

Licensing Committee Minutes

The minutes of the Licensing Committee meeting of Wyre Borough Council held on Monday, 27 September 2021 at the Council Chamber - Civic Centre, Poulton-le-Fylde.

Licensing Committee members present:

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

Apologies for absence:

Councillors Cropper, Williams and A Vincent

Other councillors present:

None.

Officers present:

Daphne Courtenage, Assistant Democratic Services Officer
Duncan Jowitt, Democratic Services Officer
Niky Barrett, Senior Licensing Officer
Carmel White, Solicitor

No members of the public or press attended the meeting.

22 Apologies

23 Declarations of Interest

Cllr Birch declared an interest in Item 7 due to a personal relationship with the applicant. She left the room for this item.

24 Confirmation of minutes

The minutes of the meeting held on 02 September 2021 were **confirmed** as a correct record.

25 Application for a new Premises Licence - RJ's Bar, Unit A, Jubilee Leisure Park, North Promenade, Thornton Cleveleys, FY5 1DB

The Corporate Director Environment submitted a report to assist members in determining an application submitted under section 17 of the Licensing Act 2003, by J Peghall for a new premises license.

The Chair introduced the members of the committee and officers in attendance. John Sherwood, Sarah Coop and Robert Hopkinson attended on behalf of the applicant company.

No objectors were in attendance at this meeting. As one objector had declined attendance and no registration of intention to speak had been received from the other, the committee considered whether to proceed with the meeting in the absence of the objector, and noting all issues raised. It was agreed to proceed with the hearing in the absence of the objector.

The Senior Licensing Officer introduced the report. She explained to members that the premises license was for the sale and consumption of alcohol on the premises from 11.30 am to midnight each day of the week. This application also included the provision of live entertainment indoors from 11.30 am to midnight each day of the week. This had originally also included providing live entertainment outside the premises but this was withdrawn after agreements with Environmental Health.

The Senior Licensing Officer pointed out to the committee that the application had received two written representations within the public consultation timeframe, both of which objected to the noise produced by the live entertainment. She noted to the committee that no other relevant authorities had objected to the application, but that a number of conditions had been agreed with the applicants. The lack of planning permission to change the usage of the premises from a restaurant to a bar was also pointed out.

Members were notified that the applicants had been trading on two separate occasions under a temporary events notice, from the 13-19 September and the 21-27 September with no music provided. There had been no issues submitted during these TENs.

John Sherwood, explained that under the temporary events notices they had been granted, the business had been doing well. He said that they had had a wide variety of customers, with many expressing positive opinions on the business. Sarah Coop, who is intended to be the designated premises supervisor, explained to the committee that the intention was to operate as a sports bar with a family element.

Councillors asked the applicants for clarification on a number of issues, including the following:

- Level of noise inside the bar, controls on the music and their ability to assess the noise level as mentioned in condition 12 from Environmental Health
- Agreement to the conditions made by the police and Environmental Health
- The restaurant element of the premises
- The purpose and clientele of the bar (lively sports events, families, provision of protein shakes on the menu for the customers of the gym)

next door)

- Experience running a bar and particulars on staff contracts, including getting home late at night
- The incident on September 1 2021, when the bar opened without a license and the subsequent events after this, including whether the applicants knew where to find more information and support

Members then considered the matter in private session. The Licensing Committee then resumed in public session and the Chairman announced the Committee's decision, as below. The legal advisor advised those present of the right of appeal.

Decision

After due deliberation, the Committee agreed to grant a premises licence for the following licensable activities:

Sale of alcohol for consumption on the premises only between 11.30am and midnight on each day of the week

Recorded music (indoors only) on Fridays and Saturdays until midnight

Premises permitted to be open to the public until 00:30 each day of the week

Reasons for Decision

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

- The Council's own Statement of Licensing Policy, in particular the following sections: 9.3 Conditions imposed at a hearing, 13.3 Prevention of public nuisance
- The Statutory Guidance issued under section 182 of the Licensing Act 2003 and in particular the following sections: 1.16, 9.3, 9.4, 9.37-40, 9.42-44 and 10.8-10.10, as reproduced at Appendix 9 of the report
- All the representations
- Licensing Act 2003, Human Rights Act 1998 and Equalities Act 2010

In reaching this decision, the members had careful regard to the terms of the application and to the location of the premises in relation to nearby residences in close proximity. The Committee considered further the conditions which the Applicants had agreed with the Responsible Authorities should a licence be granted. It noted the proposed conditions, including in particular proposed conditions 12, 13, and 14 for the Prevention of Public Nuisance and considered that those conditions would promote the licensing objective of prevention of public nuisance to allow licensable recorded music on Fridays and Saturdays only and only up to midnight on those days.

Though the members considered all concerns raised by written

representations, the committee noted also that there was no objection to the application from any responsible authority. It also noted the previous breach and that the premises did not yet have planning permission for the use as a bar.

Therefore, the Committee resolved that the application should be granted in the terms above and subject to the Mandatory Licensing Conditions and the previously agreed conditions set out below.

