary

### BACKGROUND PAPERS

Document	Date	Place of Inspection
The Council's Statement of Licensing Policy	2021-2026	<a href="#">The Council's Statement of Licensing Policy</a>
Secretary of State Section 182 Guidance	April 2018	<a href="#">Secretary of State Section 182 Guidance</a>

Report Author	Ext	Date
Nathan Howson	5665	16/07/23