

LICENSING PANEL

TUESDAY, 3RD DECEMBER, 2019, 3.30 PM

CROSS ROOM, CIVIC CENTRE, WEST PADDOCK, LEYLAND, PR25
1DH

AGENDA

1 Apologies for absence

2 Declarations of Interests

Members are requested to indicate at this stage in the proceedings any items on the agenda in which they intend to declare an interest. Members are reminded that if the interest is a Disclosable Pecuniary Interest (as defined in the Members' Code of Conduct) they must leave the room for the whole of that item. If the interest is not a Disclosable Pecuniary Interest, but is such that a member of the public could reasonably regard it as being so significant that it is likely that it would prejudice their judgment of the public interest (as explained in the Code of Conduct) then they may make representations, but then must leave the meeting for the remainder of the item.

3 Fat Sam's Bar & Grill Ltd

(Pages 3 - 30)

Report of the Interim Monitoring Officer attached.

4 Tenpin Capitol Centre

(Pages 31 - 36)

Report of the Interim Monitoring Officer attached.

Gary Hall
INTERIM CHIEF EXECUTIVE

Electronic agendas sent to Members of the Licensing Panel Councillors Ken Jones (Chair), Renee Blow and Jacqui Mort

The minutes of this meeting will be available on the internet at
www.southribble.gov.uk

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REPORT TO	ON
Licensing Panel	3 December 2019



TITLE	REPORT OF
Fat Sam's Bar & Grill Ltd	Interim Monitoring Officer

Is this report confidential?	No
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PURPOSE OF THE REPORT

1. To provide an overview of the application and inform Members of the relevant parts of statute and guidance relating to this application.

RECOMMENDATIONS

2. Members are requested to:
3. Note the content of the report; and
4. Determine whether to grant or reject the application. If members grant the application, they are asked to consider whether any additional conditions or restrictions should apply (taking into account any representations that have been made).
5. Conduct the hearing in accordance with the hearing procedure.

CORPORATE OUTCOMES

6. The report relates to the following corporate priorities:

Excellence, Investment and Financial Sustainability	
Health, Wellbeing and Safety	X
Place, Homes and Environment	X

Projects relating to People in the Corporate Plan:

Our People and Communities	
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BACKGROUND TO THE REPORT

7. An application was submitted on the 15th October 2019 by Sam Howarth for a new Premises Licence pursuant to Section 17 of the Licensing Act 2003 for an eating establishment with late night refreshments and supply of alcohol at 165 Towngate, Leyland, PR25 2TE
The applicant seeks permission to;

Offer late night refreshments between the hours of 23:00am – 00:00am on Fridays Saturdays.

Supply alcohol between the hours of;
11:00am – 22:45pm on Mondays – Thursdays
11:00am – 23:45pm on Fridays & Saturdays
11:00am – 21:45pm on Sundays

With proposed opening hours of;
11:00am – 23:00pm Mondays – Thursdays
11:00am – 00:00am on Fridays & Saturdays
11:00am – 22:00pm on Sundays and;

To play recorded music between the hours of;
11:00am – 23:00pm Mondays – Thursdays
11:00am – 00:00am on Fridays & Saturdays
11:00am – 22:00pm on Sundays

It should be noted that the applicant has restricted his application to the inside of the Premises. There is no mention of an outdoor seating area or proposed smoking shelter. The application is for internal use only.

Attached as Appendix 3 is a map of what businesses already exist within the locality of 165 Towngate, Leyland. Members are asked to note two businesses in particular;

ASDA Supermarket which operates Monday – Sunday until Midnight.

The Gables Public House which operates 09:00am – 02:00am Fridays & Saturdays and 09:00am – 01:00am Sunday – Thursday.

REPRESENTATIONS FROM RESPONSIBLE AUTHORITIES

5. As with all new applications the relevant Responsible Authorities were consulted. These authorities are deemed to be experts in relation to Licensing Objectives which include Public Nuisance, Prevention of Crime & Disorder, Protection of Children from harm and Public Safety.

No representations have been made by any Responsible Authority.

REPRESENTATIONS FROM OTHER INTERESTED PARTIES

6. There has been two representations received by members of the public. They have raised issues in respect of Licensing Objectives relating to the Prevention of Public Nuisance and the Prevention of Crime and Disorder (See Appendix 1 & 2).

The representations relate to concerns over noise nuisance and potential anti-social behaviour that may lead to crime & disorder issues.

PROPOSALS

7. The decision to be made by the Licensing Panel is to determine the application under section 18 of the Licensing Act 2003.

