



Licensing Committee Agenda

Wyre Borough Council
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Licensing Committee meeting on Thursday, 2 September 2021 at 6.00 pm at Marine Hall, Fleetwood

1. **Election of Chairman**
2. **Election of Vice Chairman**
3. **Apologies**
4. **Declarations of Interest**

Members will disclose any pecuniary and any other significant interests they may have in relation to the matters under consideration.

5. **Confirmation of minutes** (Pages 3 - 28)

To confirm as a correct record the minutes of the meeting of the Licensing Committee held on 29 April 2021.

To confirm as a correct record the minutes of the meeting of the Licensing Sub-Committee held on 03 June 2021 (members of the Sub-Committee only).

To confirm as a correct record the minutes of the meeting of the Licensing Sub-Committee held on 13 July 2021 (members of the Sub-Committee only).

6. **Application for a new Premises License - The Linden Tree Tea Room, 31 Linden Ave, Thornton Cleveleys, FY5 2EZ** (Pages 29 - 100)

Report of the Corporate Director Environment.

7. **Mobile Homes - Fit and Proper Person Application Fees** (Pages 101 - 108)

Report of the Corporate Director Environment.



Licensing Committee Minutes

The minutes of the Licensing Committee meeting of Wyre Borough Council held on Thursday, 29 April 2021 - Virtual Meeting via Webex.

Licensing Committee members present:

Councillors Robinson, Armstrong, Sir R Atkins, Baxter, C Birch, Collinson, George, Leech, Smith, S Turner and Matthew Vincent

Apologies for absence:

Councillors Cartridge, A Turner and Williams

Officers present:

Niky Barrett, Senior Licensing Officer
Mary Grimshaw, Legal Services Manager and Deputy Monitoring Officer
Marianne Unwin, Democratic Services Officer

5 Declarations of Interest

None.

6 Confirmation of minutes

The committee confirmed the minutes of the meeting of the Licensing Committee held on 25 February 2021 as a correct record.

7 Exclusion of the public and press

In accordance with Paragraph 11 of the Access to Information Rules in Part 4 of the Council's Constitution, the Chief Executive had determined that the report submitted under item 5 of this agenda was "Not for Publication" because it contains "exempt information", as defined in Schedule 12A of the Local Government Act 1972.

The Committee passed the following resolution:

"That the public and press be excluded from the meeting whilst agenda item 5 is being considered, as it refers to exempt information as defined in category 1 (information relating to any individual) of Part 1 of Schedule 12(a) of the Local Government Act, 1972, as amended by the Local Government (Access to Information) Variation Order 2006 and, that the public interest in

maintaining the exemption outweighs the public interest in disclosing the information”.

8 New applicant for a Wyre dual driver's licence with recent convictions

The Corporate Director Environment submitted a report to provide members of the Licensing Committee with information to assist them at the hearing.

The applicant was not present at the meeting and the committee took the decision to proceed with the hearing in his absence.

The Senior Licensing Officer introduced the report.

Members of the committee discussed the application and Mrs Barrett responded to pertinent questioning from members. The committee members then considered the decision in a closed session.

In reaching its decision, the committee took account of

- Sections 51(1)(a), 53(1)(a),(b) and 59(1)(a) of Part II of the Local Government (Miscellaneous Provisions) Act 1976.
- the Hackney Carriage and Private Hire Licensing Policy on Convictions and other relevant matters.

Decision

The committee resolved to **REFUSE** the application for a three year dual drivers licence.

Reasons for the decision

The Committee was not satisfied that the applicant was a fit and proper person to hold such a licence.

The meeting started at 6.02 pm and finished at 6.18 pm.

Date of Publication: 5 May 2021

Licensing Sub Committee Minutes

The minutes of the Licensing Sub Committee meeting of Wyre Borough Council held on Thursday, 3 June 2021 at the Council Chamber, Civic Centre, Poulton-le-Fylde.

Licensing Committee members present:

Councillors Baxter, George and A Turner

Apologies for absence:

None

Other councillors present:

Councillors Lynne Bowen

Officers present:

Carmel White, Solicitor

Mandy Seddon, Manager of Food Health and Safety and Licensing

Nick Clayton, Environmental Health Officer

Duncan Jowitt, Democratic Services Officer

Peter Foulsham, Democratic Services and Scrutiny Manager

Four members of the public or press attended the meeting.

9 Election of Chairman for this Meeting

Councillor Ann Turner was elected as Chairman of the Sub-Committee.

10 Declarations of Interest

None.

11 Application for a new Premises Licence - Valiants Farm, Lancaster Road, Out Rawcliffe, PR3 6BL

The Corporate Director Environment submitted a report to provide members of the Licensing Sub-Committee with information to assist them at a hearing to determine an application submitted under section 17 of the Licensing Act 2003 by E A Wallace Ltd for a new premises licence in respect of Valiants Farm, Lancaster Road, Out Rawcliffe, PR3 6BL.

The application as submitted was for the applicant to be authorised to provide

the following licensable activities:

- Sale of alcohol for consumption on and off the premises, between 10:00 and 23:00, Sunday to Wednesday and between 10:00 and 01:00, Thursday to Saturday and on Christmas Eve, Boxing Day, New Year's Eve and each Sunday preceding a Bank Holiday Monday.
- Live and recorded amplified music (indoors) between 10:00 and 23:00, Sunday to Wednesday and between 10:00 and 01:00, Thursday to Saturday and on Christmas Eve, Boxing Day, New Year's Eve and all Sundays preceding a Bank Holiday Monday.
- Provision of Late Night Refreshment (indoors) between the relevant hours of 23:00 and 00:00, Sunday to Wednesday, and 23:00 and 01:00, Thursday to Saturday.
- Plays, films, performances of dance, performances similar to live or recorded music, indoor sporting events, boxing or wrestling between 10:00 and 23:00 Sunday to Wednesday and between 10:00 and 00:00 Thursday to Saturday.
- The applicant also wished to be able to open to the public between 10:00 and 23:30, Sunday to Wednesday and between 10:00 and 01:30, Thursday to Saturday and on Christmas Eve, Boxing Day, New Year's Eve and all Sundays preceding a Bank Holiday Monday

The matter was before the Sub-Committee because there were 17 objections to the application, relating primarily to public nuisance arising from antisocial behaviour, disturbance to local residents, noise pollution, littering and issues of public safety resulting from excess traffic in the area.

One objector had sent apologies. The Committee considered that it was appropriate to proceed in that person's absence. It was satisfied that those who had made representations but did not attend had been given appropriate notice of the hearing as required by Regulations 6 and 7 of The Licensing Act 2003 (Hearings) Regulations 2005 and that there had been no other response thereto from any non-attending member of the public. The Committee noted that members of the public and a Parish Council representative were present and that it had before them the representations made. Having considered whether it was necessary to adjourn the hearing in the public interest decided, having regard to all the circumstances that it was appropriate to proceed. Of the responsible authorities, the Fire Authority had made no objection to the application. Following meetings with the Police and Environmental Health Officers during the consultation period, the Edgar Wallace on behalf of E.A. Wallace Limited (the "Applicant") had agreed to a number of conditions which were to be included in the operating schedule if the licence was granted.

The Applicant's representatives were present in support of the application and its expert representative, Karl Barry spoke on its behalf stating that although the representations showed a strong depth of feeling, they did not constitute grounds to refuse the application as they were outside the scope of the Licensing Act. He confirmed that all activities were to take place indoors. He said that the Applicant was agreeable that there should be no more than 12

occasions of late night music/dance events where the premises would remain open until midnight. The Applicant wished to provide other licensable activities but that the proposed police condition in this respect had not been agreed.

He said that the police had initially raised a number of concerns and following meetings with the team representing the premises, they had produced a set of over 80 conditions to promote the licensing objectives.

PC Taylor made representations on behalf of the Police regarding the conditions.

Mr Barry, the Applicant and the prospective Premises Supervisor, Stephanie Harding then answered questions from members of the Sub-Committee and some of those who had made representations: Out Rawcliffe Parish Councillor Alison Metcalfe and Councillor Lynn Bowen, ward councillor for Hambleton and Stalmine who was a resident of Out Rawcliffe.

Nick Clayton, Environmental Health Officer was then invited to speak and he confirmed that there had been no complaints to Environmental Protection in respect of the application and that there were sufficient conditions attached to allow for the premises to be operated as a music venue provided that events were restricted to indoors only to prevent any public nuisance.

The Chairman then invited those who had made a representation to speak. Out Rawcliffe Parish Councillor Richard Beatson articulated his concerns in respect of potential nuisance, crime and disorder and public safety issues and Councillor Lynn Bowen voiced her concurrence with the concerns raised by Cllr Beatson.

Mr Clayton then read out a proposed additional condition that he had freshly composed, which was intended to ensure compliance with the limiting of the output of amplified sound at music events held at the venue. He confirmed that conditions 1 and 2 as proposed on the part of environmental health were not required.

The Police, Environmental Health, those who had made representations and the Applicant's legal representative were each then invited to sum up their cases.

The Applicant and his team, representatives of the responsible authorities, officers representing the licensing department and members of the public were all then asked to leave the Council Chamber to enable the Sub-Committee to consider the application in private. After an extended period of discussion, the Chairman then requested that the attendees be readmitted to allow members of the Sub-Committee to ask some additional questions on issues they felt required further explanation.

PC Taylor indicated that the greatest concern of the police was music/dance type events. The other parties were asked to leave to enable the members to consider the application in private.

After the members had deliberated and reached a decision, the other parties were asked to return and the Chairman delivered that decision and the reasons for it as below.

Decision

The Committee considered that conditions 42, 44, 45 and 50 met the licensing objectives as originally proposed by the police and that a limitation on the days of operation and a reduction in the hours applied for was appropriate.

After due deliberation, the Sub-Committee agreed to grant a premises licence for the licensable activities set out in the Annex below and subject to the conditions set out in Schedule therein and subject to the attachment of the applicable mandatory conditions.

Reasons for the Decision

The Sub-Committee noted all the information before it, including the concerns that had been raised and also that the applicant had agreed to a number of conditions to be included in the operating schedule to help to mitigate any problems.

In reaching their decision, the Sub-Committee had regard to:

- the Council's own Statement of Licensing Policy, in particular the following sections: 7.1 Planning 9.3 Conditions imposed at a hearing 13.1 Prevention of crime and disorder 13.3 Prevention of public nuisance 17 Need for licensed premises 5.14,
- the Statutory Guidance issued under section 182 of the Licensing Act 2003, in particular the following sections: 1.16, 9.3, 9.4, 9.37-9.40, 9.42-9.44 and 10.8-10.10, as reproduced at Appendix 8 of the report,
- all the representations,
- Licensing Act 2003, Human Rights Act 1998 and Equalities Act 2010

The Committee was satisfied that the licensable activities in the Annex below and the conditions in the Schedule below were all appropriate and that the grant of a new premises licence as described below subject to the conditions and the applicable mandatory conditions was proportionate and would promote and would not undermine the licensing objectives.

It considered that the limitation of days, the reduction of hours and the conditions that it imposed were all required to meet the licensing objectives / promoting and not undermining the licensing objectives

Annex

Sale of alcohol for consumption on and off the premises

Sunday to Wednesday between 10am and 11pm

Thursday to Saturday between 10am and midnight

Live and recorded amplified music (indoors only)

Sunday to Wednesday between 10am and 11pm

Thursday to Saturday between 10am and midnight

Plays, films, performances of dance, performances similar to live or recorded music, indoor sporting events, boxing or wrestling (all indoors only)

Sunday to Wednesday between 10am and 11pm

Thursday to Saturday between 10am and midnight

Provision of Late Night Refreshment (indoors)

Sunday to Wednesday between the relevant hours of 11pm and 11.30pm

Thursday to Saturday between 11pm and midnight

The premises is permitted to be open to the public

Sunday to Wednesday between 10am and 11.30pm

Thursday to Saturday between 10am and half past midnight

subject to the relevant mandatory conditions and to the conditions which are set out in the Schedule below.

Schedule

Agreed by Applicant with Health and Safety Responsible Authority

The Premises Licence Holder will produce an event specific Event Safety Management Plan for each event that takes place under the authority of this licence.

Agreed by Applicant with Environmental Health Responsible Authority

General PPN conditions

1. 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.

2. Notices will be displayed at the entrance and exits advising customers to leave quietly.
3. The Licensee shall ensure that staff departing at night when the business has ceased trading, conduct themselves in such a manner to avoid disturbance to nearby residents.
4. All internal doors to any entrance / exit point, fire exit doors and external windows shall be closed during hours of any regulated entertainment except in the event of an emergency, save for the purposes of access and egress.
5. 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.
6. Noise generated from any regulated entertainment in the form of live or recorded music, mechanical ventilation and refrigeration plant shall not be audible at premises within close proximity so as to cause a public nuisance.
7. The premises licence holder or their representatives shall ensure that the promoter sound system supplier and all individual sound engineers meet the music noise level requirements at all times and have the means to enforce compliance on the output of amplified noise.
8. No nuisance shall be caused by noise coming from the premises or vibration transmitted through the structure of the premises.
9. There shall be no emission from the premises of any offensive smells, which are likely to cause a nuisance.
10. 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.
11. Frequent collection of glasses and bottles will be undertaken to ensure that empty containers do not accumulate in or around licensed premises.
12. Patrols will take place by members of staff, internally and externally, to limit any noise pollution when entertainment is being offered within the premises.

13. Organised outdoor music festivals are not permitted under the terms of this licence
14. There shall be provided at the premises containers for the storage and disposal of waste foods and other refuse from the premises. Those containers shall be constructed, maintained and located so that access to them by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.
15. Refuse such as bottles shall be disposed of from the premises at a time when it is not likely to cause a disturbance to residents in the vicinity of the premises.
16. A tamper-proof noise-limiting device capable of setting limits for third octaves shall be fitted to the Sound system within the premises and all amplified music played at the premises must pass through this sound limiter at a level agreed by the Council's Environmental Health section. The noise limiter shall not be altered without prior agreement with the Council's Environmental Health section.

Music events/concerts

The conditions laid out below will only be applicable to Music events/Concerts being provided under the authority of this licence and will take precedence over the general prevention of public nuisance conditions.

1. No nuisance shall be caused by noise coming from the premises or by 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.
4. No member of the audience shall be allowed within 3 metres of any loudspeaker, The sound pressure level for the front-of-house around mixer position will restrict the whole audience sound level exposure to below an event level of 107dB or C-weighted peak sound pressure levels to below 140dB.
5. Music Noise Levels (MNL) when assessed at the prediction stage or measured during sound checks or concerts should not exceed the background noise level by more than 15 dB(A) over a fifteen minute period 1metre from the façade of any noise sensitive premises prior to 23:00.
6. Where regulated entertainment is provided after 23:00, the music must not be audible within noise-sensitive premises with windows open in atypical manner for ventilation.

