

Licensing Committee Minutes

The minutes of the Licensing Committee meeting of Wyre Borough Council held on Thursday, 2 September 2021 at 6pm at Marine Hall, Fleetwood.

Licensing Committee members present:

Councillors Robinson, Cartridge, Baxter, C Birch, Leech, Smith, Matthew Vincent, Alan Vincent, A Turner and Williams

Apologies for absence:

Councillors Cropper and George

Other councillors present:

Councillor Lynn Walmsley

Officers present:

Daphne Courtenage, Assistant Democratic Services Officer
Duncan Jowitt, Democratic Services Officer,
Niky Barrett, Senior Licensing Officer
Mary Grimshaw, Legal Services Manager and Monitoring Officer
Mandy Seddon, Manager of Food, Health & Safety and Licensing

40 members of the public attended the meeting.

15 Election of Chairman

Agreed that Councillor Robinson be **appointed** Chairman of the Licensing Committee for the municipal year 2021/22.

16 Election of Vice Chairman

Agreed that Councillor Cartridge be **appointed** Vice-Chairman of the Licensing Committee for the municipal year 2021/22.

17 Apologies

18 Declarations of Interest

None.

19 Application for a new Premises Licence - The Linden Tree Tea Room, 31

Linden Ave, Thornton Cleveleys, FY5 2EZ

The Chairman introduced the members of the committee and the officers to the audience at the meeting. She then asked the applicant, Mr Steven Wise, to introduce himself. The Chairman asked the applicant and the objectors in attendance if they had received the procedural rules of the committee meeting.

The Corporate Director Environment submitted a report to assist Members in determining an application submitted under section 17 of the Licensing Act 2003, by Mr Steven Wise for a new premises licence for his business, Linden Tea Rooms.

The Senior Licensing Officer, Niky Barrett, introduced the report. In submitting the application for a new premises licence, the applicant wished to be authorised to sell alcohol for consumption on the premises, between the hours of: Monday – Wednesday 11.00 to 18.00; Thursday – Saturday 11.00 to 22.30; and Sunday 11.00 to 20.00 with half an hour of ‘drinking up time’ after the terminal hour. She highlighted that there had been 22 representations from residents and an objection from Environmental Health. She mentioned that there had also been a representation supporting the application, but this had been submitted after the end of the public consultation and therefore could not be considered.

The committee heard from the applicant, Mr Steven Wise, the owner of Linden Tea Rooms and the occupant of the property above the premises. He explained to the committee that his shop was one of six semi-detached properties, served by a small section of private road, which had commercial use on the ground floor and residential accommodation available above. Mr Wise explained that the application included the inside of the premises and also two outside areas, on the pavement immediately outside the premises and on part of an island between the private highway which he jointly owned with other adjoining properties and the public highway. These areas can be seen on p.45 and p. 48 of the report.

He emphasised that he was not looking to run a drinking establishment, just to be able to offer alcohol to customers who had asked for it. He explained to members that 6 to 7 cars could be parked outside the premises but that it could get quite congested and this had been an issue between himself and residents in the past.

Members asked the applicant for clarification on the previous objection from Environmental Health, on parking outside the premises, and on capacity limits both inside and outside the premises. The applicant agreed with comments made by members on whether he would be content with a condition imposed on the application for alcohol to only be purchased with food.

Nick Clayton, the Environmental Health Officer for Wyre Council, addressed the committee. He stated that with the area being quite residential and not associated with drinking establishments, to mitigate any public nuisance, the conditions proposed would have to be agreed and his objection would then be

withdrawn. He explained that agreement had been reached with the applicant apart from on condition 4; he felt that if the outside dining area were closed from 6pm, but with the consumption of alcohol still allowed inside, then any previously mentioned issues could be mitigated.

A number of the 21 objectors attended the meeting and spoke,. Points raised by objectors included the following:

- The impact playing music and serving alcohol would have on an elderly, residential neighbourhood
- Previous issues with young people
- Noise
- Parking issues
- Many mentioned that they didn't understand the point in the applicant needing an alcohol licence
- Impact on public safety
- Increased police presence should anti-social behaviour become an issue

The applicant was asked to summarise his points to the committee before deliberations. He emphasised that he was not looking to run a drinking establishment and answered several points that had been raised by objectors. Members asked the applicant some questions for clarification on the number of shops in the parade, and what time they closed.

Members then considered the application in a private session. The Licensing Committee then reconvened and the Chairman announced the Committee's decision, as below.

Decision

After due deliberation, the Committee **agreed** to grant a premises licence but with reduced opening hours for the licensable activities subject to the conditions agreed by Environmental Health and the police as detailed below.

Reasons for the decision

The Committee noted all the information before it, including the concerns that had been raised. In reaching their decision, the Committee had regard to:

- The Council's own Statement of Licensing Policy, in particular the following sections: 9.3 Conditions imposed at a hearing, 13.3 Prevention of public nuisance
- The Statutory Guidance issued under section 182 of the Licensing Act 2003 and in particular the following sections: 1.16, 9.3, 9.4, 9.37-40, 9.42-44 and 10.8-10.10, as reproduced at Appendix 7 of the report
- All the representations

- Licensing Act 2003, Human Rights Act 1998 and Equalities Act 2010

In reaching this decision, the members considered the impact of the licensable activities on nearby residents living in the area, whilst also balancing the rights of the licensed premises to develop their business potential.

