

**Report to:** LICENSING PANEL

**Relevant Officer:** Judith Brooks-Brennan, Licensing Officer

**Date of Meeting:** 22 August 2023

## **APPLICATION FOR A PREMISES LICENCE – Wellhorny’s, 33-37 Banks Street, Blackpool, FY1 2AR**

### **1.0 Purpose of the report:**

1.1 To consider an application for a New Premises Licence for Wellhorny’s, 33-37 Banks Street, Blackpool, FY1 2AR

### **2.0 Recommendation(s):**

2.1 To 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.

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

3.3 Is the recommendation in accordance with the Council’s approved budget? Yes

### **4.0 Other alternative options to be considered:**

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

### **5.0 Council priority:**

5.1 The relevant Council priority is

- “The economy: Maximising growth and opportunity across Blackpool”

## 6.0 Background information

6.1 On 30<sup>th</sup> June 2023 the Licensing Service received an application from a Mr Paul Richardson for a new Premises Licence at 33-37 Banks Street, Blackpool, FY1 2AR. The premises has previously been licensed as the Graydon Hotel between 2<sup>nd</sup> April 2014 to 30<sup>th</sup> January 2023 when it was surrendered.

6.2 The application requests recorded music indoors Monday to Sunday 00:00- 00:00, permission to sell alcohol for consumption on the premises Monday to Sunday 00.00 – 00.00, the provision of late night refreshment indoors Monday to Sunday 23.00 – 05.00. The Premises would only be open to the public Monday to Sunday 12:00 - 02:00. A copy of the application is attached at Appendix 4a.

6.3 Representations have been received from 3 members of the public, Mr Iain Ferguson, Mr Steven Taylor and Ms Sarah Taylor. Copies of the representations are attached at Appendix 4d, Appendix 4e and Appendix 4f.

6.4 Local policy considerations:

4.1.7 - If relevant representations are made the Council will only grant the hours of use proposed where the operating schedule and any risk assessments adequately demonstrate that:

- The applicant has properly considered what is appropriate for the local area when considering what hours and activities to apply for
- The potential effect on the licensing objectives is not significant
- The operating schedule demonstrates that the applicant is taking appropriate steps to minimise any adverse impact on local residents and businesses

4.4.2 - The Council wishes to develop a diverse night-time economy but acknowledges that any licensable activity has the potential to impact adversely on the surrounding area either by disturbance caused by crime and disorder or by nuisance caused by customers being noisy when leaving/using on-street car parking. The impact of these activities can be greater at night when ambient noise levels are much lower.

6.5 National policy considerations:

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.

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises.

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 (see chapter 16). 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.

2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

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.

6.6 Does the information submitted include any exempt information? No

**7.0 List of Appendices:**

7.1 Appendix 4a Application form for a New Premises Licence  
Appendix 4b Supporting Evidence from Applicant (12 photos)  
Appendix 4c Supporting Evidence from Applicant (2 emails)  
Appendix 4d Objections from Mr Iain Ferguson  
Appendix 4e Objection from Mr Steven Taylor  
Appendix 4f Objection from Ms Sarah Taylor

**8.0 Financial considerations:**

8.1 None.

**9.0 Legal considerations:**

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

**10.0 Risk management considerations:**

10.1 None.

**11.0 Equalities considerations:**

11.1 None.

**12.0 Sustainability, climate change and environmental considerations:**

12.1 None.

**13.0 Internal/external consultation undertaken:**

13.1 None.

**14.0 Background papers:**

14.1 None.