Schedule

Prevention of Crime and Disorder

1. At least one personal licence holder will be contactable at all times the premises is open, (their identity will be known to all other staff engaged in the supply or sale of alcohol) except in the case of emergency.
2. Another member of staff shall be nominated to act for the DPS in their absence whose identity is known by all staff when such absence occurs.
3. An authorisation, signed and dated by the Designated Premises Supervisor, shall be kept at the premises showing all persons authorised by them to make sales of alcohol at the premises.
4. Risk assessments carried out by or on behalf of the licence holder which relate to a licensing objective will be available for inspection by an authorised officer.
5. A zero tolerance drugs policy will be adopted at the premises.
6. 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.
7. Where there is reasonable suspicion that drugs are being carried, the licensee shall ensure that the outer clothing, pockets and bags of those entering the venue are searched by a trained member of the same sex.
8. 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.
9. Records of incidents involving the use, and/or detection of drugs shall be maintained and those records shall be available for inspection.
10. Confiscated and found drugs shall be transferred to the police in accordance with procedures agreed with Lancashire Constabulary.
11. At all times the premises is open to the public regular toilet checks will be conducted in all operational toilet areas and documented accordingly. These checks will be conducted at no less than 30 minute intervals.
12. No person in possession of a drink in a sealed or unsealed container will be allowed to enter the premises except for the purposes of delivery.
13. No person in possession of an alcoholic drink in an unsealed container shall be allowed to leave the premises.
14. Appropriate measures will be taken to ensure staff prevent the removal of bottles or glasses from the curtilage and grounds of the licensed premises.
15. Frequent collection of glasses and bottles will be undertaken to ensure that empty containers do not accumulate in or around the licensed premises.
16. All drinking vessels used at the premises will be toughened glass or polycarbonate.
17. An incident book will be maintained in which will be recorded:
- a) All incidents of crime and disorder.

- b) Refused sales to suspected underage and drunken persons.
- c) A record of any person asked to leave the premises or that are removed from the premises.
- d) Details of occasions on which the police are called to the premises.
- e) A record of persons searched on suspicion that drugs are being carried and their reason for such suspicion.

The book will be available for inspection by a police officer.

18. All members of staff shall receive suitable training with regard to serving drunks and are to receive regular refresher training at intervals of a maximum of 6 months, records to evidence this will be made available to authorised officer upon request.

19. Any person within the premises who appears to be intoxicated who is behaving in a disorderly manner will be asked to conduct themselves correctly and if they refuse they will be asked to leave the premises and will be escorted off the premises in a calm and appropriate manner.

20. No entertainment of an adult or sexual nature will take place on the premises.

21. CCTV must be installed internally and externally at the premises and must comply with the following:

- i) The CCTV system must be installed, maintained and operated to the reasonable satisfaction of Lancashire Constabulary. All public areas of the premises must be covered by the system. The system will incorporate a camera covering each of the main entrance doors and each camera must be capable of providing an image which is regarded as identification standard in all lighting conditions.
- ii) The system must record all hours that the premises are open to the public.
- iii) Recordings must display the correct date and time.
- iv) Digital recordings must be held for a minimum period of 28 days.

v) The system must as a minimum record images of the head and shoulders of all persons entering the premises.

22. Appropriate signage alerting customers to CCTV recording must be displayed in conspicuous positions on the premises.

23. The licence holder must notify the Police Licensing Unit on any occasion when the CCTV is to be inoperative for a period in excess of one working day and shall provide a certificate from a competent person stating the reason for the system being inoperative and the measures which have been taken to satisfy the conditions of this licence.

24. CCTV footage will be made available for viewing by the Police with a minimum of delay.

25. Bi-annually documented maintenance checks by a suitably qualified CCTV engineer must be made of the CCTV system to ensure that the system is in good working order and is operating in compliance with the conditions of this licence.

26. The Premises Licence Holder shall ensure that staff monitor and adequately manage any queue that forms to gain entry to the premises.

27. The use of SIA door staff will be subject to a written risk assessment by the DPS or Premises Licence holder. The document must be available for inspection if required. However, a minimum of 1 SIA security staff will be on duty from 21:00 hours every Friday, Saturday and Sunday before a Bank Holiday, Christmas Eve, Boxing Day and New Year's Eve.

28. Door staff will remain outside the premises until at least 10 mins after the last customer has left the premises to prevent disorder and noise nuisance.

29. A queuing system will be implemented at the main point of entry to assist in the monitoring of customers.

30. Seating will be provided within the premises for at least 50 % of the total maximum capacity of the premises.
31. Any person within the premises who appears to be intoxicated or who is behaving in a disorderly manner will be asked to leave the premises and will be escorted off the premises in a calm and appropriate manner.
32. Where Pubwatch exists covering the area of which the premises is situated then the DPS or other nominated employee shall participate in Pubwatch.
33. Functions which specifically target young people aged 17-18 years (for example birthday parties) will not be allowed to take place on the premises.