In particular, the Committee considered the location of the premises and considered that there was a significant potential for the premises to impact adversely on local residents from customers using the outside areas and also when leaving the premises later in the evening and considered that it was appropriate in order to prevent public nuisance to grant the license with reduced hours and the conditions outlined below, including those submitted by the Environmental Health Officer.

Supply of Alcohol/Closing Times:

Sale of alcohol on the premises only to be served with a meal.

Sale of Alcohol: From 11am to 6pm Monday to Sunday.

Premises can be open to the public from 11am to 6.30pm

Schedule

Proposed PPN Conditions

1. No nuisance shall be caused by noise coming from the premises or vibration transmitted through the structure of the premises.
2. There shall be no emission from the premises of any offensive smells, which are likely to cause a nuisance.
3. No light from or on the premises and any other light under the control of the premises shall be provided where that light causes a nuisance to any nearby premises.
- . The outside area of the venue will be regularly checked by a competent person.
6. Any outside seating area is to be clearly defined and separated from the public footpath. A fixed or removable barrier must enclose the outside seating area.
7. In the outside area, the supply of intoxicating liquor shall be by waiter/waitress service only and only to persons seated at tables.
8. All tables and chairs in the outside area shall be stacked, secured and covered promptly and in any event no more than 30 minutes after the time at which patrons are no longer permitted to consume drinks in the area.
9. There shall be no live entertainment, live music or recorded music to the external licensed area.

10. The designated premises supervisor or the personal licence holder for the premises who is supervising the sale or supply of alcohol at that time, shall not permit customers to congregate and consume alcohol sold or supplied by that premises in a public place within the immediate vicinity of the premises and in an area not so licensed for consumption to the annoyance or obstruction of others and shall prevent the removal of alcohol if it is intended for such a purpose.

11. There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public, (or member and their guests) notices requiring customers to leave the premises and the area quietly. (Note, this may also include a reference to vehicles).

12. The volume of amplified sound used in connection with any regulated entertainment shall, at all times, be under the control of the Licence Holder or Management and the controlling mechanism shall be operated from a part of the premises inaccessible to the public.

13. The licence holder or his representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record shall be made of those assessments in a log book kept for that purpose and shall include, the time and date of the checks, the person making them and the results including any remedial action.

14. The premise licence holder will arrange for litter and cigarette debris dropped in the vicinity of the lice

Agreed by the Applicant with the Police

1. CCTV must be installed internally and externally at the premises and must comply with the following:
 - i. The CCTV system shall be installed, maintained and operated to the reasonable satisfaction of Lancashire Constabulary. The entrance and bar areas are to be covered by the system. The system will incorporate a camera covering each of the entrance doors and will be capable of providing an image which is regarded as identification standard.
 - ii. The system will display on any recording the correct time and date of the recording
 - iii. Digital recording shall be held for a minimum of 21 days respectively, after the recording is made and will be made available to the Police or any authorised persons acting for Responsible Authority for inspection upon request
2. During the premises' hours of operation, the outside area shall cease to be used by customers by 21.00hrs. in this area all

customers consuming alcohol shall be seated. Any removable furniture shall be cleared away or covered no longer than 30 minutes after this time

3. Any outside area of the venue will be regularly checked by a competent person

4. The license holder and the DPS are to support and rigorously enforce a Challenge 25 Proof of Age policy. Any person who looks or appears to be under the age of 25 shall be asked to provide identification that they are over the age of 18. The following are the only forms of identification acceptable:
 - (i) UK photo driving license
 - (ii) Passport
 - (iii) Proof of Age Standards Scheme Card

OR any other nationality or locally approved form of identification which may be introduced in the future.

If no suitable identification is provided, sale of alcohol to them will be refused. Signs promoting this policy shall be displayed in the premises.

20 Confirmation of minutes

The minutes of the Licensing Committee meeting held on the 29 April 2021 were **confirmed** as a correct record.

The minutes of the Licensing Sub-Committee meeting held on the 3 June 2021 were **confirmed** as a correct record.

The minutes of the Licensing Sub-Committee meeting held on the 13 July 2021 were **confirmed** as a correct record.

21 Mobile Homes - Fit and Proper Person Application Fees

The Corporate Director Environment submitted a report on the discretionary fees for the Fit and Proper Person function assessment for the owners/operators of residential mobile home sites brought in by The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020.

The Manager of Food, Health & Safety and Licensing, Mandy Seddon, introduced the report. She explained that the regulations were made in September 2020 and came into force in July 2021 to assist with the preparation of policies and processes for undertaking this new role and that this had been taken into consideration in drafting the proposed fees. She also explained that the fees that the committee would review included time spent by officers carrying out operations and activities, and that these calculations were based on officers' knowledge of similar activities as this was a new process for Licensing and Environmental Health.

There were two types of fees to cover costs. This included the application fees, which was proposed to be £306. The second fee was an annual fee to cover the cost of monitoring the scheme or conditions attached to the register, which was proposed to be £98, payable for the second, third and fourth year but not in the fifth if renewed. The deadline for applications to local authorities would be the 01 October 2021.

The policy would be reviewed annually, so if the fees needed to be changed this could be done.

The Manager of Food, Health & Safety and Licensing asked the committee to review the proposed fees and to recommend them.

Following discussion, the Committee agreed to **approve** the proposed fees for the Mobile Homes – Fit and Proper Person Applications.

The meeting started at 6.00 pm and finished at 8.22 pm.

Date of Publication: XXX