



DECISION NOTICE

Date	Wednesday 17 June 2020
Applicant	Mr Andrew James Baker
Reason for Hearing	<p>The Licensing Authority has received an application for the grant of a premises licence for The Rooms, Church Road, Lytham.</p> <p>There has been a representation from the Planning Department, who are a relevant authority as defined in the Licensing Act 2003 together with representations from “other persons” as defined by the Act and as such a hearing must be held to determine the application.</p>
Parties in Attendance	<p>Panel: Councillor Angela Jacques - Convenor, Councillor Gavin Harrison, Councillor Paul Hodgson</p> <p>Applicant: Mr Andrew James Baker Mr Rodger Wightman (representing the applicant)</p> <p>Representatives: Three representatives were present and addressed the panel</p>

The Licensing Authority has received an application for the grant of a premises licence for The Rooms, Church Road, Lytham.

The matter had been referred to the panel because nine written representations had been received from residents within the vicinity of the premises and representation from the Planning Department, who are a relevant authority as defined in the Licensing Act 2003, had been received. We heard from; Mr Andrew Stell, representative from the Planning Department, Ms Chadwick, representing a care home in the vicinity, and Mr Paxton, a local resident who chose to attend the hearing and address the panel with their concerns, and the applicant Mr Andrew Baker and Mr Rodger Wightman, representative of the applicant.

We thank the representatives for their time and representations.

In considering the application, the panel had to consider whether granting the licence as requested would promote the four licensing objectives which are:

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

This was the subject of the hearing this morning.

The panel acknowledged and took into consideration the written submissions of the objectors as well as the submissions by Ms Chadwick, Mr Paxton and Wightman. The Panel had regard to the Council's Statement of Licensing Policy and the Guidance issued under section 182 of the Licensing Act 2003.

The Planning Department objected to the application due to the extent of the hours proposed for the sale of alcohol identified in the application. Furthermore, their concerns related to the external areas of the premises and in particular, the potential for increased levels of noise and disturbance for occupiers of neighbouring properties should the license be granted. As such, the prevention of public nuisance licensing objective was engaged.

The concerns of the other persons who had made representations mainly involved noise, both from traffic and persons gathering outside the premises, anti-social behaviour both on and off the premises, the safety of elderly residents who reside nearby, and parking. As such, public safety, the prevention of public nuisance, and the prevention of crime and disorder licensing objectives were engaged.

As part of his representation, Mr Wightman informed the panel that in order to address some of the concerns posed by residents and the planning department, the applicant proposed to amend the application as follows:

- All references to extensions of the standard hours to be deleted from all the "Non Standard Hours" sections of the application.
- The "Non Standard Hours" section of the application which relates to the supply of Alcohol be amended by deleting the sentence "See Operating Schedule re opening hours in respect of residents outside of Standard days and timings" and replacing it with the wording "See Operating Schedule re the complete restriction on the supply of alcohol to all persons other than hotel residents and their bona-fide guests after 18.00hrs."
- In addition, the "Non Standard Hours" section of the application which relates to Opening Hours be amended by deleting the sentence "See Operating Schedule re opening hours in respect of residents outside of Standard days and timings" and replacing it with the wording "The café/restaurant, within the premises, will not open later than 18.00hrs."
- The operating schedule then being amended to reflect this change in hours so that only residents may be supplied alcohol after 18,00hrs rather than 10.30pm.

Details of the proposals were given at the meeting.

Having regard to the submissions put forward, the panel understood the concerns however found that there was no evidence to substantiate them at this stage. Additionally, the panel took into account the facts that the hours for licensable activities in the application had been reduced which as a result may help to abate some of the concerns expressed by the representatives.

Furthermore, issues regarding traffic and parking are matters for planning and not licensing. Other matters raised included the similar licences enjoyed by other premises in the nearby area and whether the accumulation impact of multiple commercial establishments within the same vicinity would unacceptably exacerbate disturbance. Concerns were also raised that granting the license would set a precedent for other similar establishments wanting a licence in a residential area. As to these concerns, each application must be considered on its merits. The fact that other local premises have similar licences is not something we can give significant weight to and we must consider the application placed before us.

Having regard to the submissions that we heard, the panel found that there was no evidence that the granting of the premises licence would fail to promote the licensing objectives, particularly when taking into account the amendments to the application which were proposed by the Mr Wightman at the meeting.

The panel's decision is as follows:

To grant the application of a premises licence for The Rooms, Church Road, Lytham, as applied for and subject to agreed amendments reflecting the operating schedule as proposed at the meeting.

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