

Decision Notice

Date	26 June 2014
Applicant	T & F Leisure Ltd
Reason for Hearing	<p>The Licensing Authority had received an application for the variation of a Premises Licence at Henry's, 5-7 Henry Street, Lytham.</p> <p>There had been representations from local residents, the Environmental Protection and Planning departments, who are responsible authorities under the Act, and this means that the Committee must determine the application.</p>
Parties in attendance	<p>Panel:</p> <p>Councillor Angela Jacques - Convenor, Councillors Keith Beckett and Alan Clayton Councillor Barbara Nash (observer)</p> <p>Applicant:</p> <p>Rodger Wightman and Robin Atkinson of The Licensing Practice representing the Applicant.</p> <p>Responsible Authorities:</p> <p>Philip Dent representing Environmental Protection Andrew Stell representing Planning.</p>

The licensing authority received an application for a variation of the premises licence at Henry's, 5-7 Henry Street, in Lytham.

In considering the application, the panel had to consider whether granting the licence would undermine any of the four licensing objectives which were:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

The licensing objectives addressed by the objections were the prevention of public nuisance.

The issues were around the hours of operation. The applicants wanted the premises to be able to remain open on Sunday through to Thursday until 01.30am, and to carry out the licensable activities until 01.00am.

A number of residents and responsible authorities objected to the application and those objections were not mediated away and consequently were the subject of today's hearing. We thank the applicants, their representatives and the two responsible authorities for their help.

The issues today were around the hours of operation. The applicant amended its application so that the opening hours and permitted hours for licensable activities on Monday to Wednesday remained unchanged. It did however wish to alter the licence as follows:

- Opening hours on Sunday to 12.30am with licensable activities permitted until midnight
- Opening hours on Thursday to 1am with licensable activities permitted until 01.30am

The responsible authorities told us that they were concerned that extending the hours of operation of the premises would adversely affect the residential amenity of the neighbours in terms of disturbance from the general hubbub of customers using the premises. We note that there is a residential flat directly above the premises and nearby residential properties including the Homestead.

We heard from the applicant's representative that the premises are situated in a town centre location and therefore a certain level of disturbance is to be expected, especially due to its close proximity to a number of licensed premises, a taxi rank and kebab shop. Whilst we accept that the premises are unable to control the noise of people generally in the vicinity of the area we accept the submission of the environmental protection authority that permitting the premises to open at a later hour is likely to result in the residents suffering an unacceptable disturbance into the early hours.

We recognise that the applicant is trying to enhance its business and that has led to this application to extend the hours. With this in mind we are of the view that a compromise is possible.

Therefore, taking into account the Information put before us, the Council's Statement of Licensing Policy and the Guidance issued under section 182 of the Licensing Act 2003 our decision is as follows:

1. In terms of Monday to Thursday to refuse the application to vary the licence.
2. In terms of Sunday we will permit all licensable activities until 11.30pm with a closing time of Midnight.
3. The licence will be subject to the mandatory conditions and the conditions set out in the operating schedule

That is our decision and we thank you for your assistance.