

# DECISION ITEM



REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	LICENSING COMMITTEE	9 NOVEMBER 2016	4
<b>APPLICATION FOR GRANT OF A PREMISES LICENCE - SASWICK HOUSE FARM, ROSEACRE ROAD, ROSEACRE</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 grant of a premises licence for Saswick House Farm, Roseacre Road, Roseacre. There have been representations from the Treales, Roseacre and Wharles Parish and nearby residents, who are “other persons” as defined by the Act. As such a hearing must be held to determine the application.

### RECOMMENDATION

- That the Panel considers the application and determines to either:
  - grant the application subject to the conditions specified in the operating schedule modified to such extent as the panel considers appropriate for the promotion of the licensing objectives, and any mandatory condition,
  - modify the conditions of the licence,
  - refuse to specify a person in the licence as premises supervisor
  - reject the application

### SUMMARY OF PREVIOUS DECISIONS

There are no previous decision relating to this matter.

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 grant of a premises licence to Saswick House Farm, Roseacre Road, Roseacre.
2. The matter has been referred to the panel because relevant representations have been received from “other persons”.

### **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:

None received
  - Copies of relevant representations made by the following interested parties

Treales, Roseacre and Wharles Parish Council  
Ms A Broughton  
Mr B Warner

### **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 subject to the conditions specified in the operating schedule modified to such extent as the panel considers appropriate for the promotion of the licensing objectives, and any mandatory condition,
  - (b) modify the conditions of the licence,
  - (c) refuse to specify a person in the licence as premises supervisor
  - (d) reject 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
8.12	Other persons
9.30	Hearings
9.41	Determining actions that are appropriate for the promotion of the licensing objectives.

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                |

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

#### **Procedure**

9. The applicant and the makers of the relevant representations have been invited to attend or be represented at the hearing.
10. 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
Chris Hambly	01253 658422	18 <sup>th</sup> October 2016	

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. Representations
3. Area Plan