

Report of:	Meeting	Date
Mark Billington, Corporate Director Environment	Licensing Sub-Committee	4 th December 2023

<p>Application for a new Premises Licence – Corkscrew Wine Bar, 57a Victoria Road West, Cleveleys, FY5 1AJ</p>

1. Purpose of report

- 1.1** To assist Members to determine an application submitted under section 17 of the Licensing Act 2003 by The Corkscrew Wine and Cheese Company Ltd, 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 October 2023, an application was received from The Corkscrew Wine and Cheese Company Ltd for a new premises licence in respect of 57a Victoria Road West, Cleveleys, FY5 1AJ. A copy of the application is attached at **Appendix 1**. The premises in close proximity to Cleveleys town centre on a busy high street. Members can view the premises location via aerial layer and street image at **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 09:00 and 23:00 hours on all days with an additional non-standard timing sought for New Years Eve between 09:00 hours and 01:00 hours of the following day.

Opening hours between 09:00 and 23:30 hours on all days with an additional non-standard timing for New Years Eve between 09:00 hours and 01:30 hours.

4.3 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.

4.4 A copy of the application has been served on all responsible authorities. None of the responsible authorities have submitted a relevant representation. However, members should note the information at **Appendix 3** which contains written measures agreed between Nick Clayton of Environmental Health at Wyre Borough Council and the applicant. Members should also note that the written measures would become conditions of the premises licence if the application is granted today.

4.5 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 was 1 outstanding representation against it.

4.6 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 8th November 2023.

5. Key issues and proposals

5.1 The intended premises is a former retail unit situated at 57a Victoria Road West, Cleveleys.

5.2 One representation has been received against this application and 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 4** of this report. Members should note this appendix also includes email correspondence relating to efforts to mediate with the individual that submitted the representation.

5.3 When considering the application Members should take into account the Council's own Statement of Licensing Policy, particularly the following sections:–

- 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 5.**

5.4 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, 9.26-9.30, 9.37-9.40, 9.42-9.44 and 10.8-10.10, which are reproduced at **Appendix 6.**

5.5 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.

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

5.6 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.

5.7 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 the potential impacts through use of locally sourced, low carbon, low/no packaging products and good recycling practices.

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
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Patrick Cantley	01253 887281	Patrick.cantley@wyre.gov.uk	14 th November 2023
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List of background papers:		
name of document	date	where available for inspection
Licensing Act 2003	14 th November 2023	Licensing Act 2003 (legislation.gov.uk)
S.182 Guidance	14 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	14 th November 2023	https://www.wyre.gov.uk/downloads/file/1020/licensing-act-policy-2021-2026

List of appendices –

Appendix 1 – Application and notices

Appendix 2 – Location of premises

Appendix 3 – Mediation efforts between Environmental Health and Applicant.

Appendix 4 – Relevant representation from other person and associated correspondence

Appendix 5 – Extract from the Statement of Licensing Policy 2021-2026

Appendix 6 – Extract from S182 Licensing Act Guidance