

Report of:	Meeting	Date
Mark Billington, Corporate Director Environment	Licensing Committee	27 September 2021

**Application for a new Premises Licence -
RJ's Bar, Unit A, Jubilee Leisure Park, North Promenade, Thornton Cleveleys,
FY5 1DB**

1. Purpose of report

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

2. Outcomes

- 2.1 The application 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 one or more of the Licensing Objectives.

4. Background

- 4.1 On 4 August 2021, an application was submitted by J Peghill Ltd for a new premises licence in respect of Unit A Jubilee Leisure Park, North Promenade, Thornton Cleveleys, FY5 1DB (**Appendix 1**).
- 4.2 The premises were previously licensed to sell alcohol to diners taking table meals until midnight each day of the week, but that licence was surrendered to the Council on 6 November 2020.
- 4.3 The applicant wishes to be authorised to sell alcohol for consumption on the premises from 11:30 hrs to midnight each day of the week.
- 4.4 The applicant initially applied to be able to provide recorded music indoors from 11:30 hrs to midnight each day of the week and outdoors from 11:30 hrs to 22:00 hrs. They have subsequently agreed with Environmental Health not to provide any outdoor musical entertainment at all.

- 4.5 The applicant also wishes to be open to the public for a further 30 minutes after the terminal hour for alcohol sales, to facilitate 'drinking up' time for customers.
- 4.6 At the end of the statutory consultation period there were two outstanding representations from other persons against this application.
- 4.7 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 1 September 2021.

5. Key issues and proposals

- 5.1 The premises is a detached building, close to a number of residential homes and previously traded as Pizza Hut. A plan of the location and photographs showing the proximity to residential property is included at **Appendix 2**.
- 5.2 Representations objecting to this application have been received from two local residents who are concerned about the potential for noise disturbance from the entertainment that the applicant wishes to provide (**Appendix 3**).
- 5.3 The Police have not objected to the granting of this application, but have agreed a number of additional conditions with the applicant to promote the prevention of crime and disorder objective (**Appendix 4**).
- 5.4 Environmental Health have not objected to the application, but have also agreed a number of conditions and restrictions to address their concerns about the potential for public nuisance arising from licensable activities at the venue. (**Appendix 5**).
- 5.5 An email was subsequently sent to the objectors to advise them of the changes that had been agreed with the Police and Environmental Health during the consultation period (**Appendix 6**).
- 5.6 The Planning Department have confirmed that the premises does not yet have the required planning permission for a change of use from restaurant to bar.
- 5.7 There have been no other responses from Responsible Authorities.
- 5.8 A list of all of the conditions offered in the application, or subsequently agreed with the Responsible Authorities, which would form Annex 2 to any licence granted, is included for reference at **Appendix 7**.
- 5.9 Unfortunately, the management of the premises decided to open and began selling alcohol on Wednesday 1 September. As soon as the Licensing Authority became aware of this unlawful activity, a joint warning

letter was issued and hand delivered to the premises by the Police Licensing Sergeant on 2 September 2021 (**Appendix 8**).

5.10 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.

9.3 Conditions imposed at a hearing

13.3 Prevention of public nuisance

5.11 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 9**.

5.12 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.

5.13 If members are satisfied that the licensing objectives would not be undermined, they should grant the licence in the terms applied for.

5.14 If, however members are concerned that granting the application would have the potential to undermine one or more of the licensing objectives, they must 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.

5.15 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	✓
equality and diversity	x
sustainability	x
health and safety	x

risks/implications	✓ / x
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.

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List of background papers:

name of document	date	where available for inspection

List of appendices

- Appendix 1 - Copy of application
- Appendix 2 - Location
- Appendix 3 - Objections from residents
- Appendix 4 - Lancashire Constabulary consultation response
- Appendix 5 - Environmental Health consultation response
- Appendix 6 - Email to objectors dated 260821
- Appendix 7 - Schedule of Annex 2 conditions agreed
- Appendix 8 - Warning letter issued 020921
- Appendix 9 - Extract from the S.182 Statutory Guidance