Section 18 of the Licensing Act 2003 sets out the steps that can be taken, which are;

To grant the Premises Licence subject to any conditions the Licensing Authority considers appropriate for the promotion of the Licensing Objectives.

To exclude from the scope of the licence any licensable activities to which the application relates.

To refuse to specify a person in the licence the premises supervisor; or

To reject the application.

A licensing authority must carry out its functions under the Act (licensing functions) with a view to promoting the licensing objectives. In carrying out its functions, a licensing authority must have also have regard to;

- a) Its own statement policy published under section 5, and
- b) Any guidance issued by the Secretary of State under section 182.

Some relevant policy considerations are as follows;

12.4 In considering all licence applications, the Licensing authority will consider the adequacy of measures proposed to deal with the potential for nuisance and disorder having regard to all of the circumstances of the application, and in particular consider the following:-

- a. the type of activity, the number and type of customers likely to attend;*

- b. the levels of noise likely to be generated from the premises;*

- c. particular consideration to be given to the effect of the implementation of the smoking legislation on the four licensing objectives*

- d. the proposed hours of operation - there is no presumption that the local authority will allow external areas to be used by customers for the consumption of food or drink after 23.00 unless otherwise stated in the particular premises licensing conditions;*

- e. the levels of public transport accessibility for customers and the likely means of public or private transport that will be used;*

- f. means of access to the premises for customers;*

- g. whether appropriate car parking is readily accessible to premises and whether the use/parking of vehicles would cause a demonstrable adverse impact on the amenity of residents;*

- h. the cumulative impact of licensed premises;*

- i. frequency of the activity;*

j. the steps the applicant has taken or proposes to prevent disturbance by patrons arriving at or leaving the premises;

k. the steps the applicant has taken or proposes to prevent queuing, or if queuing is inevitable, to divert queues away from neighbouring premises, or otherwise manage the queue to prevent disturbance or obstruction;

l. the arrangements the applicant has made or proposes to make for security lighting at the premises, and the steps the applicant has taken or proposes to take to ensure that lighting will not cause a nuisance to residents;

m. whether routes to and from the premises pass residential premises;

n. whether the premises would result in increased refuse storage or disposal problems or additional litter in the vicinity of the premises.

19.2 The policy will not set fixed trading hours within any designated area as this could lead to significant movements of people across boundaries at particular times seeking premises opening later, with the attendant concentration of disturbance and noise. The licensing authority will generally deal with the issue of licensing hours having due regard to the individual merits of each application. However the policy recognises that stricter conditions with regard to noise control will be necessary in more densely populated residential areas – where any application will be judged on its merits.

Relevant paragraphs of the Section 182 guidance are found below;

“9.3 where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant (see paragraphs 9.4 below), the licensing authority’s discretion will be engaged. It will also be engaged if another person makes relevant representations to the licensing authority, which are also not frivolous or vexatious (see paragraphs 9.4 below). Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

9.4 A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives.....There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.

9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.”

Panel members are requested to consider the evidence and to determine whether or not the application should be granted with or without modifications or rejected.

AIR QUALITY IMPLICATIONS

8. There are no Air Quality implications.

COMMENTS OF THE STATUTORY FINANCE OFFICER

9. There are no financial implications.

COMMENTS OF THE MONITORING OFFICER

10. The Authority are under a statutory duty to facilitate the hearing. When determining this hearing the Council must comply with the rules of natural justice. Any party at the hearing has a right to appeal the decision to the Magistrates Court.

OTHER IMPLICATIONS:

<p>▶ Risk</p> <p>▶ Equality & Diversity</p>	<p><i>Relevant comment to added here</i></p> <p><i>Relevant comment to added here</i></p>
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APPENDICES

- Appendix 1 - Representation made by 186 Towngate
- Appendix 2 - Representation made by 194 Towngate
- Appendix 3 - Map of Towngate, Leyland
- Appendix 4 – Application Form

LT Member’s Name
Job Title

Report Author: Stephanie Fairbrother	Telephone:	Date: 14 th November 2019
Stephanie Fairbrother, Licensing Officer	01772 625337	

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Licensing Section
South Ribble Borough Council
Leyland
PR25 1DH

Bernard Yates
186 Towngate
Leyland
PR25 2TE
11/11/2019

Ref. 'Fat Sam's Grill Ltd.' 165 Towngate, Leyland, PR25 2TE'

Dear Sir/Madam,

I object to the licensing of 165 Towngate, Leyland, PR25 2TE on the grounds of the prevention of public nuisance.

I live opposite the proposed bar/restaurant.

