



## DECISION NOTICE

Date	Wednesday 29 January 2020
Applicant	Mr Ross Robinson
Reason for Hearing	<p>The Licensing Authority had received an application for the grant of a premises licence for Portofino, Henry Street, Lytham.</p> <p>There have been representations from “other persons” as defined by the Licensing Act 2003. As such a hearing must be held to determine the application.</p>
Parties in Attendance	<p><b>Panel:</b> Councillor Angela Jacques - Convenor, Councillor Alan Clayton, Councillor Shirley Green.</p> <p><b>Applicant:</b> Mr Ross Robinson Ms Felicity Tuleck</p> <p><b>Representatives:</b> Three representatives addressed the panel</p>

The licensing authority had received an application for the grant of a premises licence for Portofino, Henry Street, Lytham. The premises currently benefits from two Premises Licences in the name of Orlando Peracca numbers FY PL0214 (currently suspended) and FY PL0293 however, these are to be surrendered should the application be granted.

Five written representations had been received, mainly from residents within the vicinity of the premises. Three representatives; Mr Turner, Mr Worthington and Mr Boswell, chose to attend the hearing and address the panel with their concerns.

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.

We took 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.

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

Though the panel understood the concerns, they felt that there was little or no evidence to substantiate them at this stage. Additionally, the panel took into account the dispersal policy and smoking policy which the applicant had put forward and referred to in the application.

Ms Felicity Tuleck, representing the applicant, informed the panel that a meeting had taken place with local residents to seek to address some of the concerns and following this the applicant proposed to amend the standard closing times in his application to reflect the existing license, so that licensable activities would cease at 12 midnight Sunday to Thursday and 1am Friday and Saturday, with 30 minutes drinking up time.

Other matters raised included the licences enjoyed by similar premises and whether the accumulation impact of multiple commercial establishments within the same vicinity would unacceptably exacerbate disturbance. As to this matter, each application must be considered on its merits. The fact that other local premises share similar licenses 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 exacerbate any existing issues experienced by the local residents. We note that there is an existing licence for the premises, and we had regard to the fact that the premises could be operated under that licence until the same hours as now being discussed.

The panel's decision is as follows:

To grant the application subject to the amendments to the timings just mentioned, the conditions specified in the operating and the relevant mandatory conditions.

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