

# DECISION ITEM



REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	LICENSING COMMITTEE	9 NOVEMBER 2016	3
<b>APPLICATION TO VARY PREMISES LICENCE AT SHILLAYLEE, 27 WOOD STREET, ST ANNES</b>			

## PUBLIC ITEM

This item is for consideration in the public part of the meeting.

### SUMMARY

The Licensing Authority has received an application for the variation of a premises licence at Shillaylee, 27 Wood Street, St Annes. There have been representations from the Environmental Protection department (a Responsible Authority). As such a hearing must be held to determine the application.

### RECOMMENDATION

1. That the Panel considers the application and determines to either:
  - (a) grant the application
  - (b) modify the conditions of the licence,
  - (c) reject the whole or part of the application.

### SUMMARY OF PREVIOUS DECISIONS

Licence number FY PL0343 relates to the premises and was first granted to a different operator as the "Snooty Fox" on the 19<sup>th</sup> June 2013 by a Licensing Panel following representations by Environmental Protection and other persons.

May 2015 – Transfer and DPS variation application to current operators.

June 2015 – application to vary licence to amend existing licence to increase outdoor seating area, enable alcohol to be sold without food, to purchase drinks and bar and update plan to reflect alterations. Application granted subject to additional conditions.

CORPORATE PRIORITIES	
Spending your money in the most efficient way to achieve excellent services ( <b>Value for Money</b> )	✓
Delivering the services that customers expect of an excellent council ( <b>Clean and Green</b> )	✓
Working with all partners ( <b>Vibrant Economy</b> )	✓
To make sure Fylde continues to be one of the most desirable places to live ( <b>A Great Place to Live</b> )	✓
Promoting Fylde as a great destination to visit ( <b>A Great Place to Visit</b> )	✓

## **Report**

### **Application**

1. The application is for the variation to a premises licence at Shillaylee, Wood St, St Annes, Lytham described as "To extend hours of licensable activities E, F, H and alcohol and to remove the following conditions:
  - 2.3 *All drinks shall be served with a glass and poured at the table or bar and bottles shall not be allowed off the premises.*
  - 2.7 *No special effects or lighting shall be used at the premises save for disco lights to be supplied by any guest DJ or artist.*
  - 2.13 *No gaming machines shall be allowed on the premises.*
  - 3.9 *A personal licence holder will be on the premises at all times the premises is open to the public.*
  - 3.17 *There shall be no live entertainment taking place in outside areas.*
  - 3.28 *Persons who are consuming a table meal in the outside area and are already seated prior to, or at 9pm are permitted to remain outside until 10pm. The outside area is to be closed by 10pm on a daily basis.*
2. The matter has been referred to the panel because relevant representations have been received from a responsible authority.

### **Papers**

3. The following papers are relevant and have been made available to panel members:
  - The application, including the plan and the operating schedule
  - The statutory guidance for licensing authorities issued by the secretary of state under section 182 of the Licensing Act 2003
  - The council's statement of licensing policy
  - Copies of relevant representations made by the following responsible authorities:  
Environmental Protection
  - Copies of relevant representations made by the following interested parties

### **Consideration**

4. The licensing objectives are:
  - The prevention of crime and disorder;
  - Public safety
  - The prevention of public nuisance; and
  - The protection of children from harm
5. As relevant representations have been made, it is the duty of the panel to take such of the steps set out below as it considers appropriate for the promotion of the licensing objectives. The steps are:
  - (a) grant the application
  - (b) modify the conditions of the licence,
  - (c) reject the whole or part of the application.

6. The Guidance issued by the Secretary of State and the Council's Statement of Licensing Policy will be material in considering the application, but cannot override the licensing objectives.
7. The following parts of the secretary of state's guidance appear to be particularly relevant to the application and the relevant representations:

2.14	Public Nuisance
9.30	Hearings
9.41	Determining actions that are appropriate for the promotion of the licensing objectives.
10.10	Proportionality

However, the parties appearing in the hearing may wish to draw the panel's attention to other parts of the guidance.

8. The following parts of the council's statement of licensing policy appear to be particularly relevant to the application and the relevant representations:

9.5	Licensing Panel Hearings
14.3	Prevention of Public Nuisance
14.3.2	Noise Nuisance
14.3.3	Beer Gardens

However, the parties appearing in the hearing may wish to draw the panel's attention to other parts of the policy.

#### **Other Information**

9. A representation was submitted by Henco International, an "other person" as defined by the Act relating to the terminal hour for the provision of recorded and live music until 0100. Following mediation, the applicant has volunteered to amend the operating schedule so that recorded and live music ceases at midnight which addresses Henco International's concerns. The Panel are therefore requested to consider this amendment as part of their determination.

#### **Procedure**

10. The applicant and the makers of the relevant representations have been invited to attend or be represented at the hearing.
11. The panel is asked to use the attached procedure in the hearing.

IMPLICATIONS	
Finance	No implications arising directly from the report.
Legal	No implications arising directly from the report.
Community Safety	No implications arising directly from the report.
Human Rights and Equalities	No implications arising directly from the report.
Sustainability and Environmental Impact	No implications arising directly from the report.
Health & Safety and Risk Management	No implications arising directly from the report.

LEAD AUTHOR	TEL	DATE	DOC ID
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LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Guidance issued under S182 of Licensing Act 2003	March 2015	<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418114/182-Guidance2015.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418114/182-Guidance2015.pdf</a>
Statement of Licensing Policy	January 2016	<a href="http://www.fylde.gov.uk/business/licensing/licensingact2003/licensingpolicystatement/">http://www.fylde.gov.uk/business/licensing/licensingact2003/licensingpolicystatement/</a>

Attached documents

1. Application Form
2. Current licence from licensing register
3. Representations
4. Area Plan