

Report to:	Licensing Panel
Relevant Officer:	Judith Brooks-Brennan, Licensing Officer
Date of Meeting :	7 April 2021

APPLICATION FOR A PREMISES LICENCE – JD Drinkwaters Ale House

1.0 Purpose of the report:

1.1 To consider an application for a new Premises Licence for JD Drinkwaters Ale House, 75 Highfield Road, Blackpool, FY4 2JE.

2.0 Recommendation(s):

2.1 The Panel is requested to consider the application and determine whether the granting of this licence would adversely impact on the Licensing Objectives.

3.0 Reasons for recommendation(s):

3.1 Representations have been received therefore there must be a hearing to determine the application.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

None, once an application is submitted and representations received it must be considered by the Licensing Panel.

4.0 Background Information

4.1 On 6 February 2021 the Licensing Service received an application from JD Drinkwaters Ltd for a new Premises Licence at JD Drinkwaters Ale House, 75 Highfield Road, Blackpool.

4.2 The application requests permission to sell alcohol for consumption on and off the

premises 10.00–23.00 Monday, 11:00-23:00 Tuesday and Wednesday, 11:00-00:00 Thursday and Friday, and 10.00-00.00 Saturday and Sunday. Late Night Refreshment has been applied for 23:00-00:00 Thursday to Sunday, and Recorded Music indoors from 12:00-23:00 Monday to Wednesday and 12:00-00:00 Thursday to Sunday. A copy of the application is attached.

4.3 Representations have been received from two members of the public. Copies of the representations are attached.

4.4 **Local policy considerations**

None.

4.5 **National policy considerations**

Although the objections include reference to issues such as parking, the Panel is limited to considering only the issues that are relevant to the Licensing Objectives, such as those relating to Public Nuisance.

The following parts of the Guidance issued under Section 182 of the Licensing Act 2003 are relevant:

2.15 - The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.17 - Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable... Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the

community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

9.37 – As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation(s) and avoid straying into undisputed areas.

9.42 – Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case by case basis.

9.43 – The authority's decision should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

9.44 - Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. Whilst this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters.

4.6 **Observations**

The Police have agreed a number of conditions with the applicant by way of a mediation agreement which will be endorsed on the Premises Licence if granted. The agreed conditions include:

1. Any outside area which is used for the consumption of alcohol shall cease to be so used at 22:00 hours. In this area all customers consuming alcohol shall be seated. Any removable furniture shall be cleared away no longer than 30 minutes after this time.
2. The Licence Holder or Designated Premises Supervisor shall make attempts to ensure members of the public leave quietly so as not to disturb neighbours.
3. All external windows and doors should be closed after 10pm, except in the case of an emergency.

A copy of the full Police mediation agreement is attached at Appendix 4(d).

4.7 Does the information submitted include any exempt information? No

4.8 **List of Appendices:**

1. Appendix 4(a) Application Form for a new Premises Licence
2. Appendix 4(b) Representation from Mr Andrew Ross
3. Appendix 4(c) Representation from Mr John Ross
4. Appendix 4(d) Police Mediation Agreement

5.0 **Legal considerations:**

5.1 Please see local and national policy in the background information.

6.0 **Human Resources considerations:**

6.1 None.

7.0 **Equalities considerations:**

7.1 None.

8.0 **Financial considerations:**

8.1 None.