7. The control limits set at the mixer position shall be adequate to ensure that the low frequency Music Noise Level (MNL) in the 63Hz and 125Hz octave frequency bands shall not cause any increase in the real time simultaneous when compared with the existing equivalent Leq(15min)(f) (63Hz and 125Hz) taken without the premises in operation. Measured not less than 1 metre from the façade of a noise sensitive premises (being premises where the occupants are likely to suffer nuisance from excessive noise), situated at least 2 km from the venue
8. The Music Noise Level should be measured using an integrating-averaging sound level meter with type 2 or better of BS6698. The Background noise level should be measured using a sound level meter complying with type 2 or better of BS5969. Time weighting F (fast response)
9. The Premises Licence Holder shall provide electronic sound limiters on the output amplifiers which can be pre-set to a given level, which level shall be reasonably determined from time to time by an authorised officer of the Licensing Authority;
10. At least four weeks prior to any event being carried on under the authority of this premises licence, the licensee shall appoint a suitably qualified and experienced noise control consultant, to the reasonable approval of the Licensing Authority. The noise control consultant shall liaise between all parties including the Licensee, Promoter, sound system supplier, sound engineer and the licensing authority etc. on all matters relating to noise control prior to and during the event.
11. If not already carried out, the noise control consultant shall carry out a survey to determine the background noise levels (as defined by the Code of Practice on Environmental Noise Control at Concerts) at eight locations around the venue representative of the noise sensitive premises likely to experience the largest increase in noise/highest noise level as a result of the concert. The information obtained from this survey shall be made available to the licensing authority four weeks prior to the event.
12. The appointed noise control consultant shall continually monitor noise levels at the sound mixer position and advise the sound engineer accordingly to ensure that the noise limits are not exceeded. The Licensing Authority shall have access to the results of the noise monitoring at all times.
13. The Premises Licence Holder or their representative shall ensure that the promoter, sound system supplier and all individual sound engineers are informed of the sound control limits and that any reasonable instructions from the noise control consultant regarding noise levels shall be implemented.
14. Internal rehearsals and sound checks are permitted only between the hours of 08:00 and 20:00.

15. A noise propagation test shall be undertaken at least four hours prior to any event that involves licensable activities being carried on under the authority of this premises licence in order to set appropriate control limits at the sound mixer position. The sound system shall be configured and operated in a similar manner as intended for the event. The sound source used for the test shall be similar in character to the music likely to be produced during the event.
16. Clear, legible and conspicuous notices shall be displayed at each public exit requesting patrons to avoid causing noise, nuisance or disturbance upon leaving the premises.
17. There will be a mobile telephone number which is designated as a number specifically for noise complaints. The mobile telephone which corresponds with said number will be attended to by a noise co-ordinator through the duration of the event.
18. Bins shall be placed at regular intervals along any route that patrons are likely to use for dispersal. Said bins will be removed no later than the day after the event.
19. There shall be links established with a taxi company to ensure that there are taxis available to take people away from the event throughout the duration of the event.
20. Within 24 hours from the end of an event that involves licensable activities being carried on under the authority of this premises licence, any loose debris or litter on the premises or in the immediate vicinity of the premises shall have been cleared.
21. During and after any event that involves licensable activities being carried on under the authority of this premises licence, waste will be stored in sealable pest proof containers and will be removed from the site by a suitably accredited agent.

Car/vehicle Shows

The conditions laid out below will be applicable in addition to the general Prevention of public nuisance which make part of this licence

- 1A) There shall be no nuisance caused by unnecessary usage of car horns or excessive usage of car horns.
- 2A) There shall be no nuisance caused by unnecessary revving of engines or excessive engine revving.
- 3A) There shall be no form of external amplification of sound. The only exemption to this condition will be the use of a PA system to deliver safety message/alerts only.
- 4A) During any event that involves licensable activities being carried on under the authority of this premises licence, there will be a mobile

telephone number which is designated as a number specifically for noise complaints. The mobile telephone which corresponds with said number will be attended to by a noise coordinator through the duration of the event

Conditions Agreed by the Applicant with the Police

The following conditions will apply to ALL licensable activity and ALL events (other 'event specific' conditions are detailed under other events):

1. A documented Challenge 25 scheme will be operated at the premises. The Challenge 25 scheme shall be actively promoted and advertised at the premises and will ensure that any person purchasing alcohol, who appears to be under 25 years of age, shall be asked to provide acceptable identification to prove that they are 18 years of age or over. Failure to supply such identification will result in no sale or supply of alcohol to that person.
2. The Proof of Age Standards Scheme (PASS) will be actively promoted at the premises by the display of Challenge 25 posters bearing the PASS logo.
3. A PASS accredited holographic proof of age card will be the main identification document accepted at the premises as proof of age. A PASS card must be accepted as proof of age if a purchaser possesses one. Where a purchaser does not possess a PASS accredited proof of age card, only the following alternative forms of alternative identification will be acceptable:
 - (a) Photo driving licence
 - (b) Passport or
 - (c) Her Majesty's Forces Warrant Card
4. An incident book will be maintained in which there will be recorded:
 - All incidents of crime and disorder
 - Refused sales to suspected under-age and drunken persons.
 - A record of any person asked to leave the premises.
 - Details of occasions on which the police are called to the premises.
 - A record of persons searched on suspicion that drugs are being carried and the reason for such suspicion.

The book will be available for inspection by a police officer on demand.
5. All staff involved with the provision of alcohol will successfully complete training in age related products prior to operating a till. Refresher training will also be successfully completed not more than every 6 months, this will be fully documented and be available for inspection to police officers.
6. All staff will be trained to refuse service to anyone who is drunk. Water will be provided where necessary to any person refused service through drink.
7. CCTV equipment shall be installed and be maintained in good working

order in accordance with the manufacturer's instructions. Training should be provided for staff members in the usage of the CCTV equipment. CCTV footage recorded must, as a minimum, cover each entry/exit point of the premises and be recording at all times when the premises is conducting licensable activities.

8. The images recorded by the CCTV system shall be retained in unedited form for a period of not less than 30 days.
9. The Data Controller will make footage available within a reasonable time to a Police Constable, where such request is made in accordance with and which satisfies the Data Protection Act 1998.
10. Appropriate signage will be on display in prominent positions on the premises informing patrons that CCTV is in use.
11. No persons under the age of 18 shall be employed on the premise in relation to the selling of alcohol.
12. No person under the age of 21 will be allowed to organise or book a private function at the premises.
13. Any persons under the age of 18 must be accompanied by a parent/guardian.
14. There will be no adult only entertainment provided at the venue. (Adult entertainment is entertainment intended to be viewed by adults only and distinguished from family entertainment. The style of adult entertainment that normally includes sexual content qualifies as adult entertainment, including sex channels for television and pre-paid sex films for "on demand", as well as adult movies, sex shops and strip clubs) provided at the premises.
15. A personal licence holder should be present at all times during 'licensable activity'.
16. A copy of the premises licence and its conditions will be available for inspection at all times.
17. The licence holder will employ the services of a recognised and qualified security and stewarding company. This company will provide their own security, stewarding and crowd management plans which will form part of any EMP-event management plan.
18. The licence holder will work closely with the Security Ops Manager and implement their recommendations on security and numbers needed dependent on any given event. However a minimum of 2 SIA registered door staff must be on duty for the first 100 customers from the start of each event (each event may differ on start times) to close followed by an extra one member of door staff for each additional 100 customers or part thereof. Extra door staff may be required for larger events and are conditioned specifically under each heading.
19. All security staff and stewards will be easily identifiable and have appropriate training for their duties. A register will be maintained of all stewards and security staff employed before, during and after the Event

containing their full names, date of birth, home addresses, employers, event specific identification and where appropriate their SIA registration details (see next condition). These details will be made available to Lancashire Police.

20. A written record shall be kept on the premises by the Designated Premises Supervisor of every person employed on the premises as a door supervisor in a register kept for that purpose. That record shall contain the following details:

- the door supervisor's name, date of birth and home address
- his/her Security Industry Authority licence number
- the time and date he/she starts and finishes duty
- the time of any breaks taken whilst on duty

21. At all times that the premises is open to the public then there should be regular toilet checks conducted and documented accordingly. These checks will be done at regular intervals. The CCTV of the toilet areas will be monitored at all times.

22. The premises shall operate a zero tolerance drugs policy (zero tolerance means “this venue will not tolerate any drug use or drug dealing and will employ different pro-active measures to tackle drug use or drug dealing”) Any person found in possession of drugs, the drugs will be seized and the person detained and the Police called. Said policy will be written and will be approved by Lancashire Constabulary, such approval not to be unreasonably withheld.

23. This drugs policy shall include:

An accredited drug dog will be on-site and utilised when the premises is open to the public and being used for the licensable activity of Music events/concerts, Sporting events including boxing and football live streaming/World cup fanzones.

24. Confiscated and found drugs shall be stored, disposed, transferred in accordance with procedures agreed with the Lancashire Constabulary.

25. During any event that involves licensable activities being carried on under the authority of this premises licence, the premises will operate a search policy to deter the carrying of drugs or weapons. Said policy will be written and will be approved by Lancashire Constabulary, such approval not to be unreasonably withheld. Notices will be displayed informing patrons of the search policy at the function.

26. This search policy will include a knife arch at the point of entry and utilised when the premises is open to the public and being used for the licensable activity of Music events/concerts, Sporting events including boxing and football live streaming/World cup fanzones.

This search will be a condition of entry:

A discrete search area will be provided. Anyone refusing a search will be denied entry to the licensed premises.

27. The organisers will employ the services of a qualified first aid provider- the numbers of staff will be in line with The HSE Event Safety (Purple) Guide. A dedicated and clearly signed first aid point will be manned at all times that the premises are open to the public.

(The Purple Guide to **Health, Safety and Welfare** at Music and Other Events. The Purple Guide has been written by The Events Industry Forum in consultation with the events industry. Its aim is to help those event organisers who are duty holders to manage health and safety, particularly at large-scale music and similar events.)

28. All emergency exits and entrance / exits will be kept clear at all times.

29. No glass containers, glass bottles or cans shall be sold on the Licenced Premises. The event organiser shall take appropriate measures to prevent glass containers, glass bottles or cans being brought on to the premises by the public.

30. Any drinks alcohol or otherwise will be served in vessels made from polycarbonate, plastic or other non-glass alternative except for Beer Festivals.

31. All glass bottle beverages must be decanted into such a vessel prior to giving to the public.

32. The organisers will have in place a media manager who will be responsible for all social media updates and press releases. A hotline will be put in place. Local residents will be able to contact the organisers on the hotline on Event days for information or with concerns about public nuisance. The hotline phone number will be circulated to residents by letter and on social media in advance of any Events.

33. The organiser will employ the services of a dedicated traffic management company to undertake a survey of potential traffic impact and produce a traffic management plan that details measures to be put in place that will minimise this impact. The TMP must be approved by the WYSAG including Lancashire Highways 6 weeks prior to the Event. National guides are not sufficient for such a remote location.

34. Said Traffic Management Plan will include the use of Marshalls to assist with directing traffic on access to the site, parking and the dispersal of patrons. Suitable off-road parking should be provided for any events where the public attend in their own vehicles. Vehicle movement within the licensed premises will be limited to those which are essential and will be controlled to ensure safety of the public and staff.

35. All efforts should be made to ensure all patrons do not leave the site on foot particularly during the hours of darkness. Where any patron insists on leaving on foot then they should be given reflective safety bands.

This will be managed via the entrance gate where any patron leaving will be provided with a taxi or picked up via coaches/buses. The safety of the public on the back roads in the area is paramount and there should be no pedestrians from this venue allowed on these roads.

36. During any event there shall be links established with a taxi company or companies to ensure taxis are available to take people away from the event during the licensable activity and at the conclusion of any event. Efforts should be made to 'agree' a service with a taxi company who can be relied upon to provide sufficient taxis to meet demand. Using local Wyre taxis on any busy weekend may not be appropriate due to the demand in the Wyre/Poulton area. The event manager should be able to provide evidence of research done and agreed service with a taxi company or companies to meet demand at any WYSAG meeting.
37. Any area used at the entrance exit for patrons waiting for taxis should have SIA door staff cover to manage the patrons and prevent any crime or disorder.
38. For each 'event' an Event Manager will be identified and be responsible for the overall running and management of each event. Where possible, this person will be a personal alcohol licence holder.
39. On the day of an event the event manager will hold a briefing with ALL staff including security and stewards prior to the event starting. During the event the event manager will meet with head of security and key staff at agreed intervals to identify any issues, updates and other taskings. A two-way radio system will be used to maintain communication between event organisers and steward / security management.
40. The organiser must attend at least one WYSAG meeting held prior to the Event.
41. The ESMP must be approved by the WYSAG at least one month prior to the event. Any changes requested to be made to the ESMP after its approval by WYSAG, must be approved by Police Licensing.

The ESMP must include, but not be limited to, the following:

1. Introduction and Event Overview including details of proposed entertainment
2. Event Contacts
3. Licensing Objectives - Measures to address the Licensing Objectives
4. Organisational Structure, Roles & Responsibilities
5. Crowd Management Plan including plans for access, egress,

- dispersal and evacuation
- 6. Security and Stewarding Plan
- 7. Alcohol Management Plan
- 8. Crime Reduction Plan
- 9. Capacity
- 10. Fire Safety
- 11. Cleansing
- 12. Waste Management Plan including litter collection
- 13. Communication
- 14. Temporary Demountable Structures
- 15. Site Safety Plan including Safety Rules
- 16. Sanitary Facilities
- 17. Medical and First Aid Facilities
- 18. Concessions
- 19. Management of Bars & sale of alcohol
- 20. Power & Electrical Installations
- 21. Incident and Emergency Plans including Major Incident Plan
- 22. Transport Plan including the Traffic Management Plan
- 23. Sound Assessment and Noise Management Plan
- 24. Provision of drinking water
- 25. Facilities of Disabled Persons
- 26. Welfare and Lost/Found Children
- 27. Drugs Policy

42. The organiser will produce a detailed, scaled draft site plan which will include, but not be limited to, all entrances and emergency exits, first aid and welfare points, fire points, temporary bars (if any), kitchens, staging, structures, marquees and sanitary provision. The draft site plan will be discussed within WYSAG and when agreed it will form part of the ESMP.

43. The ESMP will form the framework within which the event is managed and operated - the conditions and operating procedures defined in the final version of the ESMP will be adhered to.

44. Any alterations to the running of the Event made during the time the licence is in operation must be agreed by the Event Liaison Team (ELT) which shall be appointed by WYSAG.

