

Report of:	Meeting	Date
Mark Billington, Corporate Director Environment	Licensing Committee	26 th March 2024

Application for a new Premises Licence – The Wobble Inn, 131 Victoria Road West, Thornton Cleveleys, Lancashire, FY5 3LA.
--

1. Purpose of report

- 1.1** To assist Members to determine an application submitted under section 17 of the Licensing Act 2003 by WOBBLINN REAL ALE HOUSE LIMITED a new premises licence.

2. Council priorities

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

3. Recommendations

- 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 8th February 2024, an application was received from WOBBLINN REAL ALE HOUSE LIMITED for a new premises licence in respect of 131 Victoria Road West, Thornton-Cleveleys, Lancashire, FY5 3LA. A copy of the application is attached at **Appendix 1**. The premises is situated 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 12:00 and 23:00 hours Monday to Saturday, between 12:00 and 22:30 hours Sunday and with additional non-standard timings sought for Christmas and New Years Eve between 12:00 hours and 01:00 hours of the following day.
- Opening hours between 12:00 and 23:30 hours Monday to Saturday and 12:00 to 23:00 Sunday. Members please note there is no non standard timing listed in this section for Christmas and New Years Eve. This is at odds with the sale of alcohol activity and needs to be addressed this evening as part of the determination process.
- 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** and **Appendix 4** which contain written measures agreed between the applicant, Nick Clayton of Environmental Health at Wyre Borough Council and Lancashire Constabulary. Members should 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 were 2 outstanding representations 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 7th March 2024.

5. Key issues and proposals

- 5.1** The intended premises is a former retail unit (previously a solicitors office) situated at 131 Victoria Road West, Cleveleys.
- 5.2** Two representations have been received against this application and brought to the attention of the applicant. The representations express concern that the possible effect of granting the licence would undermine the licensing objectives 'Prevention of public nuisance' and 'Prevention of crime and disorder'. A copy of the representations and associated correspondence is contained at **Appendix 5** of this report.
- 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
- Listed at **Appendix 6**.
- 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 7**.
- 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 this licence. However, there is potential to mitigate some impacts through the use of locally sourced, low carbon, reuseable and low/no packaged products, and by following correct recycling procedures.

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	14 th March 2024

List of background papers:		
name of document	date	where available for inspection
Licensing Act 2003	14 th March 2024	Licensing Act 2003 (legislation.gov.uk)
S.182 Guidance	14 th March 2024	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 March 2024	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 – Mediation efforts between Lancashire Police and Applicant

Appendix 5 – Relevant representations from other persons and associated correspondence

Appendix 6 – Extract from the Statement of Licensing Policy 2021-2026

Appendix 7 – Extract from S182 Licensing Act Guidance