165 Towngate had been a bank closing at 5pm Monday to Friday. The proposed bar/restaurant will be open Monday to Thursday 11am to 22:45pm, Friday and Saturday 11am to Midnight, Sunday 11am to 22:00pm.

I believe that music being played and people drinking inside and outside (and people smoking outside) of the bar/restaurant and the selling of alcohol and late night refreshments will cause undue noise and possible anti-social behaviour to the residents living opposite and to the side street.

The coming and going of people in cars until the early hours will also cause undue public nuisance.

Leyland already has enough outlets selling alcoholic drinks and food.

Yours faithfully,



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Appendix 2

194 TOWNGATE

LEYUARD

Date 12/11/19.

LANCS

P225 2 TE

REF: Fat Sams Grill Ltd

To whom it concerns

I strongly object to the licensing of 165 Towngate on the grounds of public nuisance. As a business having 9-5:00pm working hours I do not have a problem with but-to want to have such late hours with music, people smoking and eating outside, more so in the summer months is not acceptable. I would be prevented from opening my windows as the noise would disturb my children who sleep at the front of the house. It is not necessary

to have another establishment selling food and alcohol - Heyland has enough already.

Yours faithfully,

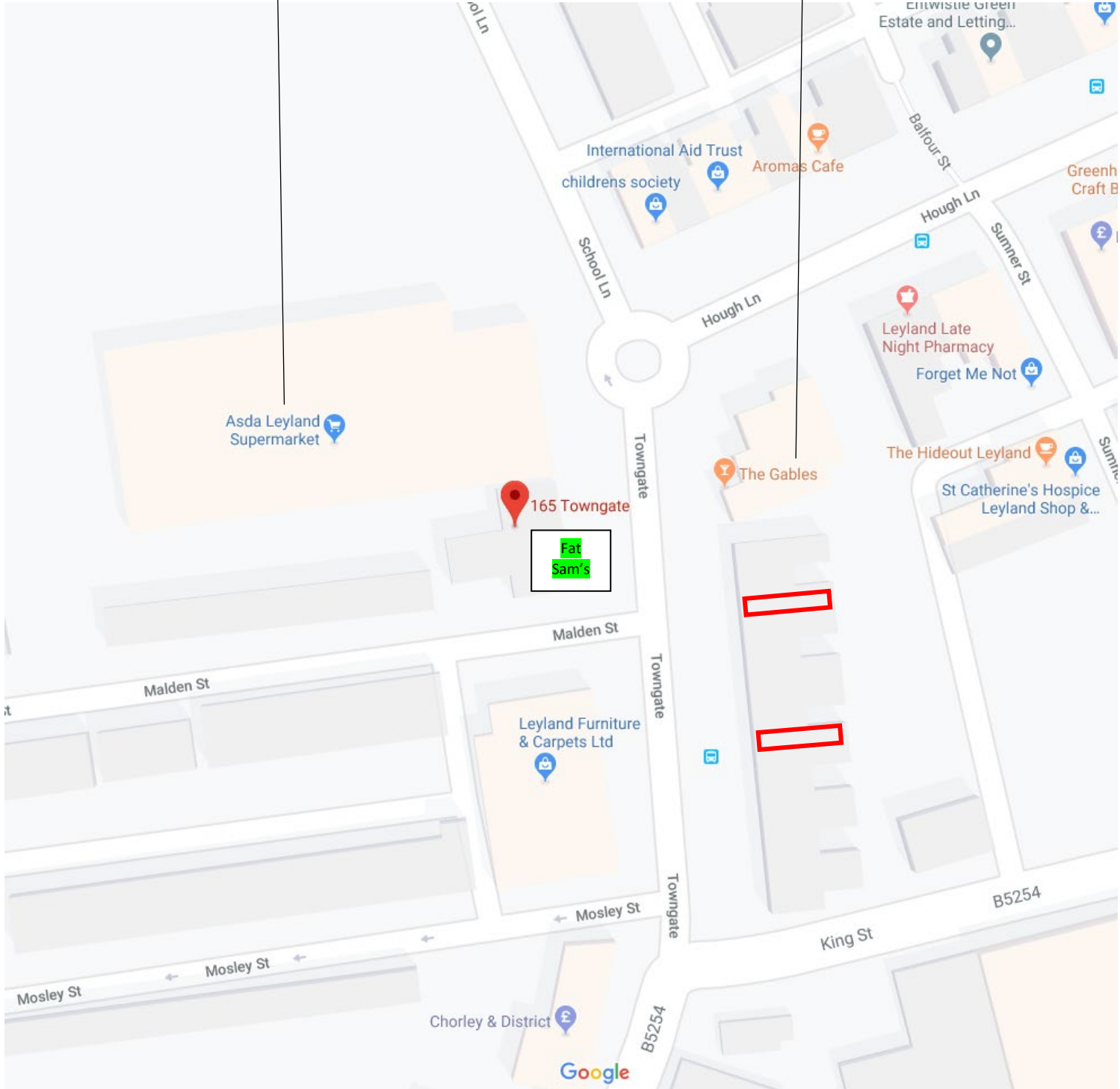
Mrs T J Bassett

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Appendix 3

ASDA - PREMA0055
*Late night refreshments
& Supply of Alcohol*
Monday – Sunday
06:00am - Midnight

The Gables Public House – PREMA0122
Supply of Alcohol
Sunday – Thursday 09:00am – Midnight
Friday & Saturday 09:00am – 01:00am



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Application for a premises licence to be granted
under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We FAT SAM GRILL LTD.

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, Ordnance Survey map reference or description			
165 TOWNGATE LEYLAND PR25 2TE			
Post town	LEYLAND	Postcode	PR25 2TE
Telephone number at premises (if any)	/		
Non-domestic rateable value of premises	£ 22500		

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | | | |
|-----|---|-------------------------------------|-----------------------------|
| a) | an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) | a person other than an individual * | | |
| | i) as a limited company | <input checked="" type="checkbox"/> | please complete section (B) |
| | ii) as a partnership | <input type="checkbox"/> | please complete section (B) |
| | iii) as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| | iv) other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) | a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) | a charity | <input type="checkbox"/> | please complete section (B) |
| e) | the proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |
| f) | a health service body | <input type="checkbox"/> | please complete section (B) |
