

DEPARTMENT OF ENVIRONMENT AND LEISURE

ORIGINATING SECTION: PUBLIC PROTECTION SERVICE

REPORT TO: LICENSING ACT SUB-COMMITTEE Date: 18 January 2024

**TITLE : APPLICATION FOR A VARIATION OF A PREMISES LICENCE – LP8373
The Wellington Inn.**

1.	<u>PURPOSE OF REPORT</u>
1.1	For members to consider an application to vary premises licence LP8490, in respect of the Wellington Inn, 362 Livesey Branch Road, Blackburn, BB2 4QJ .
2.	<u>BACKGROUND</u>
2.1	The Licensing Act 2003 provides for the functions of the licensing authority (including its determinations) to be taken or carried out by the Licensing Committee.
2.2	The Licensing Committee may delegate these functions to sub-committees. Officers deal with matters under delegated powers where there are no relevant representations for the following application types:- an application for the grant or variation of a premises licence or club premises certificate; a police objection to an application for a personal licence or an objection from Police or Environmental Health to an activity taking place under the authority of a temporary event notice.
2.3	The Council’s Statement of Licensing Policy indicates how the licensing authority approaches its various functions.
2.4	The Licensing Committee will receive regular reports on decisions made by officers so that they maintain an overview of the general situation.
2.5	Each application that comes before this committee will be considered on its own merits, and the licensing authority will take its decision based upon: <ul style="list-style-type: none">● The merits of the application● The promotion of the four licensing objectives● The Licensing Authority’s statement of policy● Statutory Guidance issued by the Secretary of State under section 182 of the Licensing act 2003.

<p>3</p> <p>3.1</p> <p>3.2</p> <p>3.3</p>	<p><u>DETAIL</u></p> <p>An application to vary premises licence LP8373, under s.34 of the Licensing Act 2003, was received on 16 November 2023, from Admiral Taverns Ltd (Appendix 1).</p> <p>The current licence (Appendix 2) authorises the following licensable activities:</p> <p>Supply of alcohol for consumption on and off the premises</p> <p>Monday to Thursday between 11:00 hrs and 00:00 hrs Friday and Saturday between 11:00 hrs and 01:00 hrs Sunday between 12 noon and 23:30 hrs</p> <p>In addition the sale of alcohol is also permitted:-</p> <p>For a further hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.</p> <p>A further hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for Easter Bank Holiday weekend.</p> <p>A further hour every Christmas Eve and Boxing Day. To reflect existing New Year's Eve/Day hours.</p> <p>The premises is authorised to be open to the public from the beginning of the permitted hours for alcohol sales until 30 minutes after the end of the permitted hours for such sales.</p> <p>The applicant seeks permission to be able to open and sell alcohol from 09:00 hrs on every day of the week.</p>
<p>4</p> <p>4.1</p> <p>4.2</p> <p>4.3</p> <p>4.4</p>	<p><u>CONSULTATION</u></p> <p>All the Responsible Authorities have been consulted and public notices have been displayed and published in accordance with the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.</p> <p>There have been three objections to this application submitted by local residents (Appendix 3).</p> <p>Rep 1 is concerned that they are already subject to disturbance, littering, parking issues and anti-social behaviour from the premises and its patrons, and they are concerned that this will increase if they are granted additional hours.</p> <p>Rep 2 is also concerned about the potential for additional disturbance, littering and anti-social behaviour if the application is granted.</p>