The following conditions are 'event specific' to run alongside above conditions:

Music events/concerts

- 1. Events are to be ticket only and only available to customers aged 18 and over when alcohol is being served at the event. There must be a robust management of ticket sales to ensure no one under the age of 18 is able to obtain entry and appropriate checks made on entry to the

event.

2. Tickets should be limited in line with capacity level of premises.
3. Events will be advertised explaining exactly what the event is with start times and finish. This information will include all safety advice, drugs checks and due diligence.
4. Extra Door Staff requirements: For any music events the organisers must risk assess these events to ensure there are extra security cover in place to carry out searches, crowd control, toilet watch and visits and 'spotters'. The 'spotters' responsibility will be to monitor the movement of the crowd particularly watching for sways, surges and/or unusual crowd behaviour. In the event of that any of these occur within the crowd the 'spotters' will need to make immediate contact with the Premises Licence Holder or Event Organiser. They will need to then decide on the appropriate course of action.
5. When a band is performing or DJ that is known to have a lively crowd the Event Manager and Licence Holder will ensure that there are two 'spotters' stationed at the main stage. There will also be extra 'spotters' positioned close by to monitor the crowd from the sides.
6. It is the responsibility of the Event Manager to liaise with the Premises Licence holder to have sufficient extra door staff in place to manage any music events.
7. During any music events there will be in place suitable crowd barriers in front of the security pit.
8. There will be suitable signage in place to discourage crowd surfing to the reasonable satisfaction of the responsible authorities.

Weddings/ funerals

1. All private bookings should be risk assessed by management. Payment should be via card only with **full details** taken at point of booking. Records of the booking should be kept and any concerns passed to Police Licensing. These records should be available for inspection by Police or any other responsible authority.

Sporting events including boxing, football live streaming / World cup fanzones, fitness events

1. Any other requirement for SIA Door Staff to be done on a risk assessment basis such as:
2. Music Festivals, St Patrick's Day, Bank Holidays, last Friday before Christmas known as 'Black Eye Friday', Any showing of major sporting events including Boxing, Football (World Cup, European Championships, Premier League), Wrestling etc,
3. Where there is information from Police where security is needed such

as a wake, funeral or high tensions in the area and community.

4. The manager in charge must risk assess these events and have in place sufficient SIA door staff cover to manage the premises and ensure the Licensing Objectives are being promoted.
5. Extra door staff shall be employed as 'spotters' during football events to monitor the crowd for any potential for crime and disorder.
6. Any event involving the showing of live streaming of football/world cup fan zones all patrons are required to be seated whilst watching this event. There shall be no vertical drinking allowed. Any persons who fail to comply should be ejected.
7. Any event involving Boxing will be professional boxing only. At no time will there be white collar boxing. At no time will the premises put on any MMA events.

Farming/ agricultural events

At no time will the premises be used for any Young Farmers events.

The following events will have the following added conditions:

- Drive in cinema /shows
 - Family Fun days
 - Scarefest
 - Winter Wonderland
 - VW campers/ classic car shows
 - Beer Festival
 - Dance events
 - Fairs/ expos
1. Any drinks alcohol or otherwise will be served in vessels made from polycarbonate, plastic or other non-glass alternative except for Beer Festivals.
 2. Lost children:
 3. The above events where necessary will include a dedicated lost / found child policy.
 4. Children under 16 will be issued with a 'child safety' wristband on which an adult's contact details can be written.
 5. Accompanying adults will be encouraged to fill in details and put wristband on the child.
 6. The organiser will create a dedicated welfare point which is clearly signed and manned at all times while the premises are open to the public. This point will also be indicated on any public literature and marked on any public facing maps.

Conditions by Committee (cf Police conditions)

To apply to ALL licensable activity and ALL events

1. For events involving over 300 people, the event organiser must give at least two months' notice to the local authority, residents and the Wyre Safety Advisory Group (WYSAG) of the proposed Event.

(imposing Police condition numbered 42 on page 11 of the second Licensing Sub-Committee Supplement as originally proposed)

2. The licensee should contact Police Licensing and Ops Planning at least 2 months in advance to decide if an event should go through WYSAG if in doubt.

(imposing Police condition numbered 44 on page 11 of the second Licensing Sub-Committee Supplement as originally proposed)*

3. For events involving over 300 people, the licensee must complete a full Event Safety Management Plan (ESMP) prior to each Event.

(imposing Police condition numbered 45 on page 11 of the second Licensing Sub-Committee Supplement as originally proposed)*

4. After each Event over 300 then a debrief will be held with WYSAG representatives. This can be provided in an email to licensing for circulation

(imposing Police condition numbered 50 on page 12 of the second Licensing Sub-Committee Supplement as originally proposed)*.

5. Licensable activities shall only be carried out under the authority of this premises licence on 12 days in any calendar year

(imposing variation of Police condition numbered 11 on page 8 of the second Licensing Sub-Committee Supplement)*

** Words in italics are not part of the condition*

The meeting started at 6.00 pm and finished at 9.57 pm.

Date of Publication: 11 June 2021

Licensing Sub-Committee Minutes

The minutes of the Licensing Sub-Committee meeting of Wyre Borough Council held on Tuesday, 13 July 2021 at 6pm in the Council Chamber - Civic Centre, Poulton-le-Fylde.

Licensing Sub-Committee members present:

Councillors Robinson, Cartridge and Smith

Apologies for absence:

None.

Other councillors present:

Councillors Henderson and Le Marinel

Officers present:

Daphne Courtenage, Assistant Democratic Services Officer

Duncan Jowitt, Democratic Services Officer

Mary Grimshaw, Legal Services Manager and Monitoring Officer

Mandy Seddon, Manager of Food, Health & Safety and Licensing

No members of the public or press attended the meeting.

12 Apologies

13 Declarations of Interest

None.

14 Application for a new Premises Licence - Cybele, 21 Queens Square, Poulton-le-Fylde, FY6 7BW

The Corporate Director Environment submitted a report to provide members of the Licensing Sub-Committee with information to assist them at a hearing to determine an application under section 17 of the Licensing Act 2003 by Cybele PLF Ltd, for a new premises license.

The Manager of Food, Health & Safety and Licensing, Mandy Seddon, introduced the report. She explained that the matter was before the Sub-Committee as the applicant was seeking permission to sell alcohol for consumption on the premises between 10am and midnight on each day of the week. She explained that no objections had come from relevant authorities for

the premises license, though additional conditions between the applicant, Environmental Health and the Police had been agreed. Representations had been received from two persons, being the ward councillors for the area, regarding noise nuisance and the lateness of the terminal hour. The Manager of Food, Health & Safety and Licensing also noted that the applicant had withdrawn a provision in his application for regulated entertainment by the way of recorded music.

The Sub-Committee considered the following documents:

- The report of the Corporate Director Environment
- Additional information submitted by the applicant following the original publication of the agenda

The Sub-Committee heard from the applicant and founder of Cybele PLF Ltd, who spoke in support of the application.

The Sub-Committee also heard from the two objecting ward councillors, Councillors Henderson and Le Marinel.

Members asked the applicant about membership numbers and whether the café/bar would only be open to members and the capacity in and outside the premises. The applicant said that he was a building surveyor by profession but was a passionate cyclist and the business was a unique concept for the area based on his extensive travels. The main focus of the business was sale and repair of bikes but there was also a cycling studio upstairs with education and coaching available. He stated that the venue with a licence would mainly cater for cyclists having post ride beers with occasional guest speakers in attendance but it would be open to the public. He stated that the late hour would not be activated often but would give him the flexibility so he wouldn't need to apply for a TENs extension every time he wanted to open the business later in the evening. He noted that there were other late licences in close proximity to his business. The applicant stated that he would be applying for a pavement license to increase outdoor seating.

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

Decision

After due deliberation, the Sub-Committee agreed to **grant** a premises but with reduced times for the licenseable activities subject to the conditions agreed with Environmental Health and the police as detailed below.

Reasons for the decision

The Sub-Committee noted all the information before it, including the concerns that had been raised. In reaching their decision, the Sub-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, 17 Need for licensed premises, 18 Cumulative impact
- The Statutory Guidance issued under section 182 of the Licensing Act 2003, in particular the following sections: 1.16, 9.3, 9.4, 9.37-9.40, 9.42-9.44 and 10.8-10.10, as reproduced at Appendix 8 of the report,
- All the representations,
- Licensing Act 2003, Human Rights Act 1998 and Equalities Act 2010

In reaching this decision the members noted the proximity of residential properties to the licensed premises and the potential through the operation of the business to impact on those residents through public nuisance and thought a reduction in times was appropriate for the majority of the working week. However they also considered the rights of the licensed premises to develop their business potential and considered the longer hours were appropriate at the weekend for three nights of the week. The Committee also noted the conditions agreed with Environmental Health and the police and considered they were appropriate for the promotion of the licenseable objectives.

Supply of Alcohol/ Closing Times:

Sale of alcohol for consumption on the premises

Sunday to Wednesday between 10am and 10:30pm, with closing at 11pm

Thursday to Saturday between 10am and midnight, with closing at 12:30am

Schedule

Agreed by Applicant with the Police

1. Security / staff arrangements will be sufficient to discourage the sale and consumption of drugs and shall ensure such arrangements include regular checks of toilet areas at least every 30 minutes.
2. Clearly visible notices shall be displayed advising those attending that:
 - a) It is a condition of entry that customers agree to be searched and
 - b) Police will be informed if anyone is found in possession of controlled substances or weapons.
3. Records of incidents involving the use, and/or detection of drugs shall be maintained and those records shall be available for inspection. Confiscated and found drugs shall be transferred to the police in accordance with procedures agreed with Lancashire Constabulary.
4. Functions which specifically target young people aged 17-18 years (for example birthday parties) will not be allowed to take place on the premises.

5. A minimum of one SIA licensed member of door staff will be on duty from 20:00hours every Friday and Saturday, Sunday before Bank Holiday, Christmas Eve, Boxing Day and New Year's Eve. At all other times the license holder will determine an appropriate number of door staff, having regard to a risk assessment maintained by the premises license holder. The document must be available for Inspection if required.
6. An incident book will be maintained in which shall be recorded:-
 - i. All incidents of crime and disorder
 - ii. Refused sales to suspected under-age and drunken persons
 - iii. A record of any person asked to leave the premises or removed from the premises
 - iv. Details of occasions on which the police are called to the premises
 - v. A record of persons searched on suspicion that drugs are being carried and the reason for such suspicion

The book will be available for inspection by a police officer
7. Any outside area which is used for the consumption of alcohol shall cease to be so used at 22:00hrs. Any such area will be checked by a competent person at intervals of a minimum of 30 minutes whilst in use.
8. All tables and chairs in the outside area shall either be fixed to the floor or be stacked, secured and covered no more than 30 minutes after the time at which patrons are no longer permitted to consume drinks in the area.
9. In the outside area, the supply of intoxicating liquor shall be by waiter/waitress service only and only to persons seated at tables.
10. CCTV will be installed at the premises and will comply with the following:
 - a) 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.
 - b) The system will display on any recording the correct time and date of the recording.
 - c) 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.

Agreed by Applicant with Environmental Health Officer

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.
4. There shall be no live entertainment, live music or recorded music to the external licensed area.
5. During the final hour of daily trading appropriate announcements are to be made and/or images projected to remind patrons of the need to leave the premises without causing annoyance, nuisance or disturbance to local residents and to advise patrons of any taxi free-phone or collection arrangements available upon the premises
6. Notices will be displayed at the entrance and exits advising customers to leave quietly.
7. The Licensee shall ensure that staff departing at night when the business has ceased trading, conduct themselves in such a manner to avoid disturbance to nearby residents.
8. Refuse such as bottles shall be disposed of from the premises at a time when it is not likely to cause a disturbance to residents in the vicinity of the premises.
9. There shall be provided at the premises containers for the storage and disposal of waste foods and other refuse from the premises. Those containers shall be constructed, maintained and located so that access to them by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.

The meeting started at 5.59 pm and finished at 6.58 pm.

Date of Publication: XXX

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Report of:	Meeting	Date
Mark Billington, Corporate Director Environment	Licensing Committee	2 September 2021

Application for a new Premises Licence - The Linden Tree Tea Room, 31 Linden Ave, Thornton Cleveleys, FY5 2EZ
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1. Purpose of report

1.1 To assist Members to determine an application submitted under section 17 of the Licensing Act 2003, by Mr Steven Wise for a new premises licence.

2. Outcomes

2.1 The application be determined.

3. Recommendation

3.1 Members consider the application and representations and determine whether granting a licence in the terms applied for, would adversely impact on one or more of the Licensing Objectives.

4. Background

4.1 On 12 July 2021, an application was submitted by Mr Steven Wise for a new premises licence in respect of 31 Linden Avenue, Thornton Cleveleys, FY5 2EZ (**Appendix 1**).

4.2 The applicant wishes to be authorised to sell alcohol for consumption on the premises, between the following hours:

Monday to Wednesday 11:00 hrs and 18:00 hrs

Thursday to Saturday 11:00 hrs and 22:30 hrs

Sunday 11:00 hrs and 20:00 hrs

4.3 The applicant also wishes to be open to the public for a further 30 minutes after the terminal hour for alcohol sales, to facilitate ‘drinking up’ time for customers.

4.4 The application was advertised in accordance with The Licensing Act 2003 (Premises licences and club premises certificates) Regulations

2005 and at the end of the consultation period; there was one representation from a Responsible Authority and twenty one representations from other persons against this application.

- 4.5** Section 18(3) of the Licensing Act 2003, as amended, requires the Licensing Authority to hold a hearing to consider an application and any relevant representations, within twenty working days following the end of the statutory twenty-eight day consultation period, which ended on 9 August 2021.

5. Key issues and proposals

- 5.1** The Linden Tree Tea Rooms is a small ground floor café situated in the middle of a residential housing estate. According to their website the premises currently opens from 07:30 hrs to 16:30 hrs Monday to Saturday.
- 5.2** It is one of six semi-detached properties, served by a small section of private road, which have commercial use on the ground floor and residential accommodation available above (**Appendix 2**).
- 5.3** The applicant only seeks to be authorised for the sale of alcohol for consumption on the premises.

Section 177A of the Licensing Act 2003 provides that performances of amplified live music or the playing of recorded music at on-licensed premises, is exempt from licensing controls where:- it takes place between 08.00 hrs and 23.00 hrs, (or the hours permitted for on-sales, if shorter); and the audience is not more than 500.

In addition, live unamplified music provided between 08.00 hrs and 23.00 hrs, on any premises where audience numbers are below 500, is not subject to licensing controls.

