

Report of:	Meeting	Date
Mark Billington, Corporate Director Environment	Licensing Sub-Committee	15 April 2021

**Application for a new Premises Licence – Wyreside Hall, Wagon Road,
Dolphinholme, LA2 9DH**

1.	Purpose of report
1.1	To assist Members to determine an application submitted under section 17 of the Licensing Act 2003 by Wyreside Leisure Ltd, for a new premises licence.
2.	Outcomes
2.1	The application for a new premises licence be determined.
3.	Recommendation
3.1	That Members consider the application and representations and determine whether granting a licence in the terms applied for, would adversely impact on the Licensing Objectives.
4.	Background
4.1	On Tuesday 23 February 2021, an application was received from Wyreside Leisure Ltd for a new premises licence in respect of Wyreside Hall, Wagon Lane, Dolphinholme, Lancashire, LA2 9DH (Appendix 1).
4.2	The applicant wishes to provide the following licensable activities: Sale of alcohol for consumption on and off the premises, between 07:00hrs and 01:30hrs, on each day of the week. Live music (indoors and outdoors) between 08:00hrs and 01:30hrs on each day of the week, but the applicant has indicated that live music outdoors will cease at 23:00hrs. Recorded Music (indoors and outdoors) between 07:00hrs and 01:30hrs, on each day of the week.

		<p>Provision of Late Night Refreshment (indoors and outdoors) between the relevant hours of 23:00hrs and 01:30hrs, on each day of the week.</p> <p>The applicant also wishes to be able to open to the public between 07:00hrs and 02:00hrs, every day of the week.</p>
	4.3	The application was advertised in accordance with Regulations, although one site notice was found to be defective and had to be replaced during the consultation period.
	4.4	At the end of the consultation period there were nine outstanding representations against the application and six representations in support of the application.
	4.5	Section 18(3) of the Licensing Act 2003, as amended, requires the Licensing Authority to hold a hearing to consider an application and any relevant representations, within twenty working days following the end of the statutory twenty-eight day consultation period, which ended on 23 March 2020.
5.	Key issues and proposals	
	5.1	Wyreside Hall is a Grade II listed building set in around 100 acres of countryside in the Wyreside ward. The applicant indicates that the venue is a recently refurbished hotel and restaurant and offers facilities for weddings and other functions.
	5.2	<p>Representations from local residents opposing the application are contained in Appendix 2.</p> <p>Individual objectors who have raised matters that relate to non-compliance with the terms of the planning permission granted in 2012, have been advised to raise these directly with planning who have the power to investigate and if necessary enforce these requirements.</p> <p>Whilst the public nuisance objective could be engaged by excessive noise from cars parking or accessing or leaving the site, ordinary highway noise and general road safety are not relevant considerations under the Licensing Act 2003.</p> <p>Justified concerns about the physical safety of persons on the premises would engage the public safety objective.</p>
	5.3	Rep 1 is concerned about road safety in terms of accessing the venue due to the current highway conditions and about the potential for noise and light nuisance due to the hours requested.
	5.4	Rep 2 is concerned about noise and nuisance from the premises and associated traffic and the hours.
	5.5	Rep 3 is concerned about safety on the roads and the hours.

5.6	Rep 4 is concerned about nuisance from the long hours and from traffic leaving the venue late at night.
5.7	Rep 5 is concerned about noise from outdoor music, late night functions and safety on the site and on local roads.
5.8	Rep 6 is concerned about safety on the site and on local roads.
5.9	Rep 7 is concerned about safety on local roads, the hours applied for and the potential for nuisance.
5.10	Rep 8 supports the issues raised in rep 7 and is concerned about the potential noise and light nuisance and disturbance from activities at the site and from customer movements.
5.11	Rep 9 is concerned about nuisance and disturbance from traffic and about the long hours applied for
5.12	A further representation supporting the objections raised by rep 7 was received by the Council after the closing date, but is included as Appendix 2A for completeness.
5.13	Environmental Heath initially objected to this application, but have been able to reach agreement with the applicant on a number of additional conditions to mitigate public nuisance, along with a reduction in the licensed area. They have withdrawn their objection subject to the additional conditions being reflected on the licence (Appendix 3).
5.14	The Police have no objections to the granting of this application although they have agreed a number of additional conditions with the applicant during the consultation period (Appendix 4).
5.15	Planning have confirmed that the premises was granted planning permission in 2012 and have provided a copy of the decision notice (Appendix 5).
5.16	Lancashire Fire and Rescue Service have confirmed that they have no objection to the granting of a new premises licence (Appendix 6).
5.17	There have been no other responses from Responsible Authorities.
5.18	There have been six representations in support of the application (Appendix 7).
5.19	<p>When considering the application Members should take into account the Council's own Statement of Licensing Policy. The following paragraphs are particularly relevant to this application.</p> <p>7.1 Planning 9.3 Conditions imposed at a hearing 13.3 Prevention of public nuisance</p>

5.20	Members are also directed to the Statutory Guidance issued under section 182 of the Licensing Act 2003 and in particular the following sections: 9.1, 9.3, 9.4, 9.37-9.40, 9.42-9.44 and 10.8-10.10, which are reproduced at Appendix 8 .
5.21	After having regard to all the representations, the council's Statement of Policy and the Statutory Guidance, the Committee must consider whether granting the application in the terms applied for, would undermine any of the licensing objectives.
5.22	If it is satisfied that the licensing objectives would not be undermined, it should grant the licence in the terms applied for.
5.23	If, however it is concerned that granting the application would have the potential to undermine one or more of the licensing objectives, it must then consider what, if any, steps would be appropriate to secure the promotion of the licensing objectives. It may take any of the following steps: <ul style="list-style-type: none"> • Grant a licence subject to such conditions that the authority considers appropriate for the promotion of the licensing objectives. • Exclude from the scope of the licence, any of the licensable activities to which the application relates (this can include revising the permitted hours for licensable activities). • Reject the whole or part of the application.
5.23	All parties to the application have been invited to attend the hearing and have been sent a copy of this report and notice of the hearing procedure.

Financial and legal implications	
Finance	There are no financial implications directly associated with this application.
Legal	Any party to the hearing has the right of appeal to the Magistrates Court within 21 days if they are aggrieved by the decision. The hearing should be conducted following the principles of natural justice and in accordance with the Council's own hearing procedure.

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with an x.

risks/implications	✓ / x
community safety	✓

risks/implications	✓ / x
asset management	x

equality and diversity	x
sustainability	x
health and safety	x

climate change	x
ICT	x
data protection	x

Processing Personal Data

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a third party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

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List of background papers:		
name of document	date	where available for inspection

List of appendices

- Appendix 1 – Copy of application and plans
- Appendix 2 – Representations from other persons
- Appendix 3 – Environmental Health consultation response
- Appendix 4 – Lancashire Constabulary consultation response
- Appendix 5 – Planning consultation response
- Appendix 6 – Lancashire Fire and Rescue Service consultation response
- Appendix 7 – Representations supporting the application
- Appendix 8 – Extract from the S.182 Statutory Guidance