| g) | a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales | <input type="checkbox"/> | please complete section (B) |
| ga) | a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England | <input type="checkbox"/> | please complete section (B) |
| b) | the chief officer of police of a police force in England and Wales | <input type="checkbox"/> | please complete section (B) |

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a

statutory function or

a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr	<input type="checkbox"/>	Mrs	<input type="checkbox"/>	Miss	<input type="checkbox"/>	Ms	<input type="checkbox"/>	Other Title (for example, Rev)	
Surname						First names			
HOWARTH						SAM			
I am 18 years old or over							<input checked="" type="checkbox"/>	Please tick yes	
Current postal address if different from premises address			13 WOLSELEY ROAD						
Post town			PRESTON			Postcode		PR1 5EU	
Daytime contact telephone number					07561093094				
E-mail address (optional)									

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr	<input type="checkbox"/>	Mrs	<input type="checkbox"/>	Miss	<input type="checkbox"/>	Ms	<input type="checkbox"/>	Other Title (for example, Rev)	
Surname						First names			
I am 18 years old or over							<input type="checkbox"/>	Please tick yes	
Current postal address if different from premises address									
Post town						Postcode			
Daytime contact telephone number									
E-mail address (optional)									

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	FAT SAM'S GRILL.
Address	165 TOWNGATE LEYLAND. PR25 2TE.
Registered number (where applicable)	
Description of applicant (for example, partnership, company, unincorporated association etc.)	COMPANY.
Telephone number (if any)	01772 379174.
E-mail address (optional)	FATSAMSGRILL@ICLOUD.COM.

Part 3 Operating Schedule

	DD	MM	YYYY
When do you want the premises licence to start?	<input type="text" value="01"/>	<input type="text" value="12"/>	<input type="text" value="2014"/>
	DD	MM	YYYY
If you wish the licence to be valid only for a limited period, when do you want it to end?	<input type="text"/>	<input type="text"/>	<input type="text"/>

Please give a general description of the premises (please read guidance note 1)

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>		
Mon	11 AM	11 pm			
Tues	11 AM	11 pm			
Wed	11 AM	11 pm	<u>State any seasonal variations for the playing of recorded music (please read guidance note 4)</u>		
Thur	11 AM	11 pm			
Fri	11 AM	12 pm	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Sat	11 AM	12 pm			
Sun	11 AM	10 pm			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol (please read guidance note 4)</u> C <u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Mon	11 AM	22:45			
Tues	11 AM	22:45			
Wed	11 AM	22:45			
Thur	11 AM	22:45			
Fri	11 AM	23:45			
Sat	11 AM	23:45			
Sun	11 AM	21:45			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name	CHRISTOPHER MAUGHAN.
Address	51 FENSWAY HUTTON BR PRESTON
Postcode	PR4 5TB
Personal licence number (if known)	PERS1075
Issuing licensing authority (if known)	SOUTH RIBBLE BOROUGH COUNCIL