- 5.4** Should the provision of exempted musical entertainment on licensed premises, undermine one or more of the Licensing Objectives and give rise to a review application, the Committee may dis-apply the provisions of Section 177A and remove this exemption at the subsequent review hearing.
- 5.5** The Planning Department have confirmed that they have no observations to make in respect of this application.
- 5.6** Lancashire Fire and Rescue Service have confirmed that they have no objection to the granting of this application (**Appendix 3**).
- 5.7** The Police have not objected to the granting of this application, but have agreed a number of additional conditions with the applicant to promote the prevention of crime and disorder objective (**Appendix 4**).
- 5.5** Environmental Health have objected to the application. They indicate that they have been unable to agree to a condition to address all of their

concerns about the potential for noise nuisance arising from drinkers using the outside seating areas in the evenings (**Appendix 5**).

- 5.6** There have been no other responses from Responsible Authorities.
- 5.7** Representations objecting to this application have been received from 21 other persons (**Appendix 6**).
- 5.9** The objectors are all concerned about the potential for noise disturbance and/or antisocial behaviour that the sale and consumption of alcohol at the premises and musical entertainment could give rise to, particularly during the later hours applied for on Thursday to Sunday.
- 5.10** Many also raise concerns about parking issues. Members are aware that these are not relevant considerations under the Licensing Act 2003, but records show that highway and parking matters were considered when the application for a change of use from retail unit to café was granted by the Council's Planning service in January 2019.
- 5.11** When considering the application Members should take into account the Council's own Statement of Licensing Policy. The following sections are particularly relevant to this application.
- 9.3 Conditions imposed at a hearing
13.3 Prevention of public nuisance
- 5.14** Members are also directed to the Statutory Guidance issued under section 182 of the Licensing Act 2003 and in particular the following sections: 1.16, 9.3, 9.4, 9.37-9.40, 9.42-9.44 and 10.8-10.10, which are reproduced at **Appendix 7**.
- 5.15** 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.
- 5.16** If it is satisfied that the licensing objectives would not be undermined, it should grant the licence in the terms applied for.
- 5.17** If, however it is concerned that granting the application would have the potential to undermine one or more of the licensing objectives, it must then consider what, if any, steps would be appropriate to secure the promotion of the licensing objectives.

It may take any of the following steps:

- Grant a licence subject to such conditions that the authority considers 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.

5.18 All parties to the application have been invited to attend the hearing and have been sent a copy of this report and notice of the hearing procedure.

Financial and legal implications	
Finance	There are no financial implications directly associated with this application.
Legal	Any party to the hearing has the right of appeal to the Magistrates Court within 21 days if they are aggrieved by the decision. The hearing should be conducted following the principles of natural justice and in accordance with the Council's own hearing procedure.

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with an x.

risks/implications	✓ / x
community safety	✓
equality and diversity	x
sustainability	x
health and safety	x

risks/implications	✓ / x
asset management	x
climate change	x
ICT	x
data protection	x

Processing Personal Data

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a third party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

report author	telephone no.	email	date
Niky Barrett	01253 887236	Niky.barrett@wyre.gov.uk	12.07.21

List of background papers:		
name of document	date	where available for inspection

List of appendices

- Appendix 1 – Copy of application and plan
- Appendix 2 – Location map and images
- Appendix 3 – Lancashire Fire and Rescue Service consultation response
- Appendix 4 – Lancashire Constabulary consultation response
- Appendix 5 – Environmental Health (Pollution) consultation response
- Appendix 6 – Representations from other persons
- Appendix 7 – Extract from the S.182 Statutory Guidance

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(F) **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 STEVEN WISE

(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			
31 LINDEN AVE THORNTON CLEVELEYS			
Post town	LANCASHIRE	Postcode	FY5 2EZ
Telephone number at premises (if any)	01253 868031		
Non-domestic rateable value of premises	£ 3,400		

Part 2 - Applicant details

Please state whether you are applying for a premises licence as (Please tick as appropriate)

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i as a limited company/limited liability partnership please complete section (B)
 - ii as a partnership (other than limited liability) please complete section (B)
 - iii as an unincorporated association or please complete section (B)
 - iv other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body 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 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 please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- 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 checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname WISE			First names STEVEN		
Date of birth over		I am 18 years old or		<input checked="" type="checkbox"/> Please tick yes	

January 2019

2

Nationality BRITISH			
Current residential address if different from premises address			
Post town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service). The 9-digit 'share code' provided to the applicant by that service (please see note 15 for information).			

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		
Date of birth over		I am 18 years old or		<input type="checkbox"/> Please tick yes	
Nationality					
Current postal address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service). The 9-digit 'share code' provided to the applicant by that service (please see note 15 for information).					

(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
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
26	08	2021

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

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

TEAROOM / COFFEE SHOP / CAFE

ONE ROOM / 7 TABLES

EXTERNAL AREA TO SHOP FRONT A FURTHER
7 TABLES

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? *SALE OF ALCOHOL*
(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all 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

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)					
Mon	11-	18.00						
Tue	11	18.00						
Wed	11	18.00						
Thur	11	22.30				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 6)		
Fri	11	22.30						
Sat	11	22.30						
Sun	11	20.00						

State the name and details of the individual whom you wish to specify on the licence as **designated premises supervisor** (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	STEVEN WISE
Date of birth	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	7.30	18.30	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)</p>
Tue	7.30	18.30	
Wed	7.30	18.30	
Thur	7.30	23.00	
Fri	7.30	23.00	
Sat	7.30	23.00	
Sun	9.00	20.30	

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 10)

STAFF WILL UNDERTAKE TRAINING IN THE RELATION TO THE SALE OF ALCOHOL AND IN REGARDS TO I.D OF UNDER AGED PERSONS AND WITH REGARD WITH DRUNK BEHAVIOUR.

b) The prevention of crime and disorder

C.C.TV CAMERA'S WHICH RECORDED. THE CAMERA'S ARE PLACED IN POSITION TO GIVE FULL COVERAGE BOTH INSIDE AND OUTSIDE THE PREMISES. FULL DIGITAL RECORDING PROVIDED.

c) Public safety

OUR PREMISES AS PER PLAN ENCLOSED CONSIST OF ONE INTERNAL TRADE AREA. ENTRANCE TO THE TEAROOM ALSO DOUBLES AS THE EXIT WHICH IS KEPT CLEAR AT ALL TIMES. PEOPLE UNDER 25 WILL BE ASKED FOR PHOTO ID. A REGISTER OF REFUSED SALES WILL BE KEPT ON THE PREMISES.

d) The prevention of public nuisance

ALL CUSTOMERS WILL BE ASKED TO LEAVE QUIETLY. NOTICES WILL BE CLEARLY DISPLAYED TO REMIND CUSTOMERS OF THIS AND TO HAVE REGARD FOR OUR NEIGHBOURS AND SURROUNDING COMMUNITY.

e) The protection of children from harm

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing
--------------------	--

	<p>me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</p> <p>The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)</p>
Signature	
Date	7-7-2021
Capacity	OWNER.

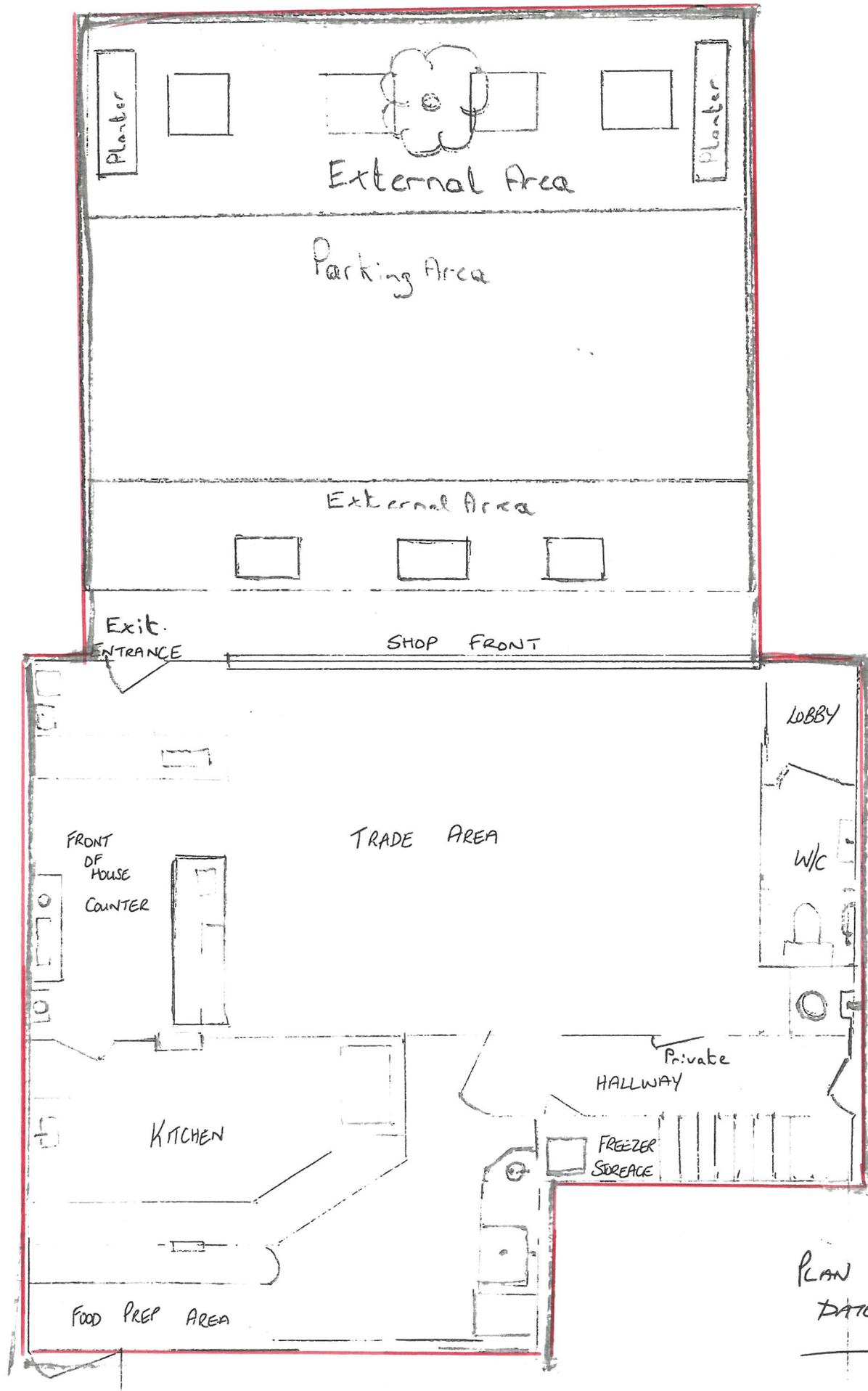
For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

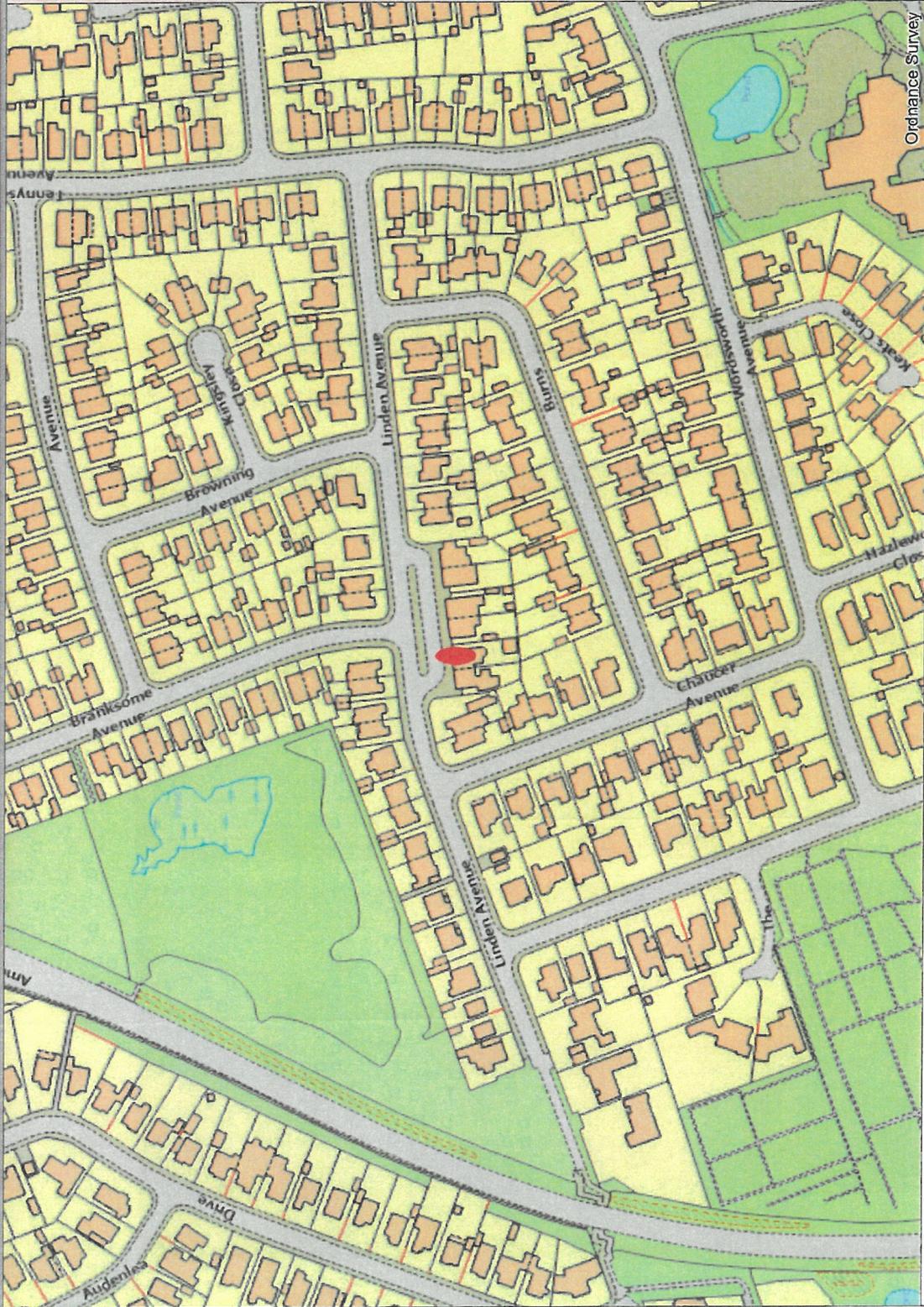
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does



PLAN ANNEX 4
 DATED 12-7-21



Map Scale: 1:2,500
Map Centre: 332,990 443,059

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Images published online on Google.co.uk



The Tea Room occupies the unit which was Domestic water and gas supplies, when these images were captured.





