

Report of:	Meeting	Date
Mark Billington, Corporate Director Environment	Licensing Committee	24 <sup>th</sup> May 2022

**Application for a new Premises Licence -  
18 Breck Road, Poulton-le-Fylde.**

**1. Purpose of report**

- 1.1** To assist Members in their decision making process in respect of the application for a new premises licence, submitted by Business Suite Limited, under section 17 of the Licensing Act 2003.

**2. Outcomes**

- 2.1** Members determine whether or not to grant the application for a premises licence having taken into account the relevant representation submitted by an interested party.

**3. Recommendation**

- 3.1** Members consider the application and representation before determining whether granting a licence, in the terms applied for, would adversely impact on one or more of the Licensing Objectives.
- 3.2** Members should note subsection 1.17 of guidance issued under section 182 of the Licensing Act 2003 which states *“each application must be considered on its own merits and in accordance with the licensing authority’s statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case”*.

**4. Background**

- 4.1** On 25<sup>th</sup> March 2022, an application was submitted by Business Suite Limited for a new premises licence in respect of 18 Breck Road, Poulton-

le-Fylde, FY6 7AA (**Appendix 1**). The premises is situated in close proximity to Poulton-le-Fylde town centre (**Appendix 2**)

- 4.2** The application seeks authorisation for the following activities –
- Late night refreshment all days between 23:00 hours and 00:30 hours (on the following day) & non-standard timings of 23:00 hours to 01:30 hours (on the following day) for each of the following occasions; Maundy Thursday; any Friday, Saturday and Sunday which immediately precedes a Bank Holiday; Halloween; Christmas Eve; Boxing Day; New Year's Eve; and, New Year's Day.
  - Sale of alcohol for consumption on and off the premises all days between 10:00 hours and 00:30 hours (on the following day) & non-standard timings of 10:00 hours to 01:30 hours (on the following day) for each of the following occasions; Maundy Thursday; any Friday, Saturday and Sunday which immediately precedes a Bank Holiday; Halloween; Christmas Eve; Boxing Day; New Year's Eve; and, New Year's Day.
- 4.3** The opening hours specified on the application are 08:00 hours to 01:00 hours (on the following day) and are applicable every day excluding non-standard timings of 08:00 hours to 02:00 hours (on the following day) for each of the following occasions; Maundy Thursday; any Friday, Saturday and Sunday which immediately precedes a Bank Holiday; Halloween; Christmas Eve; Boxing Day; New Year's Eve; and, New Year's Day.
- 4.4** The applicant has not applied for live or recorded music as part of this application. However, the activities Live and Recorded music are permitted to take place on alcohol licensed premises between 08:00 hours and 23:00 hours on any day as long as the audience is below 500.
- 4.5** A copy of the application has been served on all responsible authorities. None of the responsible authorities have submitted a relevant representation.
- 4.6** The applicant advertised the application in a local newspaper within the first 10 working days of consultation as is required by legislation. They also displayed a 'blue notice' at the premises from the first day of the consultation period and until its conclusion on 22<sup>nd</sup> April 2022.
- 4.7** One representation has been received from an interested party and it has been brought to the attention of the applicant. The representation is concerned that the possible effect of granting the licence would undermine the licensing objectives of 'Prevention of public nuisance'. A copy of the representation and associated correspondence is contained at **Appendix 3** of this report.
- 4.8** 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 22<sup>nd</sup> April 2022.

## 5. Key issues and proposals

**5.1** The premises is a mid-terrace building. The front of it faces on to Breck Road, Poulton-le-Fylde and its rear has a self-contained yard that customers will be able to make use of. The rear yard backs on to the gardens of residential premises located on Prudy Hill, Poulton-le-Fylde. A plan of the location and photograph showing the rear yard in proximity to residential property is included at **Appendix 2**.

**5.2** As stated at part 4.7 of this report one representation has been received from an interested party and it has been brought to the attention of the applicant. The representation is concerned that the possible effect of granting the licence would undermine the licensing objective 'Prevention of public nuisance'. A copy of the representation and associated correspondence is contained at **Appendix 3** of this report.

This appendix also includes an email, from 21<sup>st</sup> April 2022, where request was made to look into passing a bylaw that would make it a condition of application, for those seeking a premises licence, to notify affected neighbours.

**5.3** Lancashire Police have not objected to this application. However, they have mediated with the applicant and subsequently agreed a number of additional conditions to further promote the prevention of crime and disorder objective (**Appendix 4**).

**5.4** Environmental Health have not objected to this application. However, they have mediated with the applicant and subsequently agreed a number of conditions to address their concerns about the potential for public nuisance arising from licensable activities at the venue. (**Appendix 5**).

**5.5** An email was sent to the objector to advise them of the changes that had been agreed with the Police and Environmental Health during the consultation period. The relevant correspondence is contained at **Appendix 3**.

**5.6** There have been no other relevant representations submitted by Responsible Authorities.

**5.7** 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 6**.

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

9.3 Conditions imposed at a hearing

13.3 – 13.3.4 all in relation to Prevention of public nuisance and including associated key messages.

18 Cumulative impact policy and including key message 25. **Appendix 8.**

**5.10** 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, 10.8-10.10, 16.36 - 16.41 which are reproduced at **Appendix 7.**

**5.11** 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.

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

**5.13** 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.

**5.14** 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. 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
Licensing Act 2003	4 <sup>th</sup> May 2022	<a href="https://www.legislation.gov.uk">Licensing Act 2003 (legislation.gov.uk)</a>
S.182 Guidance	4 <sup>th</sup> May 2022	<a href="https://www.publishing.service.gov.uk">Revised Guidance issued under section 182 of the Licensing Act 2003 (publishing.service.gov.uk)</a>
Wyre Council – Statement of licensing policy 2021 - 2026	4 <sup>th</sup> May 2022	<a href="https://www.wyre.gov.uk/downloads/file/1020/licensing-act-policy-2021-2026">https://www.wyre.gov.uk/downloads/file/1020/licensing-act-policy-2021-2026</a>

### List of appendices

- Appendix 1 – Copy of application
- Appendix 2 – Location and photograph of rear yard
- Appendix 3 – Relevant representation and associated correspondence
- Appendix 4 – Lancashire Constabulary consultation response and mediation
- Appendix 5 – Environmental Health consultation response and mediation
- Appendix 6 – Offered and mediated conditions for annex 2
- Appendix 7 – Extract from S.182 Guidance
- Appendix 8 – Extract from Statement of Licensing Policy 2021 - 2026