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	11 AM	11 pm	<u>Non standard timings. Where you intend the premises to be open to the public at different times to those listed in the column on the left, please list (please read guidance note 5)</u>
Tues	11 AM	11 pm	
Wed	11 AM	11 pm	
Thur	11 AM	11 pm	
Fri	11 AM	12 pm	
Sat	11 AM	12 pm	
Sun	11 AM	10 pm	

1

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tues					
Wed					
Thur			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Fri	11am	12pm			
Sat	11am	12pm			
Sun			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		

M - Describe the steps you intend to take to promote the four licensing objectives:

a) General - all four licensing objectives (b, c, d and e) (please read guidance note 9)

Regular management meetings to outline any concerns. Adhere to all licensing objectives. Prevention of crime and disorder, Public safety, Public

b) The prevention of crime and disorder nuisance and protection of children from harm.

CCTV to be installed and operational whilst trading. Recording retained for 14 days. Incident book to be kept of any occurrences.

c) Public safety

- No irresponsible drunk promotions.
- Maximum capacity adhered to.
- Accident log to be kept.
- Staff trained to appropriate standard

d) The prevention of public nuisance

- We will display signage to ask patrons to leave quietly.
- Staff to ensure orderly conduct of patrons internally and externally.

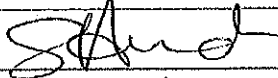
e) The protection of children from harm

- Challenge 25 policy enforced at all times, PASS accredited ID valid only.
- Under 16 not to be permitted after 9pm. Accompanied by appropriate adult before hand.

- Signs explaining this will be displayed.

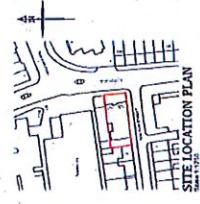
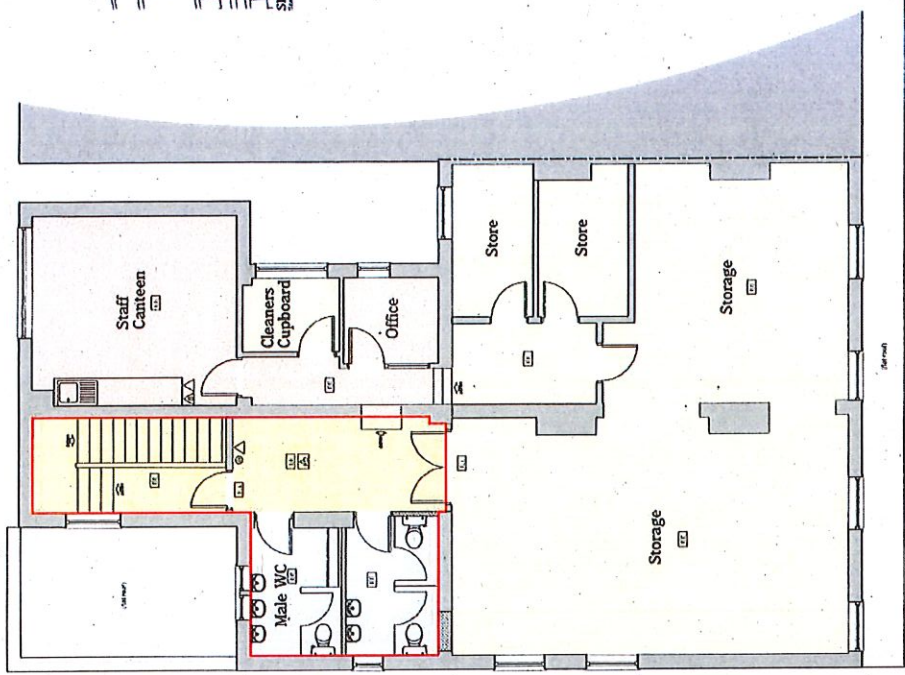
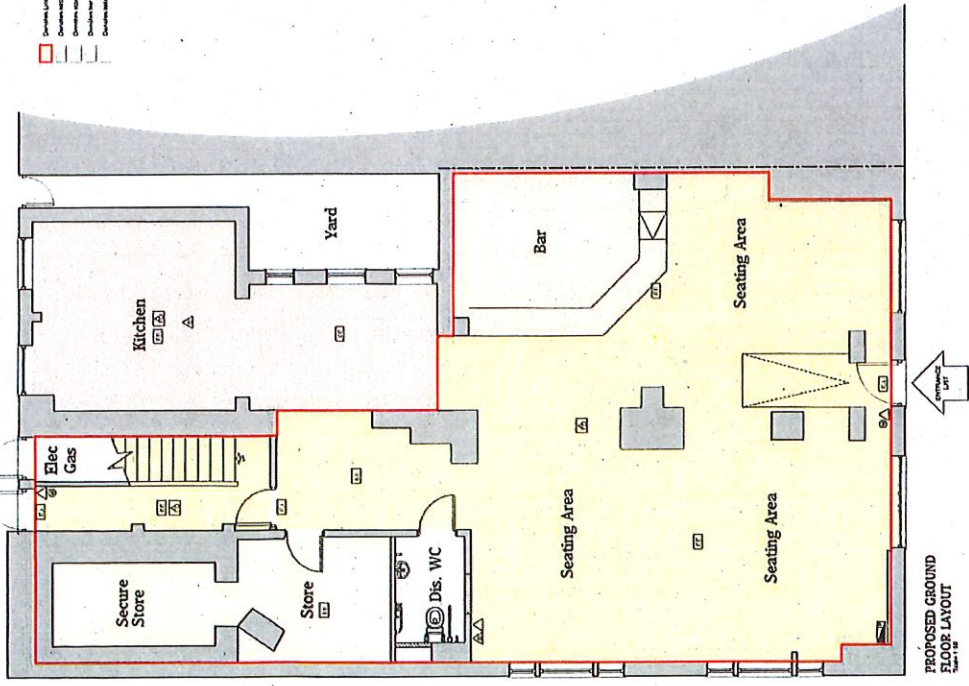
Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 11). If signing on behalf of the applicant, please state in what capacity