Licensing Department
Wyre Borough Council
Civic Centre
Breck Road
Poulton-le-Fylde
FY6 7PU
licensing@wyre.gov.uk

Please ask for: Mick Birks
Telephone: 01253 879013
Email: northernfiresafety@lancsfireandrescue.org.uk
Your Ref:
Our Ref: N3215900/MB/JP
Date: 14 July 2021

Dear Sir or Madam

ISSUE OF A PREMISES LICENCE

Legislation: Licensing Act 2003
Name of Applicant: Mr Steven Wise
Address of Premises: Linden Tree Tea Room, 31 Linden Avenue, Thornton Cleveleys, FY5 2EZ

The above application has been inspected and the Fire Authority has no objection to the Issue of a premises licence.

These premises are subject to the Regulatory Reform (Fire Safety) Order 2005. The responsible person is required to carry out a fire risk assessment.

The Fire Authority may inspect the premises to ensure compliance with the Regulatory Reform (Fire Safety) Order 2005, and the Risk Assessment may be required by the Licensing Authority to satisfy the licensing objective relating to public safety.

If you would like to discuss this, or any other matter of fire safety, please call me on 01253 879013.

Yours faithfully

A handwritten signature in blue ink that reads "Mick Birks".

Mick Birks 985
Protection Officer
For Chief Fire Officer

Protection Department
Fleetwood Community Fire Station
Radcliffe Road
FLEETWOOD FY7 6UJ

Wyre Council Licensing Service			
Notification of Mediation Agreement			
Premises Details			
Name of Premises:	Linden Tree Tea Room		
Premises Address:	31 Linden Avenue, Thornton Cleveleys		
Post Code:	FY5 2EZ		
Responsible Authority			
Service / Department	Lancashire Constabulary		
Officer (Print Name)	PC 515 Guy HARRISON		
	Signature		
Proposed changes to Application Operational Schedule			Mark one
Adequate changes proposed during the representation period. No representation made.			X
Some changes proposed. Representation will follow for remaining concerns.			
Some changes made after representation submitted. Continue to hearing.			
Full and adequate proposals made after representation. Representation withdrawn.			
Applicant's consent to amend Licence Application			
I the undersigned am the applicant and hereby authorize Blackpool Licensing Service to amend my application as detailed below. I understand that these amendments may be included as conditions on the Premises Licence should one be issued.			
Applicant's Name (Please <u>print</u> clearly)	Mr Steven WISE		
Applicant's Usual Signature			
Date of signing			2021
Amendments			
1	<p>The following conditions to be added to the operating schedule:</p> <p>1. CCTV must be installed internally and externally at the premises and must comply with the following:</p> <p>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.</p> <p>ii. The system will display on any recording the correct time and date of the recording.</p>		

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 licence 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 licence
 - (ii) passport
 - (iii) Proof of Age Standards Scheme Card

OR any other nationally 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.

The following conditions to be removed from the operating schedule:

None

Dear Mr Wise,

I am aware that you have agreed with the Police to restrict the use of the outdoor seating to 21:00 hrs, however I am concerned that the residential area immediately around your premises has a high proportion of elderly occupiers and so would wish to see a condition restricting the use to 18:00hrs to prevent noise and disturbance to residents into the evening .

I also have concerns regarding your proposed prevention of public nuisance conditions that you have put forward. Given this and the limited time available to reach an agreement regarding your licence application I will be raising a provisional objection to your application and I have made licencing aware of this.

My provisional objection will be withdrawn once we have reached a mutual agreement regarding the outdoor drinking area and prevention of public nuisance condition.

Please contact me on [REDACTED] to discuss this matter.

Kind regards

Nick Clayton | Environmental Health Officer

Pollution Control
Room 129
01253 887404

From: Clayton, Nick [REDACTED]
Sent: 12 August 2021 15:07
To: Barrett, Niky [REDACTED]
Subject: Linden Tree Tea Rooms License application

Good Afternoon Niky,

Following an onsite meeting with Steven Wise, I have been unable to reach a mutually acceptable resolution regarding the outdoor seating area, specifically the time that the consumption of alcohol in this area should end.

Having taken into consideration the residential premises in the vicinity and in particular the age profile of residents in the location and the type of establishment that Mr Wise runs, rather than halting the complete use of the outdoor seating area

for patrons, I felt that it could still be used in the evening for the consumption of food and non-alcoholic drinks and so proposed the following condition, to allow him to operate but minimise the negative impact on the surround residential properties;

'Any outside area which is used for the consumption of alcohol, shall cease to be so used at 18:00hours. Signs shall be displayed in prominent positions warning customers that they will not be permitted to drink alcohol in the external areas after these times'

Other conditions were also discussed and agreed (conditions 1-3 and 5-14 on the attached document) that if implemented along with the condition above regarding the cut off point for the consumption of alcohol outdoors, I feel would safeguard the surround area from any public nuisance problems.

Mr Wise unfortunately would not agree with this condition and so I am unable to withdraw my objection to the granting of this application.

I am aware that the Police have agreed a terminal hour for the use of the outside area of 21:00hrs, but this has been agreed under the crime and disorder objective and I am concerned about the potential public nuisance from outdoor drinkers that could impact on residents.

if you wish to discuss this matter further with, please contact me and I will be happy to answer any questions.

Kind regards,

Nick Clayton | Environmental Health Officer

Pollution Control
Room 129
01253 887404

	Name of respondant(s)	Address
R. 1	Mr S Fletcher for Mrs J Fletcher	22 Linden Avenue, Thornton Cleveleys, FY5 2EY
R. 2	S Taylor for parents	Not provided
R. 3	Annette Wilson	49 Branksome Ave, Thornton Cleveleys, FY5 2EW
R. 4	Mr P & Mrs M Stansfield	47 Branksome Ave, Thornton Cleveleys, FY5 2EW
R.5	Stuart and Christine McGregor	4 Chaucer Ave, Thornton Cleveleys, FY5 2SY
R. 6	John Thatcher	Not provided
R. 7	P B Heinzmann	Unknown number, Linden Ave, Thornton Cleveleys,
R. 8	Carol Tompkins	36 Linden Ave, Thornton Cleveleys, FY5 2EY
R. 9	John and Ann Hearnshaw	Not provided
R. 10	Adrian Hollingworth	Clippadog, 27 Linden Ave, Thornton Cleveleys, FY5 2EY
R. 11	Rosalind Dion & Jason Clarke	33a Linden Ave, Thornton Cleveleys, FY5 2EZ
R. 12	Holly Clarke	33a Linden Ave, Thornton Cleveleys, FY5 2EZ
R. 13	Robert & Sharon Frank	39 Tennyson Ave, Thornton Cleveleys, FY5 2EX
R. 14	Dylan Tong	10 Linden Ave, Thornton Cleveleys, FY5 2EY
R. 15	Joan & John Wrench	4 Branksome Ave, Thornton Cleveleys, FY5 2EW Includes signatures from 8, 11, 17,19, 21, 23 Branksome Ave and 4, 19 Eversleigh Ave
R. 16	Graham O'Keeffe	6 Seniors Drive, Thornton Cleveleys, FY5 2RD
R. 17	Mr C & Mrs J Mackie	45 Branksome Ave, Thornton Cleveleys, FY5 2EW
R. 18	Jean Latus	2 Masefield Ave, Thornton Cleveleys, FY5 2ES
R. 19	Mr & Mrs Standeven	32 Wordsworth Ave, Thornton Cleveleys, FY5 2ST
R. 20	Mr & Mrs Franklin	20 Linden Ave, Thornton Cleveleys, FY5 2EY
R. 21	Frank Rawlinson	18 Linden Ave, Thornton Cleveleys, FY5 2EY

From: [REDACTED]
Sent: 2021-07-25 09:29:43.73
To: mailroom@wyre.gov.uk

Subject: Licence application Re Steven Wise

This email is from an external email address

Do not click any links or open attachments unless you know the content is safe.
Never disclose your user details or password to anyone.

To whom it may concern

It has been brought to my attention that Mr Steven Wise of 31 Linden Avenue has applied for a alcohol licence for his cafe ,and as a resident of the area and live in close proximity to the establishment find it unacceptable to have this in the area .

This is a residential area with a lot of retired and elderly people living nearby who want peace and quiet, not car doors slamming and noise into the late evening .

There are a number of residents in the close area who have become distressed at this news and don't know what to do therefore I find it necessary to email you about this on behalf of my mother and other residents

Yours faithfully

Mr S Fletcher

On behalf of Mrs J Fletcher

22 Linden Avenue

Thornton Cleveleys

FY5 2EY

From: [REDACTED]
Sent: 26 July 2021 16:18
To: Licensing <Licensing@wyre.gov.uk>
Subject: Alcohol license application

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Never disclose your user details or password to anyone.

To whom it concerns,

I would like to place an objection against the application for alcohol to be consumed on the premises of linden tree tea rooms , I have elderly parents living close to the premises that have had antisocial behaviour recently, I strongly believe that the sale of alcohol,playing of music / live artists in an very quiet area made up of elderly people is a bad idea , already they are worried that they will be forced to move out of the area because of noise and antisocial behaviour, if this was in a town centre I would have no objection, but in a quiet elderly residential area I believe this is totally out of order to allow this to happen. Already many on the residents have been asked to move their vehicles because the owner wants all the area for his customer parking , they are already having table on the verge over the road from the shop, now with live music and alcohol this situation will get worse and many of the elderly people in the area will be forced to sell their retirement homes because of this. I wait patiently for your reply.

Many thanks

S. Taylor

From: [REDACTED]
Sent: 2021-07-26 18:24:43.093
To: mailroom@wyre.gov.uk
Subject: Objection to planning permission

This email is from an external email address

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Never disclose your user details or password to anyone.

Good afternoon

I live at 49 Branksome Avenue, Thornton and have been made aware that The Linden Tree Tea Rooms are applying for an alcohol licence to serve it from 11am, and to open their venue to music performances often up to 11pm.

This is a lovely quiet neighbourhood with quite a large number of elderly people. We have already seen a large number of cars parking on the nearby streets from the popularity of the Tea Rooms. This is causing more traffic problems than we have ever encountered in our 16 years of living here and these plans can only aggravate the problems moreso.

I would like to put in an objection to these plans as we do not want people disrupting our quiet locality, especially at 11pm with live singing at night, then dispersing into our neighbourhood at closing time. I am sure the plans will attract a lot of youths. I know that there are already increasing number of crimes in Thornton involving youths and this addition of alcohol will not be welcomed. There is a newsagents right next door to this establishment and they have extremely early starts in the morning so I don't expect them to welcome these plans.

Please register my objection on these plans. I don't want to spoil anyone's plans for expansion but there is no place for a live music venue, serving alcohol, in this area.

Kind regards
Annette Wilson

From: [REDACTED]
Sent: 27 July 2021 10:34
To: Licensing <Licensing@wyre.gov.uk>
Subject: Linden Tea Room Thornton Cleveleys

This email is from an external email address

Do not click any links or open attachments unless you know the content is safe.
Never disclose your user details or password to anyone.

Dear Sirs

Reference is made to the application submitted by Linden Tea Room, Thornton, for a Premises Licence.

Those aspects of the application relating to the sale of alcohol up to 2230 hrs some days and the holding of regulated entertainment up to 2300 hrs, seem to be entirely inappropriate in a quiet residential area, with a lot of elderly residents, especially when the premises do a substantial part of their trade outdoors with a number of tables and chairs on the pavement. Also would outside lighting be needed during the dark evenings.

The existing Tea Room attracts a number of people and there are already problems with traffic having to park on the neighbouring streets as there is no off-street car parking. The opening of the premises and the sale of alcohol until late in the evening can only exacerbate the problem

This area has suffered in the past from vandalism by unruly groups and last year it was necessary to call the Police on several occasions with some residents feeling it necessary to install CCTV. Due to the Youth causing issues in the area this made myself and my wife feel very unsafe.

when they would throw stones at the window I would have to contact my family to come check on the premises due to us being scared to go check. I feel that if the planning would go ahead youth would be congregating outside listening to the music which yet again would make us unsafe when doing our daily routines.

We trust that the Council will take these matters into consideration when making a decision on the application.

A copy of this e-mail is being sent to our local County Councillor Paul Ellison

Yours faithfully

Mrs M Stansfield
P Stansfield
47 Branksome Avenue, Thornton
FY52EW

From: [REDACTED]
Sent: 01 August 2021 15:44
To: Licensing <Licensing@wyre.gov.uk>
Subject: Linden Tree Tea Room. 31 Linden Avenue Thornton Application for a license

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Never disclose your user details or password to anyone.

1st August 2021 We object to the above for the following reasons: Parking,we already have parking in our road from customers using the cafe. You will see there is insufficient parking outside the other shops already. Additional noise and cars from the live music which they want to have on three nights until 23.00 and one night until 20.30 Consumption and sale of alcohol in a residential ageing area.

Stuart and Christine Macgregor.

4 Chaucer Avenue.

From: [REDACTED]
Sent: 03 August 2021 21:14
To: Licensing <Licensing@wyre.gov.uk>
Subject: Linden Tree Cafe

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Never disclose your user details or password to anyone.

To The Licensing Committe.

I wish to strongly object to The Linden Tree Cafe being Granted a Drinks License, and a Live Music Licence, on the grounds that this is a residential area, full of older retired people, who probably enjoy sitting outside in the good weather having cups of tea or coffee with their friends.

But how would they feel with the new extended hours of business at night with people of a different age group, laughing, being loud, may be singing along to the music, or being rowdy, getting drunk, fighting, swearing, being sick, etc, especially if there homes or bedroom windows face the cafe. We have enough problems with car parking as it is since the cafe opened, whats it going to be like at night, car doors slamming, wheels screeching , in car entertainment systems pumping out loud music, (just look in Morrisons car park any night to see what it's like), If people like Cafe culture they can go into Cleveleys, 7 days a week where probably the traffic noise drowns out the music.

It is only a small cafe, they have already put tables outside on the pavement, and have now taken over part of the lay-by, is this legal, someone could fall off a chair and get run over.

Other Than for their own Financial gain, I can not see this as being good for the community.

Yours Faithfully

John Thatcher

From: [REDACTED]
Sent: 2021-08-04 09:46:13.0
To: mailroom@wyre.gov.uk
Subject: Objection to alcohol licence application for 31, Linden ave, Thornton.

This email is from an external email address

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Never disclose your user details or password to anyone.

Dear madam/sir

It is with regret that I must register my objection to the application for a premises licence at the above address, on grounds of negative impact on the neighbourhood.

Regret because I have been glad to welcome the applicant and family as neighbours in Linden avenue, where I have lived for nearly thirty years.

Whereas I welcome and support the creation of the pavement cafe during the daytime, alcohol and evening opening would fundamentally damage the peace and safety of this residential neighbourhood.

It seems more likely that it is from lack of experience on the part of the applicant, rather than lack of consideration for local residents, that this most inappropriate application has been made.

