

Report of:	Meeting	Date	Item no.
Mark Broadhurst, Service Director Health and Wellbeing	Licensing Committee	26 June 2018	4

Application for a new Premises Licence – Stocks and Shilling, 53 Market Place, Poulton-le-Fylde, FY6 7AS

1. Purpose of report

- 1.1 To assist members to determine an application submitted under section 17 of the Licensing Act 2003 by Inns and Leisure Limited, for a new premises licence.

2. Outcomes

- 2.1 That the application for a new premises licence be determined.

3. Recommendation

- 3.1 That Members consider the application submitted by Inns and Leisure along with the representations from interested parties and determine the application.

4. Background

- 4.1 On 11 May 2018, the Licensing Unit received an application from Inns & Leisure Ltd, for a new premises licence in respect of 23 Market Place, Poulton le Fylde, FY6 7BT (**Appendix 1**).

- 4.2 The applicant wishes to provide the following licensable activities:

Activity	Fri + Sat	Sun to Thurs
Sale of alcohol (on+off)	10:00 – 01:00	10:00 – 00:00
Recorded Music(indoors)	10:00 – 01:00	10:00 – 00:00
Late Night Refreshment	10:00 – 01:00	10:00 – 00:00
Open to the Public	10:00 – 01:30	10:00 – 00:30

- 4.3 The applicant also wishes to offer licensable activities from the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day; for an additional hour when British Summer Time commences; and an additional hour on the Sundays preceding each Bank Holiday Monday.
- 4.4 The premises in question was formally the Nat West Bank and an application seeking the required change of use and associated building alterations was submitted to the council's planning department in May. The planning application is not due to be determined until mid-July at the earliest.

5. Key issues and proposals

- 5.1 Section 18 (3) of the Licensing Act 2003, as amended, requires the Licensing Authority to hold a hearing to consider the application and any relevant representations, within twenty working days following the end of the statutory twenty-eight day consultation period, which ended on 8 June 2018.
- 5.2 The Police have been consulted and have agreed a number of additional conditions to be included on the operating schedule, if a licence is granted (**Appendix 2**).
- 5.3 Environmental Health have been consulted and agreed additional conditions with the applicant, to mitigate against nuisance if a licence is granted (**Appendix 3**).
- 5.4 There have been no responses from any of the other Responsible Authorities.
- 5.5 The application has been advertised in accordance with the Regulations and at the end of the consultation period there were four outstanding representations received from interested parties (**Appendix 4**).
- 5.6 The objectors have alluded to concerns over public safety, given the premises proximity to the public highway, and the potential for additional noise and disorderly behaviour from patrons leaving the venue.
- 5.7 To assist all parties to the hearing, **Appendix 5** is a comprehensive list of the agreed conditions that would form Annex 2 to the Licence, if a licence is granted.
- 5.8 A location plan is provided at **Appendix 6**.
- 5.9 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 are and are reproduced in **Appendix 7**.

6.1 Planning

7. General approach to licensing

18. Need for licensed premises

19. Cumulative impact of a concentration of licensed premises

Wyre Key Message 25

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: 9.1, 9.3, 9.4, 9.31 and 9.37 to 9.44 inclusive, which are reproduced at **Appendix 8**.

5.11 After having regard to all the representations, the council's Statement of Policy and the Statutory Guidance, the Committee must determine if it is satisfied that granting the application would undermine one or more of the licensing objectives.

5.12 If it is satisfied that one or more of the objectives would not be undermined by granting the application, it must grant the application it in the terms applied for.

5.13 If, however, it is not, members must consider what steps are appropriate to secure the promotion of the licensing objectives.

It may take any of the following steps:

- Grant the 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.

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 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
data protection	x

report author	telephone no.	email	date
Niky Barrett	887236	Nicola.Barrett@wyre.gov.uk	11 June 2018

List of background papers:		
name of document	date	where available for inspection
Wyre Council Statement of Licensing Policy	2016 - 2021	Licensing section

List of appendices

- Appendix 1 - Application
- Appendix 2 - Lancashire Constabulary mediation
- Appendix 3 - Wyre Environmental Health mediation
- Appendix 4 - Representations from Interested Parties x 4
- Appendix 5 - Draft Annex 2
- Appendix 6 - Location Plan
- Appendix 7 - Excerpt from Wyre Statement of Licensing Policy
- Appendix 8 - Excerpt from the Statutory S182 Guidance