

Report of:	Meeting	Date	Item no.
Mark Broadhurst, Service Director Health and Wellbeing	Licensing Sub-Committee	7 Aug 2018	4

<b>Application for a new Premises Licence – V12 Bistro Bar, Unit 1, Drover’s Mews, Park Hill Road, Garstang</b>
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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 Mrs G Holmes and Miss A Holmes, 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, along with the representations from interested parties and determine the application.

**4. Background**

4.1 On 13 June 2018, the Licensing Team received an application from Mrs G and Miss A Holmes, for a new premises licence in respect of Unit 1, Drovers Mews, Park Hill Road, Garstang (**Appendix 1**).

The applicant wishes to provide the following licensable activities:

4.2

Activity	Mon - Sun
Sale of alcohol (on and off)	08:00 – 00:00
Recorded Music (indoors)	08:00 – 23:30
Late Night Refreshment	23:00 – 00:00
Open to the Public	08:00 – 00:00

- 4.3 The applicant also wishes to be able to offer licensable activities between the opening hour on New Year's Eve and the terminal hour on New Year's Day.
- 4.4 The premises does not currently have the requisite planning consent for use as a bar and the applicants have been advised by the Licensing Officer about the need to submit a planning application to allow the change of use.

## 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 11 July 2018.
- 5.2 The application has been advertised in accordance with Regulations and at the end of the consultation period there were four outstanding representations (Rep), three of whom are residents of Drover's Mews. All are concerned about the potential for noise, disturbance and disorder, should the application be granted **(Appendix 2)**.
- 5.3 Rep 1 has suggested a number of conditions that Committee may wish to consider imposing if they are minded to grant a licence.
- 5.4 Rep 4 has also suggested a number of conditions and a terminal hour for the outside seating area of 20:00, if a licence is granted.
- 5.5 All four have also made reference to parking concerns which are not a matter for this Committee, but for the planning service to address when the planning application is determined.
- 5.6 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 3)**.
- 5.7 Environmental Health have been consulted and whilst they have agreed on a number of additional conditions with the applicant, to mitigate against nuisance, they remain opposed to the operating hours being granted beyond 21:00 on any day, given the very close proximity of residential premises in the Drover's Mews development **(Appendix 4)**.
- 5.8 There have been no responses from the other Responsible Authorities.
- 5.9 To assist all parties to the hearing, **Appendix 5** is a comprehensive list of the conditions that the applicant has offered or agreed to, during the consultation period, and which would form Annex 2 to the

licence, if the application is granted.

**5.10** A location plan is provided at **Appendix 6**.

**5.11** 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.

6.1 - Planning

10.3 – Conditions etc.

14.3 – Prevention of public nuisance

14.3.1 – Disturbance by patrons leaving the premises

14.3.3 – Noise nuisance

14.3.4 – Beer gardens

14.3.5 – Litter

**5.12** Members are also directed to the Statutory Guidance issued under section 182 of the Licensing Act 2003 and in particular the following sections: 9.38 to 9.44, 10.8, 10.13 and 10.14 which are reproduced at **Appendix 7**.

**5.13** After having regard to all the representations, the council's Statement of Policy and the Statutory Guidance, the Committee must determine whether or not it is satisfied, that granting the application in the terms applied for, would undermine any of the licensing objectives.

**5.14** If it is satisfied that granting the application has the potential to undermine one or more of the licensing objectives, it 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.

<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 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.

<b>risks/implications</b>	<b>✓ / x</b>
community safety	✓
equality and diversity	x
sustainability	x
health and safety	x

<b>risks/implications</b>	<b>✓ / x</b>
asset management	x
climate change	x
data protection	x

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<b>List of background papers:</b>		
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 - Representations from 'other persons' x 4
- Appendix 3 - Lancashire Constabulary mediation agreement
- Appendix 4 - Environmental Health representation
- Appendix 5 - Draft Annex 2
- Appendix 6 - Location Plan
- Appendix 7 - Excerpt from the Statutory S182 Guidance