As a former licensee, I am well aware that the reality of running a licensed restaurant and bar is very different from the naive idea of a nice, quiet little cafe, in which diners may simply enjoy a glass of wine with their meals.

I have wished the applicant and his family well and praised their endeavours in renovating their premises to a high standard and establishing their cafe business, selling wholesome meals to the predominantly elderly local retirees, during recent years.

I know that the infirm and isolated elderly in particular have been very grateful for this cafe delivery service during the recent challenging times. Against this background of goodwill and good neighbourliness, it is difficult to imagine a starker contrast than the plan to turn the 'Linden Tree Tearoom' into licensed premises.

I am sure that many of those locals who, like myself think well of the applicant, would be most negatively affected by such a profound change to the peaceful nature of this quiet area, yet many would be too embarrassed to object, even if they had been made aware of the proposal.

While a few diners may currently arrive on foot, the vast majority do so by car. This has already caused friction with some neighbouring businesses, whose private forecourts

are occupied for long periods by diners' cars, preventing their own customers from stopping briefly at their premises to shop.

This is not a public highway. Since each of the shops actually owns the land at the front of their buildings, including the road and pavements and must maintain it at their own expense, it is already an extension of goodwill that no attempt has yet been made to end the 'share and share alike' approach that has hitherto prevailed.

Nevertheless, the increased numbers of vehicles, together with the increased size and weight of the average vehicle, has led in recent years to an increasingly negative daytime impact on an otherwise peaceful residential area, as well as costly material damage caused by some drivers who insist upon (illegally) driving up onto the footpaths, in order to park their cars and suvs on the pavements. I have witnessed how vehicle damage to private footpaths this century has caused falls by elderly residents, resulting in loss of life and life changing injuries.

During the daytime, any resident moving their car from their own (private) property will be unlikely to find any space in which to park on their return. If this was a public highway, it would be a different matter but it is not; it is private land maintained at the owners expense. As this pressure continues to increase, the addition of alcohol to the situation would certainly exacerbate the problem, making conflict likely.

The twenty mile per hour speed limit in these avenues is already treated with contempt by some drivers. Adding alcohol to the situation will be to invite accidents and injuries.

It has been the case for many years in this area that, by five o'clock in the evening, a very different atmosphere prevails from that of the daytime. By this time, or perhaps by six pm at the latest, all commercial activity ceases, the area falls quiet and the peaceful enjoyment of the residents is restored.

Many years ago, a small convenience store set up here lost its alcohol licence and had its opening hours restricted to exclude evenings. This action by local authorities successfully 'nipped in the bud' a sudden problem of disturbances to residents.

The prospect of any audible commercial activity after Six pm, would be as out of keeping with the nature of the neighbourhood now, as it was then. The prospect of a street cafe, serving alcohol at any hour during the evenings, would completely shatter the peace has always been enjoyed by residents.

Having operated exactly such a business (albeit in an exclusively commercial tourist area with no residents) I can testify that even the quietest of diners become louder and louder as the alcohol flows. They do not simply enjoy one small glass of wine with their meal; on the contrary, many will down a pint while waiting for their table, drink a bottle of wine with their meal, possibly order another before dessert and, when the meal is finished, will spend the rest of the evening talking ever more loudly, as they continue to drink. In the unlikely event that one of them is still fit to drive, they will finally drift away, half an hour after last orders, slamming cars doors, revving engines and shouting their merry goodnights as they do so.

If they exercise any reluctance to drink and drive, they will leave their cars on some neighbour's forecourt and take a taxi, with all the same engine noise, door slamming and loud voices. In an very quiet neighbourhood, where some elderly residents are in bed by nine o'clock and certainly all of us value what peace we can get in the evenings, all this is an appalling but I can assure you from experience, a sadly realistic prospect.

Of course, the applicant will buy those little signs, available from all catering suppliers, appealing to customers to 'please show consideration for our neighbours by leaving the premises quietly' and of course, they will be ignored as they always are.

If the present, well-meaning applicant makes exceptional efforts to ensure that impact is minimised, by having no outdoor dining in the evening, for example or somehow persuading diners not to arrive by car, the precedent will be established and after a year, an application to extend opening hours and outdoor dining will be more likely to succeed. Before many years, the current licensee may sell the premises and the next operator, who, with no commitment to the local residents, will have an opportunity to create an even worse impact on the neighbourhood.

I am sure none of us wish ill toward this applicant; I certainly do not; quite the contrary. He and his family have done much to improve the appearance of their premises to a high standard, to establish a well-liked cafe and soften the harshness of the pavement with plants and flowers, all very much to their credit. This makes it all the more difficult and onerous to register this objection, yet I am sorry to say that I can see no merit in the application, only potential harm.

With sincere regret
P B Heinzmann,
Resident, Linden avenue

From: [REDACTED]
Sent: 04 August 2021 11:20
To: Licensing <Licensing@wyre.gov.uk>
Subject: 31 Linden Ave Cleveleys - Linden Tea Room

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We live at no 36 Linden Ave and note that a licensing application has been submitted for music and liquor at the above premises.

We are objecting to the license for the reasons set out below

- a) This is a residential area particularly where retirees live or about to retire and have their bedrooms at front of their property so there will be a large amount of noise and disturbance at such a late hour.
- b) There will be even more problems with parking.
- c) It is a very quiet area.

We feel that this application should be refused as it would be detrimental as we feel it is out of sync with the area.

Regards
Carol Tompkins

From: [REDACTED]
Sent: 04 August 2021 12:43
To: Licensing <Licensing@wyre.gov.uk>
Subject: Re application for a license

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We wish to voice our concerns over the application of a licence for
Linden Tree Tea Room
By Linda and Steven Wise

The Tea Room has been delightful, enabling people to meet for coffee, lunch and afternoon tea etc. The owners have made good use of the small pavement opposite as well as directly outside to place tables and chairs and flower boxes enabling people to enjoy their refreshments in the fresh air

However, although having 'discreet mood' music and a glass of wine with a meal etc seems fairly tolerable, we think it is unacceptable to have singing and live performances, which will undoubtedly be much noisier, in what is very much a residential area, many of the dwellings are bungalows.

We also see that this entertainment is going to take place until 11pm at night 3 days a week. Which again is at great odds within a residential area, where many of the residents are elderly, and whose bedrooms are probably at the front of their dwelling, facing the Tea Room!

In addition the flats above the adjacent shops will be subjected to increased noise, which will probably be very disruptive, especially in the evening
We also wonder if there will be an issue with car parking?

We hope our comments will be noted

Mr John and Mrs Ann Hearnshaw

From: [REDACTED]
Sent: 2021-08-08 11:23:34.0
To: mailroom@wyre.gov.uk
Subject: FAO Licensing Dept. RE 31 LINDEN AVENUE

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Dear Sirs/Madames

I wish to place in writing my objections and concerns in respect if licensing at the Linden Tea Rooms, Thornton Cleveleys.

I understand I have until the 9th of August to express these for the record.

I object to the proposals for two main reasons.

Firstly with respect to the disturbance this would inevitably create to what is a very peaceful neighbourhood where many elderly people have chosen to reside. The expectation in the summer months particularly chinking glasses, gay laughter and much more car activity I feel is very unfair to those elderly as well as other work people who need to rest after a hard day's graft.

I very much respect and applaud the current business and its owners for bringing their cafe here despite a heavy increase in parking. They have tidied the area and provide a very attractive service during working hours.

But after hours activity I feel is very unfair to neighbours some that are living very close to this business.

Secondly I wish to express my concerns with the matter of public safety. I feel even currently during daytime hours the cafes customers are dining very close to a relatively busy road and are visually obscured to the nearby dangers from the amount of parking mostly of their own cars. I feel this is an accident waiting to happen from either someone being knocked over from the traffic of the main Linden avenue Road or from the private road where the businesses are based.

This safety aspect will only be made worse when alcohol is introduced as people's concentration is weakened.

I always think compromise is a good way forward. I don't really have an issue with the serving of evening meals within closed doors upto a reasonable time. Say 7.30pm. This allows for people to be fed after a working day or rest with a drink. But keep it indoors to maintain the peace on the street for all who reside here. Thus is essentially a residential area. Who knows what disturbance this may cause in the future particularly if we get

new owners one day who may not have the investment if residing here as the current owners currently do.

Your faithfully

Adrian Hollingworth Clippadog 27 Linden Avenue.

From: [REDACTED]
Sent: 08 August 2021 14:17
To: Licensing <Licensing@wyre.gov.uk>
Subject: Objection to licence application

Objection To Application For New Premises Licence For

Linden Tree Tea Room

31 Linden Avenue

Thornton-Cleveleys

Lancashire

I would like to object to the application for a premises licence for the above location on the following grounds

-Protection Of Public Safety (attached photos may be helpful here)

I am aware that the venue has an amount of outside space, but I cannot see how it is safe for the public (non-customers) to have to step or deviate from the pathway and into the public road, particularly when it gets into the evening, because the space is otherwise taken up by tables and chairs for the cafe and further obstructed by numerous cars parked directly alongside all sides of those outside areas.

When alcohol is added to this combination of issues, you then have customers consuming alcohol over an unknown period, sitting directly at the roadside or even having to step off a pavement and into a public road, with no defining barrier, separation or protection of any kind between the two and this is not safe due to the unpredictable nature of alcohol as it endangers customers, the public and any other road users. The pavement step is not indicated or illuminated to alert someone to the hazard, particularly in bad lighting or unfavourable conditions.

-Prevention Of Public Nuisance (attached photos may be helpful here)

It is a great concern that people can be sitting outside until very late into the evening and leaving the venue in general, late at night. In what is a residential area, the noise of people and vehicles coming and going is a disruption and nuisance that will tremendously affect myself and other residents in properties that surround the location. There is no other commercial premises in the immediate area that is open this late or that causes these issues.

It won't be possible to open a window for fresh air for the anxiety and unease of hearing bad language and noise from people outside.

Littering from cigarettes and other rubbish or people congregating outside with their drinks (not seated) right outside my home.

If people are allowed alcohol outside, there is an increased danger after continued alcohol consumption, of stepping on/off the street and having to cross the road for service from the cafe staff or to access the toilet facilities for example.

The outside areas are not fully enclosed.

Noise or vibration from any regulated entertainment will be heard through the walls of the property and into my neighbouring home or projected/played to the outside seating area.

Protection Of Children From Harm

What is to be the provision for people under the age of 18? For example, what times is it proposed they are allowed on the premises? Are they to be accompanied by an adult? There are no published information regards this.

-Prevention Of Crime And Disorder

It is a concern that people will have bottles and glasses outside, directly next to a roadside, right by my home (and in the vicinity of other privately owned/rented homes) and that alcohol will be served until late at night (particularly outside). This increases the opportunity for disorderly behaviour and public order offences (such as using threatening/abusive/insulting words and behaviour, drunk and disorderly, criminal damage etc).

The immediate area (being residential) is not routinely covered by CCTV and will make it very difficult for any complaints that arise from such behaviours, to be substantiated or taken seriously.

Other Concerns

There are further issues with parking, as there is already an increase in the number of cars that are present in the daytime which can only worsen in the evening if a licence is granted.

There are some confusing details in the licensing application notice in the window. It says that objections to the application must be received within 28 days from the date of the notice. The notice is dated 13/07/2021 and 28 days from then is 10/08/2021, whereas the licensing office said it should be a final date of 09/08/2021 so that is a discrepancy of one day in which someone may have been under the impression they still had time to object. There is a mixture of the use of 12 and 24 hour clock in the times listed on the licence application for the sale of alcohol, use of regulated entertainment and general opening hours. Has the notice been filled in correctly?

I see no reason why there is a need for alcohol (or regulated entertainment) to be present in a local tearoom at all, whether daytime or evenings. There are other venues a short enough distance away that serve alcohol with meals that are already established as daytime and evening venues, so why is there a need to make a local tearoom on a residential street into an alcohol and evening venue? It is not in keeping within a residential area.

If a licence is granted, there is nothing preventing all the concerns in this objection becoming reality and having a hugely detrimental effect on my privacy and day to day life as well as that of my family and local area.



Rosalind Dion, 33a Linden Avenue, Thornton-Cleveleys, Lancashire, FY5 2EZ
08/08/2021

I would like to object to the application for a premises licence for the above location on the following grounds

* Anti-social behaviour

I am concerned that in a heavily residential area, a place that serves alcohol will lead to anti-social behaviour including bad language and excess noise in the evening and at night. I hope that customers of the cafe do not feel the need to litter, smoke directly outside my home or use shop doorways or the side of the property I live in to relieve themselves if caught short.

* Residential Area

The location of the cafe is right in the middle of a residential area, in a very small row of shops, none of which are open in the evenings. I see no reason to disrupt this quiet

neighbourhood by having a venue that is open to serve alcohol and have music late in the evening. This can only have an effect not just on myself and my family but other residents trying to enjoy the peace and quiet of their own homes in the evenings and could seriously impact people's quality of life.

* Licensing Hours

On the legal notice in the window, the date given of 13/08/2021 gives the impression that objections can still be received until 28 days after, which is the 10/08/2021. This does not seem to match with information held by the licensing office at Wyre Borough Council and I wonder if therefore, this legal notice has not been correctly filled out.

I must stress, that I object to the licence application as a whole and do not think alcohol should be sold in a tearoom. To have a licence granted can only mean noise and disruption to myself, my household plus the immediate and other neighbouring properties.

Jason Clarke, 33a Linden Avenue, Thornton-Cleveleys, Lancashire, FY5 2EZ
08/08/2021

From: [REDACTED]
Sent: 08 August 2021 15:12
To: Licensing <Licensing@wyre.gov.uk>
Subject: Objection to licence application

This email is from an external email address
Do not click any links or open attachments unless you know the content is safe.
Never disclose your user details or password to anyone.

Objection To Application For New Premises Licence For
Linden Tree Tea Room
31 Linden Avenue
Thornton-Cleveleys
Lancashire
FY5 2EZ

I am writing on my daughter's behalf as even though she is of adult age, she is autistic and cannot write letters like this herself. The following is put as closely to her own words as possible during a conversation I had with her about the application from Linden Tree Tea Room, but it shows the fact she does not like the proposed idea, and it is greatly unsettling for her.

It bothers me if people might be sitting outside at night-time and drinking alcohol. People drink alcohol in pubs, not cafes.

Does this mean I will hear noise in my bedroom if I am trying to sleep?

I don't want to hear people outside when it is dark because it makes me nervous.

Can I still open my window if people are outside?

Written on behalf of Holly Clarke by Rosalind Dion
33a Linden Avenue, Thornton-Cleveleys, Lancashire, FY5 2EZ. 08/08/2021

From: [REDACTED]
Sent: 09 August 2021 11:36
To: Licensing <Licensing@wyre.gov.uk>
Subject: Licence application for Linden Tea Room, 31 Linden Avenue, Thornton-Cleveleys

This email is from an external email address

Do not click any links or open attachments unless you know the content is safe.
Never disclose your user details or password to anyone.