<p>4.5</p> <p>4.6</p> <p>4.7</p> <p>4.8</p>	<p>Rep 3 is also concerned that their existing problems with parking, littering, disturbance and anti-social behaviour will increase if the application is granted.</p> <p>Lancashire Constabulary have confirmed they have no objections to the application following agreement with the applicant to an additional condition (Appendix 4).</p> <p>Lancashire Fire and Rescue Service have confirmed that they have no objection to this application (Appendix 5).</p> <p>It has been determined that the objections from the public are relevant comply with Section 35(6) Licensing Act 2003.</p>
<p>5</p> <p>5.1</p>	<p><u>POLICY CONSIDERATIONS</u></p> <p>The Council's current statement of Licensing Policy addresses trading hours as follows:</p> <p>142. This Policy recognises that longer and more flexible licensing hours can contribute to easing crime and disorder problems by ensuring that concentrations of customers leaving premises simultaneously are avoided thus helping to reduce friction at taxi ranks and private hire offices, fast food outlets etc.</p> <p>143. The Policy will not set fixed trading hours within any designated area though the Policy recognises that stricter conditions with regard to noise control will be necessary in more densely populated residential areas. Additional security measures may need to be considered on premises which remain open to the public after 3:00am. Each application will be judged on its merits with the discharging of the licensing objectives being paramount in every case.</p> <p>144. Unless there are good reasons to the contrary on the grounds of public disorder or crime prevention, shops, stores and supermarkets that sell alcohol will be permitted to do during the times that they would ordinarily sell other goods. It would be for interested persons or the responsible authorities to prove why this should not be so in any particular case.</p> <p>145. As a general presumption, applications for licences to sell alcohol for consumption on the premises (including club premises) who wish to open between 10 am and midnight Sunday to Thursday and 10 am to 1 am Friday and Saturday will have their licence granted - subject to the rights of other persons to object and thereby require a hearing.</p> <p>146. Any premises wishing to open for longer hours, or where amplified music is to be a feature of the entertainment which is provided, will need to demonstrate specifically within their operating schedule, how they will discharge the Licensing Objectives.</p> <p>147. Applicants should be aware that there is no automatic presumption in favour of longer hours and all cases which are referred to the Licensing Committee the Committee will consider if the hours requested by the applicant undermine the licensing objective. Where the Committee concludes that they do, the Committee may reject the application, or impose conditions and/or grant the licence with permitted hours which are different to those requested.</p> <p>148. In the interests of reducing crime, disorder and anti-social behaviour, the Council will prefer applications for public houses, nightclubs and registered clubs that demonstrate in their operating schedules a responsible approach to alcohol sales by ending such sales some time before the premises themselves are closed ('drinking-up time'). There is no obligation on the holder of a premises licence or club premises certificate to remain open for the entire period permitted by his licence or certificate.</p>

5.2	The relevant section of the statutory guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 has been reproduced at Appendix 6 .
6	<u>THE LICENSING ACT 2003</u>
6.1	After having regard to all the representations, the Council's Statement of Policy and the Statutory Guidance, the Committee must consider whether granting the application in the terms applied for, would undermine any of the licensing objectives.
6.2	If members of the sub-committee are satisfied that the licensing objectives would not be undermined, you should grant the application.
6.3	If, however you are concerned that granting the application has the potential to undermine one or more of the licensing objectives, you must then consider what, if any, steps would be appropriate to secure the promotion of the licensing objectives.
6.4	You may take any of the following steps: <ul style="list-style-type: none"> • Grant the application, subject to such conditions that the you consider appropriate for the promotion of the licensing objectives. • Exclude from the scope of the licence, any of the licensable activities to which the application relates, this can include revising the permitted hours for licensable activities. • Reject the whole or part of the application.
7	<u>LEGAL IMPLICATIONS ARISING FROM THE REPORT</u>
7.1	Members are reminded that they must follow the rules of natural justice and they are bound by the code of conduct for elected members in licensing applications.
7.2	Members are reminded of the consideration they should give to the Human Rights Act 1998, in particular Article 1 – the right to peaceful enjoyment of possessions, Article 6 – the right to a fair hearing, Article 8 – respect for private and family life and.
8	<u>BACKGROUND PAPERS</u>
8.1	Appendices
8.2	Statement of Licensing Policy
8.3	Statutory Guidance issued by the Secretary of State under section 182 of the Licensing act 2003
8.4	The Licensing Act 2003.
9	<u>RECOMMENDATION</u>
9.1	That members determine the application to vary Premises Licence ref: LP8373.

10	<u>WARDS AFFECTED</u>
10.1	The premises are situated in the Mill Hill & Moorgate ward.
11	<u>CONTACT OFFICER</u>
11.1	Niky Barrett, Principal Licensing Officer
12	<u>DATE PREPARED</u>
12.1	20 December 2024