

Report of:	Meeting	Date	Item no.
Mark Broadhurst, Service Director Health and Wellbeing	Licensing Committee	27 September 2018	4

**Application for a new Premises Licence – The Alley, 2 - 4 Breck Mews,  
Poulton-le-Fylde, FY6 7AA**

**1. Purpose of report**

- 1.1 To assist Members to determine an application submitted under section 17 of the Licensing Act 2003 by Sandra Jane James, 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 Sandra Jane James and the representation from a local resident and determine the application.

**4. Background**

- 4.1 On 7 August 2018, the Licensing Unit received an application from Sandra Jane James, for a new premises licence in respect of 2 – 4 Breck Mews, Poulton le Fylde, FY6 7AA (**Appendix 1**).
- 4.2 The applicant wishes to provide the following licensable activities:

Activity	Mon - Sun
Sale of alcohol ('on' and 'off' sales)	09:00 – 00:00
Recorded Music (indoors)	09:00 – 00:00
Open to the Public	09:00 – 00:30

- 4.3 In addition, the applicant wishes to sell alcohol on New Year's Eve until 01:00 and remain open to the public until 01:30.

- 4.4 The premises will be created by knocking through two separate commercial units. One of which was previously licensed for the sale of alcohol under the trading name Aged in Oak.
- 4.5 An application seeking the required change of use and associated building alterations was submitted to the council's planning department in April. The planning application seeks authorisation to trade between 09:00 and midnight, seven days a week.
- 4.6 At the time of writing this report, the applicant has not yet been advised if that application has been granted.

## 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 4 September 2018.
- 5.2 The Police have been consulted and have agreed a number of additional conditions to promote the prevention of crime and disorder licensing objective 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 was one outstanding representation from local residents (**Appendix 4**).
- 5.6 The objectors are primarily concerned that if granted the premises and their clientele will potentially cause noise nuisance. They also refer to late night disturbance from this type of venue and the impact that has on their grandchildren when they stay overnight.
- 5.7 To assist all parties to the hearing, **Appendix 5** is a comprehensive list of the agreed conditions that would form Annex 2, of the licence should one be 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 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 the representation, 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.

<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 - Lancashire Constabulary mediation
- Appendix 3 - Wyre Environmental Health mediation
- Appendix 4 - Representation from Other Persons
- 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