I should like to register our objection and that of my neighbour Mrs Dorothy Gillan of 41 Tennyson Avenue, FY5 2EX to the above named application. We are really sorry that this is so late but we have only just seen the notice which, I have to say, is cunningly disguised and only clearly visible when the blinds are lowered on the windows. That said, the issue of a alcohol licence for these premises would be a terrible blight on the neighbourhood. This is a quiet, friendly area of mainly elderly people. There are mostly bungalows so there would be no escape from the noise nuisance which is bound to happen. This is a tea room and so it should remain. I am convinced that very few of the locals know about this application and would be extremely worried about their safety and about the possibility of the crime and disorder which would occur.

Best regards,

Robert and Sharon Frank, 39 Tennyson Avenue, FY5 2EX

From: [REDACTED]
Sent: 09 August 2021 14:44
To: Licensing <Licensing@wyre.gov.uk>
Subject: License for linden tea rooms

This email is from an external email address

Do not click any links or open attachments unless you know the content is safe.
Never disclose your user details or password to anyone.

I live on linden Avenue.

I believe that granting of a license to this premises will cause detrimental effect on my life.

This is a residential area late night music and of increase of cars will cause disturbance. My friend came to the hairdressers was told to move her car as someone that was sitting on the tables that are placed on the central reservation did not want their view impeded. Parking for linden tea rooms is causing a problem on Branksome Avenue blocking front garden gates and making it difficult to get in and out of driveways. Anti social behaviour has been a problem in this area in the past with youths and alcohol which will no doubt be hanging around causing a disturbance to our pensioners and neighbours with health problems feeling vulnerable.

Kind regards

10 linden Avenue.

27.7.21

RECEIVED
29 JUL 2021

4 BRANKSOME AVE.,

THORNTON

FYS JEW.

APPENDIX 6

REP 15

WE WISH TO LODGE OBJECTIONS TO THE APPLICATION BY L & S WISE, LINDEN TREE TEA ROOM, 31 LINDEN AVE. THORNTON FOR A LICENCE TO HAVE ALCOHOL-MUSIC SINGING, LIVE PERFORMERS, PLAYING OF RECORDED SOUND, BETWEEN THE HOURS OF ~~7.30~~ 11 AM - 12.00 & 7.30-18.30 & 7.30 TO 23.00. THIS IS A RESIDENTIAL AREA OF MAINLY O.A.P.s THE SOUND WILL CARRY INTO THE SINGLE STOREY BUNGALOWS AND IS ALREADY UPSETTING MANY RESIDENTS. THIS APPLICATION WILL LOWER THE TONE OF THE NEIGHBOURHOOD AND DEVALUE THE PROPERTIES NEARBY. THE PARKING IS ALREADY CREATING A PROBLEM.

FROM :-

Joan & John Wrench 4 BRANKSOME.

Mr Mrs E. Cottrell 17 BRANKSOME.

AJ & Giffiths 19 BRANKSOME.

B Malby 11 BRANKSOME.

n. Smith }
Alma } 19 EVERSLEIGH AVE

B Roberts Page 77

D. BAILEY

4 EVERSLEIGH AVE

B Juppier 21, Brantson Avenue
Mr Williams 23 Brantson Ave
P Elidge 5 Brantson "

RECEIVED
30 JUL 2021

REP 16



Representation Form (Other Persons)

Your Name/Company Name/Name of representative body.	GRAHAM O'KEEFE
If representative body please give detail of how you represent residents or businesses	/
Postal address	6 SENIORS DRIVE THORNTON-CLEVELEYS. FY52RD
Contact telephone number	
Email address	

Name of the premises you are making a representation about.	LINDEN TEA ROOM.
Address of the premises you are making a representation about.	LINDEN AVENUE THORNTON FY52EZ

Your representation must relate to one of the four Licensing Objectives. Please state Yes or No.(see note below)	Please detail the reason for your representation and any evidence to support it Please use separate sheets if necessary
The Prevention of harm to children NO	
To prevent Public Nuisance YES	see attached
To prevent crime and disorder YES	see attached

Public Safety YES	See attached.
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Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Committee to take into account.	Alcohol to be served with meals during present opening hours.
---	---

I wish to call the following people in support of my representation. Anybody you wish to speak to the committee must be declared here.	
Person	How they will assist you
/	/

Have you made any representations in respect of these premises before	Yes	<input checked="" type="radio"/> No
Date on which previous representations were made		

I understand that the Licensing authority is obliged to give notice of a hearing to all parties to the hearing and this must include a copy of this representation. All representations are treated as public documents.	You must initial this box to state that you understand and permit this G.P.O.	
I agree to attend any hearing before either the Licensing committee or magistrates court (in the event of an appeal against the Council's decision) in support of my representation	<input checked="" type="radio"/> YES	<input type="radio"/> NO

Signed:	
Date:	29/07/21.
Print name:	GRAHAM P. O'KEEFE

LICENSING OF LINDEN TEA ROOM

In its present form the Linden Tea Room has a positive effect on the local area. It is a meeting place for local residents and was beneficial to the community during the lockdown.

However, it would seem that the suggestions for the granting of a licence for the sale of alcohol and for entertainment may radically alter the nature of the business and its impact on the community.

Public nuisance

The tea room is situated in a very quiet residential area. The vast majority of properties are bungalows and largely owned by elderly people. The granting of a licence to serve alcohol with meals during the existing opening hours would probably not be detrimental but if the property is to become an off-licence and extend its opening hours into the late evening there will inevitably be problems with noise. This will be exacerbated if there is also the provision of entertainment as seems to be envisaged.

Local elderly people will tend to go to bed early and will suffer from the effects of a noisy environment. They will doubtless have chosen to live in that area because it offers peace and quiet. The impact will also be felt particularly keenly by the owners of the newsagent next door. It is in the nature of their business that they have to go to bed very early in order to get up very early to deal with newspapers. Noise from the property immediately adjacent to their own will have a severe impact on their quality of life and their ability to run their business.

Crime and disorder

The sale of alcohol will inevitably attract more younger people to the area. There is already something of a problem in The Towers woodland with the consumption of alcohol and subsequent dropping of litter and this is only likely to get worse in the area if alcohol is more readily available. There is also some evidence of problems in the churchyard at Christ Church on Meadows Avenue which may well worsen if alcohol is on sale so near to the church.

PTO

Public Safety

Public safety will be compromised by the increased traffic which will inevitably result from the granting of a licence. Inconvenient parking may well also become a problem.

REP 17

45 Branksome Avenue
Thornton Cleveleys
FY5 2EW

The Licensing Manager
Wyre Council
Civic Centre
Poulton-Le-Fylde
FY6 7PU

30th July 2021

Dear Sir / Madam

Formal Objection to:-

Linden Tree Tea Room, Linda and Steven Wise, 31 Linden Avenue, Thornton.

The Application for a Premises Licence in respect of the above premises authorising the sale / supply of alcohol and the holding of Regulated Entertainment to include the following: * Music, * Singing, * Live Performers, * Playing of recorded sound.

Further to the above application I wish to make the following objections. We live approximately 100 metres from the Linden Tree Premises and strongly object to the above application. We have grave concerns about the effect on this area should the Linden Tree be granted a Licence to enable them to sell alcohol, hold regular entertainment to include live performances and to extend their opening hours late into the night.

Area

The Linden Tree Tea Room on Linden Avenue is not on a main road. Linden Avenue and Branksome Avenue are situated in an extremely residential area with a high demographic of retired residents. Many would be classed as vulnerable with a large proportion being infirmed and disabled. There are also many properties with single residents living alone. During the past year, Covid lockdowns have seen many here shielding in their homes, which has created even more concerns about the community well being.

Prevention of Crime and Disorder and Prevention of Public Nuisance

Over the past few years I understand that Police have been called to this area to deal with drug usage on Branksome Field and young people throwing stones at residents property and parked cars. Some Residents have installed CCTV as a possible deterrent in view of this anti social behaviour.

At present the the Linden Tree, as a Tea Room, closes at 4.30pm. No other neighbouring business premises are open into the evening. If they are permitted to sell Alcohol and to open extended hours we have grave concerns that this quiet residential corner of Thornton will completely change and will beyond doubt encourage disorder, nuisance and crime.

Please be aware that an 11:00pm Licence Restriction will actually develop into a midnight finish.

Sound travels particularly well in the quiet area around our locality. If the Linden Tree's Opening Hours were extended then the noise will create a nuisance for all residents within this part of Thornton. We as residents are entitled to 'peaceful enjoyment' in our homes. Everyone has the right to peace and quiet and enjoyment of their own homes without excessive disturbance from others. Nuisance neighbours can disturb a person's enjoyment of their home, and inconsiderate behaviour can even be detrimental to mental health.

Car Parking

Since the Linden Tree has opened there has already developed local car parking problems due to additional cars parked over the pavements not only on Linden Avenue and Branksome Avenue but also other adjoining residential streets. Customers have been advised by the Linden Tree Staff to park their cars on the neighbouring streets, with cars parked all over the pavements. In fact Linda and Steve Wise, their family members and the current Staff of The Linden Tree all park outside neighbouring residential premises, in order to leave space for their own customers to park. There is no car park at The Linden Tree Tea Rooms.

Mr and Mrs Wise have even had the audacity to ask their resident neighbouring business owners if they would park away from their own premises in order to leave more room for their own customers parking!

Late night revellers will be inebriated, and talking loudly, Those who have parked their cars 'all over the local roads' will be slamming their doors late at night. All will disturb the Local residents, most of whom have their bedrooms at the front of the house directly facing the road.

Public Safety

We have found it more challenging to drive around our local streets and have to be extra careful when reversing out of our driveway. It is well known that Linden Avenue and Branksome Avenue is used as a quick route through to the lights on West Drive to travel towards Cleveleys or Fleetwood. There is a 'blind bend' on Branksome Avenue needing careful navigation even in daylight. This traffic could increase unnecessarily if a Licence is issued resulting in a surge in late evening traffic.

Would you kindly consider our objections to this Application and inform us if there is to be a local meeting called regarding this Licence Application. I look forward to receiving your reply at your earliest convenience.

Yours faithfully

Mrs J Mackie

Mr C J Mackie



Representation Form (Other Persons)

Your Name/Company Name/Name of representative body.	JEAN LATUS
If representative body please give detail of how you represent residents or businesses	—
Postal address	2 MASEFIELD AVE THORNTON CLEVELLEYS FY5 2EL
Contact telephone number	—
Email address	

Name of the premises you are making a representation about.	LINDEN TEA ROOMS
Address of the premises you are making a representation about.	31 LINDEN AVE THORNTON FY5 2EZ

Your representation must relate to one of the four Licensing Objectives. Please state Yes or No.(see note below)	Please detail the reason for your representation and any evidence to support it Please use separate sheets if necessary
The Prevention of harm to children NO	
To prevent Public Nuisance YES	PARKING WILL BE MORE OF A PROBLEM THAN IT IS NOW. MR WISE SEEMS TO THINK THE PARKING BAY IS FOR HIS SOLE USE, TELLING PEOPLE NOT TO PARK THERE. DOORS SLAMMING LATE AT NIGHT.
To prevent crime and disorder YES	HAVING ALCOHOL ON THE PREMISES COULD CAUSE ACTION FOR BREAKINS, TO TEA-ROOMS, SHOPS AND LOCAL ELDERLY RESIDENTS. HIGH NOISE LEVELS DUE TO LIVE MUSIC

Public Safety YES	THE ELDERLY LOCAL PEOPLE WILL NOT BE ABLE TO REST EASY IN THEIR OWN HOMES. DUE TO NOISE LEVELS AND FEAR OF ANY VIOLENCE OR THREATS.
--------------------------	---

Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Committee to take into account.	THE PAPER SHOP NEXT DOOR TO THE TEA-ROOMS KEEP EARLY HOURS IN THE MORNINGS AND EARLY NIGHTS SLEEP. THEY WILL BE DISTURBED TERRIBLY. THEY ALSO HAVE A BUSINESS TO RUN.
---	---

I wish to call the following people in support of my representation. Anybody you wish to speak to the committee must be declared here.	
Person	How they will assist you
	

Have you made any representations in respect of these premises before	Yes	No <input checked="" type="checkbox"/>
Date on which previous representations were made		

I understand that the Licensing authority is obliged to give notice of a hearing to all parties to the hearing and this must include a copy of this representation. All representations are treated as public documents.	You must initial this box to state that you understand and permit this JK	
--	--	--

I agree to attend any hearing before either the Licensing committee or magistrates court (in the event of an appeal against the Council's decision) in support of my representation	YES	NO ✓
---	-----	-------------

Signed:	
Date:	30 th JULY 2021
Print name:	JGIAN LATUS.

MRS. JEAN LATOS

2, MASEFIELD AVE

THORNTON

F45 2ES

30th JULY 2021

Dear Sir or Madam,

I have recently bought my new home, address above. I am a pensioner and pay for my own way in life.

I was hoping for a quiet, relaxed calm way of life after serving in the Merseyside police force for 27½ years.

This is one of the reasons I know first hand the problems of having licensed premises, with live music in a residential area full of elderly residents, can cause. The noise levels could be increased with the live music and car doors banging late at night.

Having alcohol on the premises can leave it wide open for break-ins not only to the tea-rooms but also to the other local businesses especially the newsagents next door.

The parking will be even more of a problem Mr Wise already tells people not to park in front of his premises and seems to think the parking area is his alone.

I congratulate Mr Wise for making a thriving business with his tea-rooms in such a

2 quiet area, but to bring in alcohol, live music, late nights and noise would be a disaster to the other local businesses and residents alike.

When I recently purchased my house there was a covenant / condition on the housing estate issued by Fleetwood Estates Ltd, from when the houses were built, to the effect, that they had to be notified if any major alterations ^{were made} to the property.

That they couldn't be used as a brothel, lunatic asylum or for the sale of alcohol. This was for the residential property, but I was wondering if the terms had to be adhered to by retail premises.

yours faithfully,

SEP 19



Representation Form (Other Persons)

Your Name/Company Name/Name of representative body.	MR & MRS STANDEEN
If representative body please give detail of how you represent residents or businesses	/
Postal address	32 WORDSWORTH AVENUE THORNTON CLEVELEYS. FY5 2ST
Contact telephone number	
Email address	

Name of the premises you are making a representation about.	LINDEN TREE
Address of the premises you are making a representation about.	31 LINDEN AVENUE THORNTON CLEVELEYS FY5 2EZ.

