

Report of:	Meeting	Date
Mark Billington, Corporate Director Environment	Licensing Committee	22 nd November 2023

<p>Application for a new Premises Licence – Valiants Farm, Lancaster Road, Out Rawcliffe, PR3 6BL</p>
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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 Limited, for a new premises licence.

2. Outcomes

- 2.1** Members determine whether or not to grant the application for a premises licence having taken into account all relevant representations submitted by responsible authorities and interested parties.

3. Recommendation/s

- 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 11th September 2023, an application was received from E A Wallace Limited for a new premises licence in respect of Valiants Farm, Lancaster Road, Out Rawcliffe, PR3 6BL – **Appendix 1**. The premises is situated in a rural location – **Appendix 2**.

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 22:00 Sunday to Wednesday and between 10:00 and 23:00 Thursday to Saturday.

Live and recorded amplified music (both indoors and outdoors) between 10:00 and 22:00 Sunday to Wednesday and between 10:00 and 23:00 Thursday to Saturday.

Plays, films, performances of dance, performances similar to live or recorded music (both indoors and outdoors) between 10:00 and 22:00 Sunday to Wednesday and between 10:00 and 23:00 Thursday to Saturday.

The applicant also wishes to be able to open to the public between 10:00 and 23:00 Sunday to Wednesday and between 10:00 and 00:00 Thursday to Saturday.

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 71 outstanding representations against it.

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 9th October 2023. However, due to the sheer number of representations received by the Licensing Authority it was been necessary to arrange for the hearing to be heard at an alternative venue. Taking this step also meant it was in the public interest and necessary to extend the time limit provided for hearing this matter. Accordingly, Regulation 11 of The Licensing Act 2003 (Hearings) Regulations 2005 was used to enable this and all affected parties were notified.

5. Key issues and proposals

5.1 The intended premises is a number of fields and land at Valiants Farm, situated on Lancaster Road, close to the junction with Crook Gate Lane.

5.2 Records held on the public register of licences at Wyre Borough Council show that there are two other premises licences in force at Valiants Farm. The licences, held by E A Wallace Limited and BITD Events

Limited, relate to a different section of the overall site. PL(A)1322 held by BTID Events Limited, authorises a single event each calendar year lasting up to 3 days. PL(A)1584 held by E A Wallace Limited, authorises events on up to 12 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. Neither licence is used at this time due to planning restrictions that are in place.

- 5.3** The Planning Authority were consulted on this matter because they are a statutory consultee. Their response in respect of it was that it is not clear whether planning permission will be required. A copy of their response is at **Appendix 3**. 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.
- 5.4** The Police have objected to the granting of this application and have not taken steps to attempt mediation with the applicant - **Appendix 4**.
- 5.5** Environmental Health have objected to this application and have attempted to negotiate written measures with the applicant in order to mitigate their concerns about public nuisance. Their representation is at **Appendix 4** and their attempts to mediate with the applicant at **Appendix 5**. At the time of writing this report no additional steps have been agreed by either party.
- 5.6** Lancashire County Council Trading Standards have confirmed that they have no objection to the granting of a new premises licence – **Appendix 6**.
- 5.7** Representations have been received from 69 other persons - **Appendix 7**.
- 5.8** The representations are mainly concerning noise nuisance and anti-social behaviour associated with activities on the site and the public travelling to and from the venue.

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

- 5.9** 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.
- 5.10** When considering the application Members should take into account the Council's own Statement of Licensing Policy. The following sections are relevant to this matter –

- 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 **Appendix 8.**

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, 9.12, 9.26-9.30, 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 it is satisfied that the licensing objectives would not be undermined, it should grant the licence in the terms applied for.

5.14 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.

5.15 All parties to the application have been invited to attend the hearing and have been sent a copy the hearing procedure. Copies of this report will be made available to all in advance of the hearing.

6. Alternative options considered and rejected

6.1 There are no options that are alternative to those listed above.

Financial, Legal and Climate Change 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.
Climate Change	There will be a slight negative impact on climate change from granting the licence, however there is potential to mitigate some of these impacts through improving biodiversity elsewhere on site and using locally sourced, low carbon, low/no packaging products.

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 a x.

risks/implications	✓ / x
community safety	✓
equality and diversity	x
health and safety	x

risks/implications	✓ / x
asset management	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
Patrick Cantley	01253 887281	Patrick.cantley@wyre.gov.uk	7 th November 2023

List of background papers:		
name of document	date	where available for inspection
Licensing Act 2003	7 th November 2023	Licensing Act 2003 (legislation.gov.uk)
S.182 Guidance	7 th November 2023	Revised Guidance issued under section 182 of the Licensing Act 2003 (publishing.service.gov.uk)

Wyre Council – Statement of licensing policy 2021 - 2026	7 th November 2023	https://www.wyre.gov.uk/downloads/file/1020/licensing-act-policy-2021-2026
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List of appendices –

Appendix 1 – Application and notices

Appendix 2 – Location of premises

Appendix 3 – Response from Planning

Appendix 4 – Representations from Lancashire Police and Environmental Health

Appendix 5 – Mediation efforts between Environmental Health and Applicant

Appendix 6 – Trading Standards no rep

Appendix 7 – Relevant Representations from other persons

Appendix 8 – Extract from the Statement of Licensing Policy 2021-2026

Appendix 9 – Extract from S182 Licensing Act Guidance