Signature			
Date	10/10/19		
Capacity	DIRECTOR.		
For joint applications, signature of 2 nd applicant or 2 nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.			
Signature			
Date			
Capacity			
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

PROPOSED
THIS DRAWING IS FOR LICENSE
PURPOSES ONLY

165/167 TOWNGATE, LEYLAND



PRELIMINARY KEY

△	Fire escape	△	Area reserved for delivery of the collection
△	Fire alarm	△	Indoor plant
△	Fire door	△	Area reserved for emergency lighting
△	Fire door with self-closing device	△	Hand rail
△	Handrail end cap	△	Hand rail
△	Hand rail		

General Licensed Areas

Red outline	General Licensed Area
Blue outline	Children's play area
Green outline	Children's play area
Yellow outline	Children's play area
Orange outline	Children's play area

<p>RS DESIGN CONSULTANCY 100-102, Market Street, Preston, Lancashire, PR1 2QJ</p>	<p>FAT SAM'S</p> <p>165/167 TOWNGATE LEYLAND PRESTON PR25 2TE</p>
<p>Drawing Title: PROPOSED LICENSE PLAN</p>	<p>Scale: 1:50 @ A1</p> <p>Date: OCT 2019</p> <p>Drawing No: PLP-01</p> <p>License No: 19-470</p>

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Lancashire County
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 ur data please refer to
 y for Planning which
 following address:-
 ncil/transparency/acc-
 ject-specific-privacy-

n will be available on
 days of the decision.

Licensing Act 2003: New Premises Licence

Notice is hereby given that I, Fat Sam's Grill Ltd have made an Application for a Premises Licence under Section 17 of the Licensing Act 2003 in respect of the Premises known as:
 165 Towngate, Leyland, PR25 2TE.

I intend to apply to:
 Supply Alcohol & Late Night Refreshments
 Monday - Thursday 11:00am - 22:45pm
 Friday - Saturdays 11:00am - 23:45pm
 Sundays 11:00am - 21:45pm

Interested parties (within the meaning of the Act) may make written representations to South Ribble Borough Council about this application until 13th November 2019 which should be sent to the following address:

Licensing, South Ribble Borough Council
 Civic Centre, West Paddock, Leyland, PR25 1DH. For full details and to view a copy of the application please contact Licensing on 01772 421491 or email licensing@southribble.gov.uk

It is an offence to knowingly or recklessly make a false statement in connection with an application and the maximum fine for which a person is liable on conviction for this offence is a fine not exceeding £5,000.

BARBARA FLORENCE CORLETT (Deceased)

Pursuant to the Trustee Act 1925 any persons having a claim against or an interest in the Estate of the aforementioned deceased, late of 7 Coniston Avenue Euxton PR7 6NY, who died on 07/08/2019, are required to send particulars thereof in writing to the undersigned Solicitors on or before 10/01/2020, after which date the Estate will be distributed having regard only to claims and interests of which they have had notice.

