

Licensing Panel

Licensing Act 2003 Application for Variation of a Premises Licence

Anglers Arms, 95 Wrigley Head, Failsworth, M35 9BH

Report of Executive Member for: Neighbourhoods

Officer contact: Nicola Lord

13th September 2022

Reason for Decision

The purpose of this report is to inform Members of an application for variation of a premises licence in respect of Anglers Arms, 95 Wrigley Head, Failsworth which, due to representations being received, has been referred to this Panel for determination.

Recommendations

Members are recommended to consider the application, taking into account the representations received.

**Licensing Act 2003 – Application to Vary a Premises Licence
Anglers Arms, 95 Wrigley Head, Failsworth, M35 9BH**

1 Background

- 1.1 The purpose of this report is to inform Members of an application for variation of a premises licence in respect of Anglers Arms, 95 Wrigley Head, Failsworth which, due to representations being received, has been referred to this Panel for determination.

2 Recommendations

- 2.1 Members are recommended to consider the application, taking into account the representation received.

3 The Application

- 3.1 On the 12th July 2022 Advalue Properties Ltd applied for the variation of a premises licence in respect of the premises named above. The last day for representations in respect of the application was the 9th August 2022.

- 3.2 Details of the proposed variation are as follows:-

Permit the sale of alcohol from an outdoor bar between 12pm and 8pm Monday to Sunday (with a non-standard timing of 10pm on Bonfire night only)

Extend permitted hours on Friday & Saturday

- 3.3 A copy of the application & proposed plan is attached at **Appendix 1**.
- 3.4 A location map is attached at **Appendix 2**.

4 Representations

- 4.1 Following submission and advertisement of the application representations have been received. These can be found at **Appendix 3** to this report.

A representation was received from Environmental Health due to noise nuisance concerns if the premises were to extend their hours on a Friday & Saturday evening, and an agreement was reached between the applicant and EH. However, the applicant has since withdrawn their request to extend their hours on a Friday & Saturday evening and are now only seeking the use of the outdoor bar for the sale of alcohol.

5 Licensing Policy

5.1 Members considering the application should take note of the Authority's Licensing Policy Statement when determining an application. Attention should be drawn to Section 8 of the Council's Statement of Licensing Policy relating to Public Nuisance.

5.2 In relation to Public Nuisance paragraph 8.2 provides:-

When addressing public nuisance the applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities), which are likely to adversely affect the promotion of the public nuisance objective. Such steps as are required to deal with these identified issues should be included within the applicants operating schedule.

5.3 A full copy of the Councils Licensing Policy statement will be available at the hearing.

6 Secretary of State Guidance

6.1 Members also need to consider statutory guidance issued, by the Secretary of State, under Section 182 of the Licensing Act 2003 (April 2018).

6.2 In relation to 'Public Nuisance', the following paragraphs provide:-

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 11pm and 8am. 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.

2.20 Measures to control light pollution will also require careful thought. Bright light outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises and to respect the rights of people living nearby to a peaceful night.

A full copy of the guidance will be available at the hearing.

7 Options/Alternatives

- 7.1 When determining the application Members, having had regard to the representations, may take such steps as they consider appropriate for the promotion of the licensing objectives. The steps are -
- a) Grant the application as applied for (with the withdrawal of extending the hours)
 - b) Grant the application but modify the operating schedule in relation to hours, days, conditions or activities;
 - c) To reject the application;
- 7.2 Any steps appropriate to promote the licensing objectives should be specified. If no steps are appropriate the application should be granted.
- 7.3 Findings on any issues of fact should be on the balance of probability.
- 7.4 In arriving at a decision Members must have regard to the relevant provisions of national guidance and the licensing policy statement and reasons must be given for any departure.
- 7.5 The decision should be based on the individual merits of the application.

8 Consultation

- 8.1 Consultation in accordance with the Act has taken place with all Responsible Bodies and notice has been given to allow for any representations from other persons.

9 Legal Services Comments

- 9.1 In determining the application Members should have regard to the Authority's licensing policy statement and the Secretary of State's Guidance. The applicant or any other person who made relevant representations in relation to the application have a right of appeal to the Magistrates' court. (A Evans)

10 Environmental and Health & Safety Implications

- 10.1 Contained within the body of the report.

11 Equality, community cohesion and crime implications

- 11.1 The Council's 'Statement of Licensing Policy' takes into account these matters. All decision made by the Licensing Panel, must have regard to this policy and National Guidance.

12 Equality Impact Assessment Completed?

- 12.1 No

13 Background Papers

- 13.1 The following is a list of background papers on which this report is based in accordance with the requirements of Section 100(1) of the Local Government Act 1972. It does not include documents which would disclose exempt or confidential information as defined by the Act :

14 Appendices

Appendix 1 – Premises Licence Application & Proposed Plan

Appendix 2 – Location Map

Appendix 3 – Representations against the application from the following:

1. Danielle Hook
2. Mr & Mrs McLaughlin
3. Mr & Mrs McNamee
4. Robert Wild