

MINUTES OF LICENSING PANEL

MEETING DATE Thursday, 19 July 2018

MEMBERS PRESENT: Councillors David Suthers (Chair), Jane Bell and Barbara Nathan

OFFICERS: Mark Marshall (Head of Licensing), Andrew Howard (Senior Environmental Health Officer), Tasneem Safdar (Senior Solicitor) and Dianne Scambler (Governance and Member Services Team Leader)

OTHER MEMBERS AND OFFICERS: Justin Abbotts (Licensing Officer) and Chris Ward (Licensing Officer)

PUBLIC: 11

7 Apologies for absence

None, all Members were present.

8 Declarations of Interests

There were no declarations of interest.

9 Determination of new premises licence application - Weavers Arms, 2 - 4 Spinners Square, Bamber Bridge PR5 6EQ

The Panel considered for determination an application for a new Premises Licence under section 18 of the Licensing Act 2003. The application was in respect of the Weavers Arms, 2-4 Spinners Square, Bamber Bridge.

Representations were made by three Responsible Authorities, the Planning Section and Environmental Health Department of South Ribble Borough Council and the Lancashire Fire & Rescue Service. There were also eleven representations made by Other Persons.

Director of the Spinners Square Limited, Alan Burdett and Lee Forshaw who had submitted the application were also present at the meeting. Mr Burdett present the case for the applicant.

At the outset it was confirmed that the application had been amended by letter on 17 July 2018. The amended application before the Panel was now in respect of seeking permission to sell alcohol by retail between the hours of 10am and midnight Sunday to Thursday and 10am to 1am on Fridays and Saturdays. The amended application also sought to exclude the offering of recorded music and the provision of making music, which had been applied for on the same terms as the sale of alcohol.

With the permission of the Panel and in accordance with the Council's hearing procedure the Head of Licensing outlined the application.

The applicant, then addressed the Panel. As part of his representations the Panel were provided with three large photographs to support their application at the meeting. Questions were asked.

The representation received from the council's Planning Team was read out to the Panel and an officer from its Environmental Health Team addressed the Panel. Both objected to the application and questions were asked. A number of local residents objecting to the application also addressed the Panel and questions were asked.

Having fully considered the representations (written and oral) made by local residents and the application made by the applicant, the Panel retired to reach its decision.

In reaching its decision the panel took into account the following:

- both written and oral evidence presented in connection with the hearing
- Licensing Act 2003
- S182 Amended Guidance of the Licensing Act 2003
- South Ribble Borough Council's Licensing Policy

The Panel had concerns in relation to noise and felt that the acoustic assessment did not address the issues of the whole of the premises. They were also of the opinion that the reduction of hours, restricted times for the use of the outside area and any additional sophisticated noise conditions as mentioned in the S182 guidance and the Council's statement of Policy would not address these concerns.

If the Applicant, Responsible Authorities or any person having made a relevant representation was dissatisfied with the outcome of the hearing, then they may challenge the decision of the Panel by making an appeal to the Preston Magistrates Court within 21 days on receipt of this decision.

RESOLVED: (UNANIMOUS)

To refuse the application for a new premises licence for the Weavers Arms, 2-4 Spinners Square, Bamber Bridge PR5 6EQ for the following reasons:

1. The panel considered and noted that public nuisance had a broad common law meaning for the purposes of the 2003 Act, as stipulated in the S182 Guidance at 2.15 -2.21. This could include in appropriate circumstances the reduction of the living and working amenity of persons living in the area.
2. The part of Station Road on which the premises is situated is the narrowest part of road. It is the quieter end of Station Road than the other parts of the road. The area is highly populated with residential properties which are occupied by the elderly and by families with children. The representations made by other persons were extremely relevant as these are the people that live or work in the area and understand its intricate matters.
3. In regards to the noise from the premises itself, it troubled the panel that the acoustic assessment did not address the issues of the whole of the premises. They took a

great point of note of the EH officer who had provided valuable detailed information of the flanking noise but also the fact that a building blocking a line of sight does not address the issue of noise at the outside of the premises. The panel considered all the options it had available in terms of the reduction of hours, restricted times for the use of the outside area and the volunteered and any additional sophisticated noise conditions as mentioned in the S182 guidance, South Ribble Council's statement of policy, together with the operating schedule. However, having considered in detail all the representations made, the panel were of the view that these would not address the concerns in respect of the noise nuisance.

4. The panel were also concerned with the increase of noise from traffic, and the effect that this would have on the people living in the area. It was also noted that there was no parking facilities available for patrons. The representations provided that there is already limited parking around the area with people parking on pavements. Undoubtedly taxis and delivery vans would have to stop outside the bus stop and cause an obstruction and increase in noise, to an already narrow and busy spot. The panel were also concerned with the close proximity of the decking area of the premises to the bus stop where children congregated and the concern was that this would undermine the protection of children from harm licensing objective. The panel felt that even if they reduced the times for the use of the decking area for drinking, patrons still had to smoke outside, which would cause noise and smoke nuisance to the children and elderly waiting at the bus stop and the residents in the area. The panel were of the view that the amenity of those living and working in the area would be effected significantly.
5. The panel did take into account the fact that the applicants had other successful premises. The panel had no issue with micro-pubs per se. However, the panel were of the view that the location of the premises was not best suited. Premises of the nature requested to be opened would on the balance of probabilities attract public nuisance, which would weigh negatively in undermining the licensing objective.
6. Although the behaviour of an applicant is not linked to the licensing objectives, the panel did feel that the behaviour of Mr Foshaw in sending the letter to Mr Nuttall was bullish in nature and is not what they would expect from a director of an applicant company and vice chair of PubWatch. In some respects, it questioned their minds as to the true character of the individual, which was very different at the hearing. The panel expected licence holders to seek views of responsible authorities and local residents as they are a useful source of advice. They were disappointed that there was friction between the applicant and residents.
7. The panel were of the view that even if they reduced the hours, included the volunteered conditions or imposed more sophisticated conditions this would not address the undermining of the licensing objectives raised by EH, Planning and other persons representations. For the above reasons, the application was refused.

Chair

Date

