



| Report of:  | Meeting                 | Date        |
|---|-------------------------|-------------|
| Mark Billington,<br>Corporate Director<br>Environment | Licensing Sub-Committee | 3 June 2021 |

|   |
|---|
| <b>Application for a new Premises Licence – Valiants Farm, Lancaster Road, Out Rawcliffe, PR3 6BL</b> |
|---|

**1. Purpose of report**

- 1.1 To assist Members to determine an application submitted under section 17 of the Licensing Act 2003 by E A Wallace Ltd, for a new premises licence.

**2. Outcomes**

- 2.1 The application for a new premises licence be determined.

**3. Recommendation**

- 3.1 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 8 April 2021, an application was received from E A Wallace Ltd for a new premises licence in respect of Valiants Farm, Lancaster Road, Out Rawcliffe, PR3 6BL (**Appendix 1**).
- 4.2 The applicant wishes to be authorised to provide the following licensable activities:

Sale of alcohol for consumption on and off the premises, between 10:00 and 23:00, Sunday to Wednesday and between 10:00 and 01:00, Thursday to Saturday and on Christmas Eve, Boxing Day, New Year's Eve and each Sunday preceding a Bank Holiday Monday.

Live and recorded amplified music (indoors) between 10:00 and 23:00, Sunday to Wednesday and between 10:00 and 01:00, Thursday to Saturday and on Christmas Eve, Boxing Day, New Year's Eve and all Sundays preceding a Bank Holiday Monday.

Provision of Late Night Refreshment (indoors) between the relevant hours of 23:00 and 00:00, Sunday to Wednesday, and 23:00 and 01:00, Thursday to Saturday.

Plays, films, performances of dance, performances similar to live or recorded music, indoor sporting events, boxing or wrestling between 10:00 and 23:00 Sunday to Wednesday and between 10:00 and 00:00 Thursday to Saturday.

The applicant also wishes to be able to open to the public between 10:00 and 23:30, Sunday to Wednesday and between 10:00 and 01:30, Thursday to Saturday and on Christmas Eve, Boxing Day, New Year's Eve and all Sundays preceding a Bank Holiday Monday.

- 4.3 The application was advertised in accordance with The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 and at the end of the consultation period; there were 19 outstanding representations against the application.
- 4.4 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 6 May 2021.

## 5. Key issues and proposals

- 5.1 The premises are contained within the converted equestrian centre at Valiants Farm, situated on Lancaster Road, close to the junction with Crook Gate Lane.
- 5.2 There are already two other premises licences in respect of this venue. One held by BTID, authorises a single event each calendar year lasting up to 3 days. The second held by V W Music Ltd, authorises events on up to two days in any calendar year. Both of these licences require prior notification of events and the licence holders to engage fully with the Wyre Safety Advisory Group in the planning stages for their events.
- 5.3 The premises does not currently have consent under planning legislation to operate all year round as an entertainment venue. The applicant has been advised that they must engage with the Council's Planning Department to ensure that the correct planning permission is in place.
- 5.4 The Police have objected to the granting of this application, but remain in negotiations with the applicant to try to agree an acceptable operating schedule (**Appendix 2**).
- 5.5 Environmental Heath (Pollution) have objected to this application, but also remain in negotiations with the applicant in order to try to agree a number of additional conditions to mitigate their concerns about public nuisance. (**Appendix 3**).

**5.6** Environmental Health (Health & Safety) have agreed the following condition with the applicant during the consultation period –

“The Premises Licence Holder will produce an event specific Event Safety Management Plan for each event that takes place under the authority of this licence” **(Appendix 4)**.

**5.7** Planning have confirmed that the premises has not been granted planning permission for use as an entertainment venue. Members will be aware that Planning and Licensing are two separate regulatory regimes and non-compliance with planning requirements would not in itself undermine any of the Licensing Objectives **(Appendix 5)**.

**5.8** Lancashire Fire and Rescue Service have confirmed that they have no objection to the granting of a new premises licence **(Appendix 6)**.

**5.9** There have been no other responses from Responsible Authorities.

**5.10** Representations have been received from 17 other persons **(Appendix 7)**.

**5.11** The objectors are all concerned about noise nuisance and disturbance both from activities on the site and from the clientele travelling to and from the venue.

A number also refer to disturbance and antisocial behaviour that they have witnessed from people attending other events music events held on this site.

Members should note that although the specific events mentioned were not organised or managed by the applicant for this licence, they do provide some insight into customer behaviour at comparable events.

**5.12** Members should also consider that whilst the public nuisance objective could be engaged by excessive noise or disturbance 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.

**5.13** When considering the application Members should take into account the Council’s own Statement of Licensing Policy. The following sections are particularly relevant to this application.

- 7.1 Planning
- 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

**5.14** Members are also directed to the Statutory Guidance issued under section 182 of the Licensing Act 2003 and in particular the following sections: 1.16, 9.3, 9.4, 9.37-9.40, 9.42-9.44 and 10.8-10.10, which are reproduced at **Appendix 8**.

**5.15** 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.

**5.16** If it is satisfied that the licensing objectives would not be undermined, it should grant the licence in the terms applied for.

**5.17** 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:

- 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.

**5.18** 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.

| <b>Financial and legal implications</b> |  |
|---|--|
| 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.<br>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.

| <b>risks/implications</b> | <b>✓ / x</b> |
|---------------------------|--------------|
| community safety          | ✓            |
| equality and diversity    | x            |
| sustainability            | x            |
| health and safety         | x            |

| <b>risks/implications</b> | <b>✓ / x</b> |
|---------------------------|--------------|
| asset management          | 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.

| report author | telephone no. | email  | date        |
|---------------|---------------|--|-------------|
| Niky Barrett  | 01253 887236  | <a href="mailto:Niky.barrett@wyre.gov.uk">Niky.barrett@wyre.gov.uk</a> | 20 May 2021 |

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

### **List of appendices**

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