Michelle Fairhurst
 13 Chancery Fields Euxton PR7 1DG

T369746

**Lindsay Hoyle
 MP's Surgery
 Town Hall**



GENERAL VACANCIES

**worthington lake
 CARE HOME**

Worthington Lake is looking for
Care Assistants
 to join our team:

Must have a minimum of 1
 year experience and NVQ Level 2 or
 equivalent.

Salary is £8.90 an hour.

For further information or to apply please
 call 01257 424927
 or email
 Katie@millennium-care.co.uk.

MOTORS

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5 door, Petrol, Blue, 2004,
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 P/A/S, MOT 7/03/20.
 Excellent car throughout.
 Over £600 spent in last 6
 months. Cheap car to

MOTORHOMES

HOYLES DEN

Established 198
 over 60 years exi

MOTOR

RENAULT



Renault Clio
 82,000 miles
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EVERY

Licensing Act 2003: New Premises Licence

Notice is hereby given that I *Fat Sam's Grill Ltd* have made a Application for a Premises Licence under Section 17 of the Licensing Act 2003 in respect of the Premises known as 165 *Towngate, Leyland, PR25 2TE*

I intend to apply to;

Supply Alcohol & Late Night Refreshments

Monday – Thursday 11:00am – 22:45pm

Friday – Saturdays 11:00am – 23:45pm

Sundays 11:00am – 21:45pm

Interested parties (within the meaning of the Act) may make written representations to South Ribble Borough Council about this application until *13th November 2019* which should be sent to the following address:

Licensing
South Ribble Borough Council
Civic Centre
West Paddock
Leyland
PR25 1DH

For full details and to view a copy of the application please contact Licensing on 01772 421491 or email licensing@southribble.gov.uk

It is an offence to knowingly or recklessly make a false statement in connection with an application and the maximum fine for which a person is liable on conviction for this offence is a fine not exceeding £5,000.

REPORT TO	ON
Licensing Panel	3 December 2019



TITLE	REPORT OF
Tenpin Capitol Centre	Interim Monitoring Officer

Is this report confidential?	No
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PURPOSE OF THE REPORT

1. To provide members with a summary of the application and guidance to the legislative process involved in determining the application.

RECOMMENDATIONS

2. Note the report, determine whether to grant the application in accordance with statute and guidance.

CORPORATE OUTCOMES

3. The report relates to the following corporate priorities:

Excellence, Investment and Financial Sustainability	
Health, Wellbeing and Safety	x
Place, Homes and Environment	x

Projects relating to People in the Corporate Plan:

Our People and Communities	
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BACKGROUND TO THE REPORT

4. A new application was made to the licensing authority on 23/09/2019 for determination by Georgica Limited, trading as Tenpin Preston. The applicant is seeking operating hours 09:00 to 02:30 Monday to Sunday, with supply of alcohol at a terminal hour of 02:00, recorded and live music hours 10:00 - 02:00.

REPRESENTATIONS FROM RESPONSIBLE AUTHORITIES

5. There has been one representation received by a responsible authority in respect of the application. The representations have been received from the Council's Environmental Health Section. The representation relate to concerns over public nuisance which fall under the licensing objectives. The details of the representation can be found in Appendix 1.

PROPOSALS

6. The decision to be made today by the Licensing Panel is to determine the application under section 18 of the Licensing Act 2003.

Section 18 of the Licensing Act 2003 sets out the steps that can be taken, which are;

To grant the Premises Licence subject to any conditions the Licensing Authority considers appropriate for the promotion of the Licensing Objectives.

To exclude from the scope of the licence any licensable activities to which the application relates.

To refuse to specify a person in the licence the premises supervisor; or

To reject the application.

A licensing authority must carry out its functions under the Act (licensing functions) with a view to promoting the licensing objectives. In carrying out its functions, a licensing authority must have also have regard to;

- a) Its own statement policy published under section 5, and
- b) Any guidance issued by the Secretary of State under section 182.

Some relevant policy considerations are as follows;

12.4 In considering all licence applications, the Licensing authority will consider the adequacy of measures proposed to deal with the potential for nuisance and disorder having regard to all of the circumstances of the application, and in particular consider the following:-

a. the type of activity, the number and type of customers likely to attend;

b. the levels of noise likely to be generated from the premises;

c. particular consideration to be given to the effect of the implementation of the smoking legislation on the four licensing objectives

d. the proposed hours of operation - there is no presumption that the local authority will allow external areas to be used by customers for the consumption of food or drink after 23.00 unless otherwise stated in the particular premises licensing conditions;

e. the levels of public transport accessibility for customers and the likely means of public or private transport that will be used;

f. means of access to the premises for customers;