Public Safety

1. Adequate first aid provision is available at all times the premises are being operated.
2. Where disabled persons are present on the premises there shall be in place arrangements for their safe evacuation in the event of an emergency or other reason. Details of those arrangements shall be recorded and all staff employed on the premises shall be aware of those arrangements.
3. All exit routes and doors on such routes shall be checked on every occasion before the premises is used for purposes of a licensable activity and at regular occasions when the premises are open to the public to ensure that they are free from defect, obstruction, trip hazards and surfaces are not slippery. A record of such inspections, any defects discovered and the remedial action taken shall be made in writing and made available for inspection on demand to an Authorised Officer.
4. The furniture or seating in premises shall be arranged so that it does not obstruct any exit, route to any exit or to any facility within the premises.

Prevention of Public Nuisance

1. Any outside area which is used for the consumption of alcohol shall cease to be so used at 22:00 hours. Signs shall be displayed in prominent positions warning customers that they will not be permitted to drink in the external areas after these times
2. The outside area will be checked by a competent person at intervals of a minimum of 30 minutes.
3. There shall be no live entertainment, live music or recorded music to the external licensed area.
4. Any outside seating area is to be clearly defined and separated from the public footpath. A fixed or removable barrier must enclose the outside seating area.
5. In the outside area, the supply of intoxicating liquor shall be by waiter/waitress service only and only to persons seated at tables.
6. In the outside area, all customers consuming alcohol shall be seated.
7. All tables and chairs in the outside area shall be stacked and covered promptly and in any event no more than 30 minutes after the time at which patrons are no longer permitted to consume drinks in the area.
8. 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.
9. There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public, (or member and their guests) notices requiring customers to leave the premises and the area

quietly. (Note, this may also include a reference to vehicles).

10. 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.
11. 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.
12. 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.
13. The licence holder or his representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record shall be made of those assessments in a log book kept for that purpose and shall include, the time and date of the checks, the person making them and the results including any remedial action.
14. No nuisance shall be caused by noise coming from the premises or vibration transmitted through the structure of the premises.
15. The premises shall maintain a written dispersal policy, which shall be made available to the Police or an authorised officer of the Council upon request.
16. There shall be no emission from the premises of any offensive smells which are likely to cause a nuisance.
17. 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.

18. 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.
19. During the final hour of 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 to the premises.
20. 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.
21. The premise licence holder will arrange for litter and cigarette debris dropped in the vicinity of the licensed premise to be collected and removed at the end of operating hours each night.
22. The premise licence holder will arrange for litter and cigarette debris dropped in the vicinity of the licensed premise to be collected and removed at a frequency of not less than sixty minute intervals during opening hours.

Protection of Children from Harm

1. A Challenge 25 proof of age policy shall be implemented and adhered to. 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:
 - A recognised proof of age scheme accredited under the British Retail Consortiums Proof of Age Standards Scheme (PASS).
 - Photo driving licence.
 - Passport.
 - Official ID card issued by HM Forces or European Union bearing a photograph and date of birth of the holder.

If no suitable identification is provided the sale of alcohol will be

refused.

2. All staff involved in the sale of alcohol shall receive suitable training in relation to proof of age scheme to be applied upon the premises. All staff receive regular refresher training at intervals of at least 6 months. Records to evidence this will be made available to officers upon request.
3. Suitable signage will be displayed to specify the Challenge 25 policy is in place.
4. There will be no persons under the age of 18 permitted on the premises after 21:00 hours unless they are partaking in a meal or attending a pre-arranged private function. All persons under 18 must be accompanied by an adult at all times.
5. Unaccompanied children shall not be permitted on the premises.
6. Where the premises operates restrictions relating to the admission of children, a sign detailing those restrictions shall be displayed at the entrance to the premises where it is clearly visible.

26

Hackney Carriage and Private Hire Licensing Policy review - outcome of consultation

The Corporate Director Environment submitted a report detailing the responses received during the public consultation to the draft policy of the Hackney Carriage and Private Hire Licensing Policy, in accordance with Minute LIC.20 of the 25 February 2021.

The Senior Licensing Officer introduced the report. She highlighted to members that they had previously agreed a draft policy which then went out for public consultation. She pointed out to members that Appendix 1 of the report showed that the consultation had resulted in very few engagements and comments., She told members that, because of the recent pandemic, the Licensing officers had written individually to every licence holder and had invited comments, but had received a poor response. She informed the committee that she could not identify any area that required a change of wording having regard to all matters including the responses.. If approved, she recommended that the policy take effect from 1 April 2022. She added that certain measures would need to be put in place before drivers could sign up to the DBS service, and that this was the reason for the recommended lead-in period. Discussions took place around the approval and adoption of the draft policy.

RESOLVED that the draft Hackney Carriage and Private Hire Licensing Policy be approved without alteration and take effect from 1 April 2022.

27 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 reports submitted under items 5 and 6 of this agenda were "Not for Publication" because they contained "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 items 5 and 6 were being considered, as they referred 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 outweighed the public interest in disclosing the information".

28 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 present at the meeting.

Decision

The Licensing Committee refused to grant a Wyre Dual Driver Licence.

Reasons for the decision

The Committee were not satisfied that the applicant was a fit and proper person to hold a Wyre Dual Driver's licence at that time.

The meeting started at 5.59 pm and finished at 8.18 pm.

Date of Publication: XXX