



## Decision Notice

<b>Date:</b>	Wednesday, 2 February 2022 - 10:00am
<b>Applicant:</b>	Punch Taverns Limited
<b>Reason for Hearing:</b>	<p>The Licensing Authority has received an application to vary the premises licence for The Ship Inn, High Street, Elswick.</p> <p>There had been representations from “other persons” as defined by the Act and as such, a hearing must be held to determine the application.</p>
<b>Parties in attendance:</b>	<p><b>Panel:</b></p> <p>Councillor Shirley Green - Convenor, Councillor Brenda Blackshaw, Councillor Viv Willder.</p> <p><b>Applicant:</b></p> <p>Piers Warne - TLT LLP - representing the applicant</p> <p>Neil Gazzard - Operations Manager - Punch Taverns Limited</p> <p><b>Other Persons:</b></p> <p>Councillor Paul Hayhurst, Borough Councillor and Chairman of Elswick Parish Council</p> <p>Ms. Flath</p> <p>Mr. and Mrs. McDougall</p> <p>Mr. and Mrs. Robson</p> <p>Mr. and Mrs. Saunders</p>

The licensing authority received an application for the variation of a premises licence at premises known as The Ship Inn in Elswick.

The application had been referred to the panel because six written representations had been received from “other persons” as defined by the Act, objecting to the application.

The applicant was represented by Piers Warne from TLT LLP and Neil Gazzard from Punch Taverns. Observing proceedings (other than the decision-making) was Councillor Karen Henshaw, who had been acting as a reserve panel member.

The panel thanked the representatives for their time and representations.

In considering the application, the panel had to consider whether granting the licence would promote 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.

This was the subject of the hearing this morning.

The panel acknowledged and took into consideration all of the written material contained in the agenda papers, together with the verbal submissions offered by the “other persons” who attended and on behalf of the applicant. The panel also had regard to the Council’s Statement of Licensing Policy and the Guidance issued under section 182 of the Licensing Act 2003.

Potential traffic problems were not issues that engaged the licensing objectives and so were outside the remit of the panel. They would fall to be considered by the planning authority or the highway authority, if appropriate. In any event, the panel felt that there was little or no evidence to substantiate the concerns about traffic at this stage.

The panel felt that the concerns with regards to the potential increase in noise within the vicinity of the premises and the extent of the proposed opening hours put forward by local residents were of substance, and therefore engaged the licensing objective of the prevention of public nuisance. They noted the close proximity of the premises to neighbouring residential properties. The potential for noise nuisance would increase later into the evening, and would likely be exacerbated by the consumption of alcohol in the outdoor serving area.

However, the panel were satisfied that the introduction of the outside bar would lead to increased staff supervision in the external area particularly at busy times, which would assist in monitoring customer behaviour and noise levels, in conjunction with the garden management plan.

The panel understood and shared the concerns of the “other persons” about the potential for noise increase associated with entertainment in the outdoor area, but noted that not all such entertainment could be regulated under the licence. The panel therefore decided to impose an additional condition in order to limit, so far as possible, entertainment provided in the outdoor area to the period before 10pm.

The panel noted that the pub would be operated within the constraints of a management partnership, under which Punch Taverns Limited would play a part in the running of the pub. This was welcome, but the panel were mindful that premises licenses could be transferred and so did not rely on the management partnership as a material factor in its decision.

The panel’s decision is as follows:

To grant the application to vary the premises licence at The Ship Inn, Elswick subject to the mandatory conditions, conditions reflected in the operating schedule and the conditions as agreed with the Police and Environmental Protection, prior to the hearing, set out below, and to one additional condition:-

Insofar as it is regulated entertainment, no live or recorded music shall be provided in the external area later than 10.00 pm or earlier than 7.00 am on any day.

Conditions agreed with the police and environmental health authority, referred to above:

1. An adequate number of licensed door supervisors shall be on duty as appropriate to any risk assessment.
2. CCTV will be installed internally and externally at the premises and will comply with the following:
  - The CCTV system shall be installed, maintained and operated to the reasonable satisfaction of Lancashire Constabulary. All public areas of the premises are to be covered by the system. The system will incorporate a camera covering the entrance door and will be capable of providing an image which is regarded as identification standard.
  - The system will display the correct date and time.
  - The system will make recordings during all hours the premises are open to the public.
  - Digital recordings shall be held for a minimum of 21 days after the recording is made and will be made available to the Police or any authorised persons for inspection upon request.
  - The system will, as a minimum, record images of the head and shoulders of all persons entering the premises.

- A staff member who is conversant with the operation of the CCTV system will be able to attend the premises within an hour if requested; at all times the premises are open to the public. The staff member will be able to show police recent data or footage with the absolute minimum of delay when requested.
3. No regulated entertainment to take place outside after 11pm on any day.
  4. No nuisance shall be caused by noise coming from the premises (including patron noise/voices, regulated entertainment or by vibration transmitted through the structure of the premises).
  5. The outdoor area as shown in the red line on the approved Licensing Plan shall cease to be used for the consumption of alcohol and food at 22.00 hours.
  6. All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency or for the purpose of access and egress.
  7. Refuse such as bottles shall be disposed of in any external area of the premises at a time when its not likely to cause a disturbance to sensitive premises. They shall not be disposed of between the hours of 20.00 - 08.00.
  8. On any occasion that regulated entertainment is carried on at the premises, regular assessments of the noise emanating from the premises will be undertaken. Wherever said assessments indicate that noise is likely to cause nuisance to any local residents, remedial action will be taken.

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

---

**Fylde Council copyright 2022**

You may re-use this document/publication (not including logos) free of charge in any format or medium. You must re-use it accurately and not in a misleading context.

The material must be acknowledged as Fylde Council copyright and you must give the title of the source document/publication.

Where we have identified any third party copyright material you will need to obtain permission from the copyright holders concerned.

This document/publication was also available on our website at [www.fylde.gov.uk](http://www.fylde.gov.uk)  
any enquiries regarding this document/publication should be sent to the Town Hall, St Annes Road West, St Annes FY8 1LW, or to [listening@fylde.gov.uk](mailto:listening@fylde.gov.uk).