

| Report of: | Meeting | Date |
|--|---------------------|-----------------|
| Mark Broadhurst, Service Director Health and Wellbeing | Licensing Committee | 31 January 2019 |

| |
|---|
| Application for a new 24 hour premises licence for Subway, 83 Lord Street, Fleetwood |
|---|

1. Purpose of report

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

2. Outcomes

- 2.1 Determination of the application submitted under section 17 of the Licensing Act 2003 by Quick Serv Limited for a new premises licence.

3. Recommendation/s

- 3.1 That Members consider the application submitted by Quick Serv Ltd. along with the representation from Environmental Health and determine the application.

4. Background

- 4.1 The premises occupy a position on the corner of Lord Street and London Street (**Appendix 1**).
- 4.2 Quick Serv Ltd registered Subway with Environmental Health as a new food business in November 2018.
- 4.3 The building currently has A2 (betting shop) use permitted under planning regulations, reflecting the previous use of the property. It does not appear to have any current planning restrictions on the hours of operation.

5. Key issues and proposals

- 5.1 An application was received from Quick Serv Ltd. on 1 December 2018 for a new premises licence (**Appendix 2**).

- 5.2** The applicant is seeking authorisation for late night refreshment from 23:00 hrs to 05:00 hrs and to be open to the public from 00:01 to 00:00 on every day of the week
- 5.3** The application was advertised, in accordance with the requirements of The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 5.4** During the statutory consultation period, one representation against the application has been received from Environmental Health (**Appendix 3**).
- 5.5** The Environmental Health Officer is concerned about the potential for public nuisance, should the application be granted in the terms applied for. He has indicated to the applicant that he would not object if the hours sought were reduced to 23:00hrs to 03:00 hrs, in line with other late night refreshment authorisations in the area, but they were unwilling to agree to this amendment.
- 5.6** The Police have confirmed that they have no objection to this application.
- 5.7** There have been no other responses to the consultation from Responsible Authorities or any 'other persons'.
- 5.8** This application has therefore been brought before members to determine in the light of the outstanding representation.
- 5.9** 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
 - 14.3 Prevention of Public Nuisance
 - 14.3.1 Disturbance by patrons leaving the premises
- 5.10** 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.
- 5.11** If it is satisfied that one or more of the objectives would not be undermined by granting the application, it should grant the application in the terms applied for.
- 5.12** 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

| 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. 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 a 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 |
| 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 |
|---------------|---------------|--------------------------|-------------|
| Niky Barrett | 887236 | Niky.barrett@wyre.gov.uk | 14 Jan 2019 |

| 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 – Location plan

Appendix 2 – Application form

Appendix 3 – Representation from Environmental Health