- g. whether appropriate car parking is readily accessible to premises and whether the use/parking of vehicles would cause a demonstrable adverse impact on the amenity of residents;*
- h. the cumulative impact of licensed premises;*
- h. frequency of the activity;*
- i. the steps the applicant has taken or proposes to prevent disturbance by patrons arriving at or leaving the premises;*
- j. the steps the applicant has taken or proposes to prevent queuing, or if queuing is inevitable, to divert queues away from neighbouring premises, or otherwise manage the queue to prevent disturbance or obstruction;*
- k. the arrangements the applicant has made or proposes to make for security lighting at the premises, and the steps the applicant has taken or proposes to take to ensure that lighting will not cause a nuisance to residents;*
- l. whether routes to and from the premises pass residential premises;*
- m. whether the premises would result in increased refuse storage or disposal problems or additional litter in the vicinity of the premises.*

19.2 The policy will not set fixed trading hours within any designated area as this could lead to significant movements of people across boundaries at particular times seeking premises opening later, with the attendant concentration of disturbance and noise. The licensing authority will generally deal with the issue of licensing hours having due regard to the individual merits of each application. However the policy recognises that stricter conditions with regard to noise control will be necessary in more densely populated residential areas – where any application will be judged on its merits.

Relevant paragraphs of the Section 182 guidance are found below;

“9.3 where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant (see paragraphs 9.4 below), the licensing authority’s discretion will be engaged. It will also be engaged if another person makes relevant representations to the licensing authority, which are also not frivolous or vexatious (see paragraphs 9.4 below). Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

9.4 A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives.....There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.

9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.”

Panel members are requested to consider the evidence and to determine whether or not the application should be granted with or without modifications or rejected. The Panel must have regard to;

- a) Its own Policy; and
- b) Secretary of State Guidance (section 182 of the Licensing Act 2003)

COMMENTS OF THE STATUTORY FINANCE OFFICER

7. There are no financial implications.

COMMENTS OF THE MONITORING OFFICER

8. This application should be determined having regard to the Licensing Objectives, all relevant legislative requirements, the council’s Policy statement and Section 182 Guidance. As ever the Panel must act reasonably when exercising its powers.

OTHER IMPLICATIONS:

<p>▶ Air Quality</p>	<p><i>Please refer to comments made in representation submitted by Environmental Health</i></p>
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APPENDICES

Appendix 1

Representation from Environmental Health

David Whelan
Interim Monitoring Officer

Report Author:	Telephone:	Date:
Justin Abbotts, Licensing Officer	01772 625460	

From: Howard, Andrew
Sent: 25 October 2019 16:40
To: Licensing <Licensing@southribble.gov.uk>
Subject: Tenpin representation

In reply to your consultation concerning the new premises licence application for Tenpin, Unit 7b Capitol Centre I wish to make a representation under the prevention of public nuisance objective.

The application includes live and recorded music until 2am with a closing time of 2.30am. The neighbouring units close by 8.30pm or earlier. While I would not expect significant disturbance to be caused during the day there is potential for Tenpin to become the most significant noise source in the area once the traffic dies down.

1. The proposed site is across the road (approx. 50m) from residential accommodation with further residential accommodation to the side of the site. The premises has a two storey glass frontage of unknown acoustic quality. Previous experience with glass frontages suggests that unless they have been specifically designed for acoustic attenuation they are unlikely to successfully prevent noise breakout, particularly where any element of low frequency noise is present. It should also be noted there is significant potential for direct noise breakout through the main door which directly faces the residential accommodation. Noise breakout has not been addressed in the application.
2. I have been informed that the car park serving this side of the site closes at night. If this is the case then unless alternative car parking is provided this could result in visitors parking on adjacent streets. When visitors are leaving they may then be disturbing residents as they enter their cars and start engines. This issue is not addressed in the application.
3. The Revised Guidance issued under section 182 of the Licensing Act 2003 (para. 8.41 - 8.44) expects applicants to consider the locality of the premises in their application and how this may affect smoking, noise management and dispersal policies. Applicants are expected to include positive proposals in their application on how they will manage any potential risks. This has not been adequately addressed in the application.

I have been in contact with the applicant's solicitor concerning these matters and I understand that the applicant is working to address these concerns. Unfortunately it was not possible for them to do so prior to the last day for representations.

Regards

Andrew Howard

Senior Environmental Health Officer (Tue - Fri)

South Ribble Borough Council

T: 01772 625459

A: Civic Centre, West Paddock, Leyland, PR25 1DH

W: www.southribble.gov.uk



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