

Licensing Committee Minutes

The minutes of the Licensing Committee meeting of Wyre Borough Council held on Tuesday, 26 March 2024 at the Council Chamber - Civic Centre, Poulton-le-Fylde.

Licensing Committee members present:

Councillors Birch, Ellison, Minto, Moliner, Nicholls, Rushforth, Swatton, Swift and B Stephenson

Absent- apologies received:

Councillors Baxter, Leigh and Smith

Officers present:

George Ratcliffe, Assistant Democratic Services Officer
Patrick Cantley, Senior Licensing Officer
Mary Grimshaw, Legal Services Manager and Monitoring Officer

No members of the public or press attended the meeting.

10 Declarations of Interest

None.

11 Confirmation of minutes

The minutes of the meeting of the Licensing Committee held on Monday 4 December 2023 and Tuesday 20 February 2024 were confirmed as a correct record by those who were in attendance.

12 Application for a new Premises Licence - The Wobble Inn, 131 Victoria Road West, Thornton Cleveleys, Lancashire, FY5 3LA

The Corporate Director Environment submitted a report to provide members of the Licensing Committee with information to assist them at a hearing to determine an application submitted under section 17 of the Licensing Act 2003 by The Wobble Inn, 131 Victoria Road West, Thornton Cleveleys, Lancashire, FY5 3LA.

The applicants, agent representing the applicants, 'other person' who had made a representation and her sister introduced themselves. The Chair ensured that they had received all necessary information and paperwork for

the hearing.

The Senior Licensing Officer introduced the report. He explained that the application as submitted was for the applicant to be authorised to provide the following licensable activities:

Sale of alcohol for consumption on and off the premises, between 12:00 and 23:00 hours Monday to Saturday, between 12:00 and 22:30 hours Sunday and with additional non-standard timings sought for Christmas and New Years Eve between 12:00 hours and 01:00 hours of the following day.

Opening hours between 12:00 and 23:30 hours Monday to Saturday and 12:00 to 23:00 Sunday. Members noted that there was no non standard timing listed in relation to Christmas and New Years Eve. This was at odds with the sale of alcohol activity and needed to be addressed during the meeting as part of the determination process.

The matter was before the Committee due to representations which were concerned that the possible effect of granting the licence would undermine the licensing objective 'prevention of public nuisance' and 'prevention of crime and disorder' in this location.

Councillor Rushforth asked the Senior Licensing Officer for clarification regarding the representation.

The agent spoke on behalf of the applicants. The agent highlighted that the two lead authorities that you would expect to deal with 'prevention of public nuisance' and 'prevention of crime and disorder', Environmental Health and Lancashire Police, both did not make representations, provided that the agreed conditions were required as part of the premises licence. The applicants clarified that they would be catering for the older generation and any outside area which was used for the consumption of alcohol would be closed at 21:00 hours. They also confirmed that they had previously had a pub which operated using the same hours.

The applicants and their agent then answered questions from members of the Committee and the 'other person' who had made a representation.

The Chair then invited the 'other person' who had made a representation to speak. She highlighted concerns relating to noise, drunk behaviour, swearing and customers drinking on the second floor of the property which was directly next to a bedroom of a family member.

The 'other person' then answered questions from the applicants.

The applicants, agent and the 'other person' who had made a representation were each then invited to sum up their cases.

The Senior Licensing Officer, applicants, 'other person' who had made a representation and her sister left the chamber. The agent left the meeting virtually. The Committee then considered the application in private.

In reaching their decision, the Committee had regard to:

- the Council's own Statement of Licensing Policy, particularly the following sections: 9.3 Conditions imposed at a hearing 13.1 Prevention of crime and disorder 13.3 Prevention of public nuisance 17 Need for licensed premises;
- the Statutory Revised Guidance issued under section 182 of the Licensing Act 2003 in August 2023, in particular the following sections: 1.16, 9.3, 9.4, 9.12, 9.26-9.30, 9.37-9.40, 9.42-9.44 and 10.8-10.10;
- the representations, and;
- Licensing Act 2003

After the Committee had deliberated and reached a decision, the Senior Licensing Officer, applicants, 'other person' who had made a representation and her sister returned to the chamber and the Chair delivered the decision and the reasons for it as below. The rights of appeal were explained and they would be sent a written notification of the decision.

Decision

The Committee granted the application subject to the conditions outlined in the report and agreed between the Applicant, Environmental Health and the Police and was summarised as follows:

Sale of alcohol for consumption on and off the premises:

Between 12:00 and 23:00 hours Monday to Saturday

Between 12:00 and 22:30 hours Sunday

Christmas and New Year's Eve: between 12:00 hours and 01:00 hours of the following day

Opening hours:

Between 12:00 and 23:30 hours Monday to Saturday and 12:00 to 23:00

Sunday

Christmas and New Year's Eve: between 12.00 hours and 01.30 of the following day

Reasons for the Decision

The Committee had regard to the nature of the proposal, namely a premises licence for the supply of alcohol, including off sales, between 12 noon and 11pm on all days (except Sunday which was 10.30pm), closing to the public at 11.30pm on all days (except Sunday which was 11pm). The Committee noted the non-standard hours on Christmas Eve and New Year's Eve for the supply of alcohol, including off sales, between 12 noon and 1 am, closing to the public at 1.30am.

The Committee gave careful consideration to the issues raised by the two individuals who had made representations and their concern that the possible effect of granting the licence would undermine the licensing objectives 'Prevention of public nuisance' and 'Prevention of crime and disorder and in particular their concerns regarding:

- Possible noise to their residential premises/disturbed sleep especially to their children
- Anti-social behaviour from patrons in this particular location

The Applicant confirmed it was their intention that it would be catering for the older generation and any outside area which was used for the consumption of alcohol would be closed at 21:00 hours. They also confirmed that that the second floor of the premises was a storage/toilet area.

The Committee noted that the Environmental Protection had proposed conditions regarding the prevention of public nuisance and that those conditions had been agreed by the Applicant. The Applicant had also agreed additional conditions with the Police which were set out in the report.

The Committee had regard to all the mediated conditions agreed with Environmental Protection and the Police and considered that they would promote the licensing objectives and would satisfactorily address the issues raised by the Representors with regard to the prevention of crime and disorder and public nuisance.

The Committee noted further that that there was no objection to the Application from any Responsible Authority (subject to the mediated conditions) nor from any other person and that no other evidence had been provided.

In all the circumstances it was considered that the conditions would appropriately promote the licensing objectives and granting the Application with these conditions would be proportionate and appropriate in the circumstances of this case.

Therefore, the Committee resolved that the Application should be granted subject to the conditions set out in the report and subject also to the mandatory conditions required to be contained as a matter of law.

The meeting started at 6.00 pm and finished at 7.16 pm.

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