

Report of:	Meeting	Date
Mark Broadhurst, Service Director Health and Wellbeing	Licensing Committee	29 November 2018

**Application to vary Premises Licence PL(A)0342 in respect of
The Cube, 2 Breck Road, Poulton-le-Fylde, Lancashire, FY6 7AA**

1. Purpose of report

- 1.1 To provide members with information to assist them at a hearing to determine an application to vary a premises licence under the provisions of the Licensing Act 2003.

2. Outcomes

- 2.1 Determination of the application submitted under section 34 of the Licensing Act 2003 by The Cube Bar Ltd.

3. Recommendation

- 3.1 That members determine the application to vary premises licence PL(A)0342, in respect of The Cube, 2 Breck Road, Poulton-le-Fylde, Lancashire, FY6 7AA.

4. Background

- 4.1 The Cube Bar is a three storey building on the corner of Breck Road and Vicarage Lane in Poulton-le-Fylde, It offers dance floors and function suites for its' clients, together with a ground floor bar and dance area.
- 4.2 Predominantly it has a daytime offer that includes food and beverages and a night time offer that includes beverages, musical entertainment, and facilities for dancing.
- 4.3 The licensing authority has not received any complaints that directly relate to these premises in recent years, although it is aware of an incident in the early hours of Sunday 14 October 2018 outside the premises involving a number of persons who were under the influence of alcohol and fighting.

4.4 The premises are active members of the town's Pubwatch scheme. There is no other intelligence to suggest that these premises operate in breach of their current licence, either in respect of their permitted hours or conditions.

4.5 The current licence authorises the following:

Live Music, recorded music, performance of dance, anything of a similar description, sale of alcohol (on and off the premises)

Sunday to Thursday 09:00 to 01:00

Friday and Saturday 09:00 to 03.00

Late night refreshment

Sunday to Thursday 23:00 to 01:00

Friday and Saturday 23:00 to 03.00

Premises open to the public

Sunday to Thursday 09:00 to 01:30

Friday and Saturday 09:00 to 03:30

Non-standard timings, licensable activities are permitted:

(i) The whole of December 10:00hrs- 03.00hrs

(ii) Thursday to Sunday of all Bank Holiday weekends

10:00hrs-03:00hrs

(iii) Maundy Thursday 10:00hrs-03.00hrs

(iv) Christmas Eve 10:00hrs-03:00hrs

(v) New Year's Eve 10:00hrs-03:00hrs

(vi) New Year's Day 10:00hrs-01:00hrs

Premises will close to the public 30mins after the conclusion of the terminal time for licensable activity.

4.6 The premises Licence is held by Cube Bar Ltd. and Mr Paul Anthony Mellor is registered with Companies House as the Director. He also holds the position of Designated Premises Supervisor and has fulfilled this role throughout the licensed period.

4.7 There have been a number of applications over the years to extend the times for licensable activities at this venue, which have been considered and granted by the Licensing Committee.

5. Key issues and proposals

5.1 An application was received on 9 October 2018 to vary the permitted times for licensable activities and opening hours on a Thursday night until 02:00 and 02:30 hrs respectively. There are no other changes proposed to the licence (**Appendix 1**).

5.2 A copy of the existing licence, including all of the conditions that the premises must observe, is attached at **Appendix 2**.

- 5.3** A location plan is attached at **Appendix 3**.
- 5.4** The application was advertised, in accordance with the requirements of The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005, and during the statutory 28 day consultation period, one representation against the application has been received (**Appendix 4**).
- 5.5** All of the Responsible Authorities have been consulted and none have objected to the proposed hours.
- 5.6** This application has therefore been brought before members to determine in the light of the outstanding representation.
- 5.7** Whilst all of the Council's Statement of Licensing Policy should be taken into account when determining this application, the Committee's attention is particularly drawn to the following paragraphs:-
- 7.0 General Approach to Licensing
 - 14.0 The Licensing Objectives
 - 14.3 Prevention of Public Nuisance
 - 14.3.1 Disturbance by patrons leaving the premises
- 5.8** The Licensing Committee must consider the application in accordance with Section 35 of the Licensing Act 2003.

Section 35 (2) provides that subject to subsection (3) and section 36(6), the authority must grant the application.

(3) Where relevant representations are made, the authority must—

(a) Hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and

(b) Having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives.

(4) The steps are:

(a) to modify the conditions of the licence;

(b) to reject the whole or part of the application;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

Financial and legal implications	
Finance	There are no financial implications directly associated with the review of this licence.

Legal	The hearing should be conducted following the principles of natural justice and in accordance with the council's hearing procedure.
Legal cont.	Any party to this application who is aggrieved by the decision of the licensing committee has the right of appeal within twenty one days to the magistrates' court.

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.

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

risks/implications	✓ / x
asset management	x
climate change	x
ICT	x

Processing Personal Data

If the decision(s) recommended in this report will result in personal data being processed, a privacy impact assessment (PIA) will have been completed and signed off by the council's Data Protection Officer before the decision is taken (as required by the General Data Protection Regulations 2018).

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List of background papers:		
name of document	date	where available for inspection
Statement of Licensing Policy	2016 - 2021	Licensing section

List of appendices

- Appendix 1 – Application form
- Appendix 2 – Current Licence PL(A)03342
- Appendix 3 – Location plan
- Appendix 4 – Representation