Your representation must relate to one of the four Licensing Objectives. Please state Yes or No.(see note below)	Please detail the reason for your representation and any evidence to support it Please use separate sheets if necessary
The Prevention of harm to children YES	EXTRA TRAFFIC AS IT ALSO NEAR AS INFANT SCHOOL.
To prevent Public Nuisance YES	See attached
To prevent crime and disorder YES	See attached

Public Safety YES	See attached.
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Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Committee to take into account.	THE AREA IS RESIDENTIAL AND THEREFORE NOT SUITABLE FOR WASTE DROPPINGS.
---	---

I wish to call the following people in support of my representation. Anybody you wish to speak to the committee must be declared here.

Person	How they will assist you
/	/

Have you made any representations in respect of these premises before	Yes	No <input checked="" type="checkbox"/>
Date on which previous representations were made		

I understand that the Licensing authority is obliged to give notice of a hearing to all parties to the hearing and this must include a copy of this representation. All representations are treated as public documents.	You must initial this box to state that you understand and permit this AS	
--	---	--

I agree to attend any hearing before either the Licensing committee or magistrates court (in the event of an appeal against the Council's decision) in support of my representation	YES	NO <input checked="" type="checkbox"/>
---	-----	--

Signed:	
Date:	30 / 7 / 2021.
Print name:	G. STANDEVEN. C STANDEVEN

LICENSING OF LINDEN TEA ROOM

In its present form the Linden Tea Room has a positive effect on the local area. It is a meeting place for local residents and was beneficial to the community during the lockdown.

However, it would seem that the suggestions for the granting of a licence for the sale of alcohol and for entertainment may radically alter the nature of the business and its impact on the community.

Public nuisance

The tea room is situated in a very quiet residential area. The vast majority of properties are bungalows and largely owned by elderly people. The granting of a licence to serve alcohol with meals during the existing opening hours would probably not be detrimental but if the property is to become an off-licence and extend its opening hours into the late evening there will inevitably be problems with noise. This will be exacerbated if there is also the provision of entertainment as seems to be envisaged.

Local elderly people will tend to go to bed early and will suffer from the effects of a noisy environment. They will doubtless have chosen to live in that area because it offers peace and quiet. The impact will also be felt particularly keenly by the owners of the newsagent next door. It is in the nature of their business that they have to go to bed very early in order to get up very early to deal with newspapers. Noise from the property immediately adjacent to their own will have a severe impact on their quality of life and their ability to run their business.

Crime and disorder

The sale of alcohol will inevitably attract more younger people to the area. There is already something of a problem in The Towers woodland with the consumption of alcohol and subsequent dropping of litter and this is only likely to get worse in the area if alcohol is more readily available. There is also some evidence of problems in the churchyard at Christ Church on Meadows Avenue which may well worsen if alcohol is on sale so near to the church.

PTO

Public Safety

Public safety will be compromised by the increased traffic which will inevitably result from the granting of a licence. Inconvenient parking may well also become a problem.

MR & MRS FRANKLIN
20, LISDEN AVE
THORNTON,
LANCS,
FY5 2EY

To whom it may concern,

We're writing in response to the Licensing application for the Lisden Tearoom, Lisden Ave, FY5 2EZ

We strongly oppose this application. We looked at the original plans for the premises and thought that a Tearoom would cause a lot of disruption so I didn't oppose the planning application.

If we'd known that they would apply for an alcohol license, longer opening hours and Sunday opening we would have opposed the original planning application. Other residents would have opposed it too.

There won't be any respite from the noise and inconsiderate parking if the Tearoom opens for longer hours and Sundays.

We bought our property 25 years ago because this was a very quiet residential area. The residents are mostly retired who enjoy the peace and quiet. We neither want or need what would essentially be a restaurant.

The added traffic from the Tearoom is already causing parking issues. Cars parked very close to the corners and on the pavement. I enclose several photos. One taken on a Sunday which shows how quiet it is. One of the others, taken several weeks ago, shows how far on the pavement some cars park. This particular day I couldn't get my rickshaw out of the gate and onto the pavement. Wheelchair users and people with pushchairs often have to walk on the road.

My elderly neighbour has already told me she would be scared with

strangers being about late at night
after drinking.

I'm sure having an alcohol
license for their present opening times
shouldn't cause too much of a problem
but not all those extra hours and
Sundays.

There is no mention of where
the live music will be, we don't want
to be disturbed by their music either.

I think every household should
have had a copy of this application sent
to them as not everyone will see it in
the windows of the Tearoom

I'm sure you would have had
more objections if all households had
been notified

Regards

5th AUG 2021

FRANK RAWLINSON

18 LINDEN AV.

THORNTON-CLEVELAYS

LANCS FY5 2EY

06 AUG 2021

Dear Sir or Madam.

My wife and I are totally opposed to the application by MR STEVE WISE of 31 LINDEN AV. to sell alcohol, have live music etc. on their premises.

We live in a very quiet area and do not agree ^{to it} the noise that will be created and to the disturbance it will create to all of the residents in this area.

Yours Sincerely

(FRANK RAWLINSON)

• 21. 2009

[Faint, illegible handwritten text, possibly bleed-through from the reverse side of the page]

Licence conditions – general principles

1.16 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions:

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;
- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met;
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format.

Where representations are made

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 to 9.10 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 to 9.10 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.

Relevant, vexatious and frivolous representations

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. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. 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.

Hearings

- 9.37 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits.
- 9.38 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:
- the steps that are appropriate to promote the licensing objectives;
 - the representations (including supporting information) presented by all the parties;
 - this Guidance;
 - its own statement of licensing policy.
- 9.39 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety. Any conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.
- 9.40 Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.

Determining actions that are appropriate for the promotion of the licensing objectives

- 9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any

representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

- 9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

10. Conditions attached to premises licences and club premises certificates

Imposed conditions

- 10.8 The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises. This provision also applies to minor variations.
- 10.9 It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.

Proportionality

- 10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of

CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check is retained at the licensed premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.



Report of:	Meeting	Date
Mark Billington, Corporate Director Environment	Licensing Committee	2 September 2021

Mobile Homes – Fit and Proper Person Application Fees

1. Purpose of report

- 1.1** To consider and agree 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 regulations')

2. Outcomes

- 2.1** To agree the level of discretionary fees and charges effective immediately for the Fit and Proper Person assessment for the owners/operators of residential mobile home sites.

3. Recommendation

- 3.1** That the following proposed fees and charges to be implemented with immediate effect.
- Fit and Proper Person application fee - £306
 - Fit and Proper Person annual fee - £98

4. Background

- 4.1** The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 ('the regulations') require that a local authority must be satisfied, that either:

1. the owner of a relevant protected mobile home site is a fit and proper person to manage the site, or;
 2. that a person appointed by the owner to manage the site is a fit and proper person to do so.
- 4.2** The term relevant protected site is defined in Section 5A(5) of the Caravan Sites and Control of Development Act 1960. It applies to land in respect of which a site licence is required, other than land in respect of which the relevant planning permission under Part 3 of the Town and Country Planning Act 1990 or the site licence is:-
- (a) expressed to be granted for holiday use only, or
 - (b) otherwise so expressed or subject to such conditions that there are times of the year when no caravan may be stationed on the land for human habitation.
- 4.3** In Wyre there are sixteen licensed mobile home sites which vary in size from 10 to 172 residential mobile homes, which are classed as relevant protected sites for the purpose of this legislation (Appendix 1).
- 4.4** This requirement is to ensure that those responsible for operating and managing a relevant protected site are of sufficient integrity and good character to be responsible for the management of a regulated site. It also helps to ensure they do not pose a risk to the welfare or safety of persons occupying mobile homes on the site.
- 4.5** The regulations state that the local authority may charge a fee for dealing with an application including undertaking an assessment of that person based on the information provided in the application. It also allows a fee to be charged for including their details in the register of 'Fit and Proper Persons' in relation to the management of sites. Before the council may charge fees for this process, the proposed fees must be set out in a Fee Policy and adopted by the council.
- 4.6** The Fit and Proper Person assessment (FPPA) must include consideration of the applicant's legal interest in the site, their conduct e.g. any criminal record they may hold and the site's financial and management arrangements. The application may be approved; approved with conditions attached; or refused. Applicants aggrieved by the council's decision have a right of appeal.
- 4.7** In addition to charging an initial application fee for assessing whether a site owner is a 'Fit and Proper Person' who can be included on the register, councils may also charge an annual fee to cover the costs of monitoring the scheme and any conditions attached to an applicant.
- 4.8** Where a site owner or their manager fails the FPPA and they are unable to identify and appoint a suitable alternative manager, who must also undergo and meet the requirements of the FPPA, the council could

appoint a person to manage the site, with the consent of the site owner. The reasonable costs of this action can be recovered from the site.

4.9 It is an offence for a site owner to (a) cause or permit land to be operated as a park home site unless they, or the person appointed to manage the site is a fit and proper person to manage the site; (b) provide false or misleading information or fail to provide information in an application; (c) fail to comply with a requirement set as a condition of the local authority's decision to include a person on the register. If convicted of a breach of the fit and proper person requirement, the site owner will face a level 5 fine (unlimited).

4.10 These Regulations do not apply to family-occupied sites that are not operated on a commercial basis.

5. Key issues and proposals

5.1 The timetable for these Regulations being implemented is as follows:

- The Regulations were made in September 2020 and come into force on 1 July 2021. The Ministry of Housing, Communities and Local Government (MHCLG) published government guidance to local authorities in June 2021 to assist with the preparation of policies and processes for undertaking this role and this has been taken into consideration in drafting the Fee Policy.
- Site owners/licence holders will have three months from 1 July 2021 to submit completed applications to local authorities. The deadline for applications is therefore 1 October 2021.

5.2 In setting its fees, the council has had regard to the 'Fit and Proper Person Test Guide for Local Authorities on Setting Fees' issued by MHCLG (June 2021).

5.3 The calculations take into consideration the time spent by officers in carrying out certain operations and activities and these are set down in the guidance. As this is a new process for Licensing and Environmental Health, the times included for various activities in the calculations are based on our knowledge of other similar processes. It may transpire that the time apportioned for the activities has been underestimated or overestimated and this will be taken into consideration when the fees are reviewed.

5.4 If the fees are introduced, the actual time taken to administer the scheme, undertake the assessments, maintain the register and to monitor any conditions attached to the applicant will be recorded, to establish an accurate record of officer time spent on each applicant. The policy will be reviewed annually and at the first review, the fee structure may need to be amended to take account of the findings of the recorded activities although material changes are not anticipated.

- 5.5** The council is not permitted to make a profit from the FPPA fee income. The costs to which the council may have regard when calculating the various fees are set down in the guidance produced by MHCLG. Those costs include: Dealing with enquiries, correspondence/telephone calls to make appointments, handling and investigating complaints, updating computer records, processing the fee, preparing reports, time spent consulting with other organisations and legal advice. All the fees are required to be calculated on a cost recovery basis.
- 5.6** The regulations permit the council to charge two types of fee to cover its costs:
1. Fit and Proper Person application fee £306 - to cover the cost of assessing applications to be included on the fit and proper register.
 2. Fit and Proper Person annual fee £98 - to cover the cost of monitoring the scheme or conditions attached to the register. Payment of the annual fee may also be required as a condition of inclusion in the register.
- 5.7** Applications for a FPPA will not be processed until the appropriate fee has been paid and all the necessary supplementary documentation provided. Fees are not refundable if the application is not granted.
- 5.8** Payment for the Annual FPPA Fee will be invoiced annually.
- 5.9** There is no legal requirement under the Regulations for public consultation in respect of the introduction of these fees and given the time restraints, it would not be feasible to undertake consultation prior to the date that the council must be in a position to receive applications.
- 5.10** It is proposed that the Policy comes into operation as soon as possible as the Regulations came into force on 1 July 2021 and applications can be received from this date up to 1 October 2021.

Financial and legal implications	
Finance	<p>The introduction of FPPA fees will result in some additional income to the Licensing Service. Based on 16 sites in Wyre this will attract £4,896 every five years from the £306 fee and £1,568 per annum from the annual £98 fee (the annual fee will not apply in the fifth year if renewal takes place).</p> <p>However, the detailed scrutiny of FPPA applications required by the legislation, together with the monitoring of the FPPA and any conditions attached to the register will place an increased demand on the resources of the Licensing and Environmental Health Team. As a result, relevant</p>

	expenditure budgets will be grossed up to reflect a net nil position to allow for additional resources to be brought in as required.
Legal	<p>The council must determine its fees regime on a cost recovery basis in accordance with the Regulations, the Provision of Services Regulations 2009, as amended post Brexit and Government guidance for the setting of fees.</p> <p>The Policy properly reflects the different considerations required to be applied by a responsible local authority in setting its fees for mobile home site licensing functions.</p> <p>The legal basis for the powers referred to in this report are in the legislation listed in this report.</p>

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with an x.

risks/implications	✓ / x
community safety	x
equality and diversity	x
sustainability	x
health and safety	x

risks/implications	✓ / x
asset management	x
climate change	x
ICT	x
data protection	x

Processing Personal Data

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a third party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

report author	telephone no.	email	date
Mandy Seddon	01253 887411	Mandy.seddon@wyre.gov.uk	20.08.2021

List of background papers:		
name of document	date	where available for inspection

None		
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List of appendices

Appendix 1 – List of Relevant Protected Sites in Wyre

Wyre Licensed Caravan Sites - 16 Relevant Protected Sites

Site					Maximum Residential Units permitted
1	Acresfield	Garstang By Pass Road	Cabus	PR3 1PH	43
2	Bentley Green	Bentley Green	Thornton Cleveleys	FY5 5QD	10
3	Burlingham Park	A6 Cabus	Garstang	PR3 1PJ	172
4	Hambleton Country Park	Sower Carr Lane	Hambleton	FY6 9EQ	95
5	Havenlyn	Lancaster New Road	Cabus	PR3 1BF	35
6	Ingledene Park	Lawsons Road	Thornton Cleveleys	FY5 4DD	30
7	Lodge Park	Catterall Gates Lane	Catterall	PR3 1ZJ	41
8	Rowan Water	Garstang Road	St Michaels	PR3 0TD	27
9	Stalmine Country Park	Neds Lane	Stalmine	FY6 0LW	28
10	Stalmine Hall Park	Hallgate Lane	Stalmine	FY6 0LD	53
11	Sunnyside Caravan Park	Myerscough Hall Drive	Bilsborrow	PR3 0SE	35
12	Whitehouse Residential Park	Lancaster New Road	Cabus	PR3 1BG	18
13	Willowgrove Park	Sandy Lane	Preesall	FY6 0RB	56
14	Woodside Country Park	Moss House Lane	Stalmine	FY6 0PL	80
15	Wyresdale Park	Kiln Lane	Hambleton	FY6 9DZ	35
16	Wyre Vale Park	A6 Garstang By Pass	Garstang	PR3 1PH	136

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