



Licensing Committee Agenda

Wyre Borough Council
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**Licensing Committee meeting on Thursday, 26 July 2018 at 6.00 pm
in the Civic Centre, Poulton-le-Fylde**

1. Apologies

2. Declarations of Interest

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

3. Confirmation of minutes

(Pages 1 - 12)

To confirm as a correct record the minutes of the Licensing Committee meeting held on 21 June 2018 and the Sub Licensing Committee meeting held on 26 June 2018, both attached.

4. 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Constitution, the Chief Executive has determined that the reports submitted under items 5 & 6 of this agenda are "Not for Publication" because items 5 & 6 contain "exempt information", as defined in Schedule 12A of the Local Government Act 1972.

If the Committee agrees that the public and press should be excluded for these items, it will need to pass the following resolution:-

"That the public and press be excluded from the meeting whilst agenda items 5 & 6 are being considered, because they refer 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 exemptions outweighs the public interest in disclosing the information".

5. **New applicant for a Wyre dual driver's licence with historic criminal convictions** (Pages 13 - 26)

Report of the Service Director Health and Wellbeing attached.

6. **New applicant for a Wyre dual driver's licence with criminal convictions and a motoring offence** (Pages 27 - 32)

Report of the Service Director Health and Wellbeing attached.



Licensing Committee Minutes

The minutes of the Licensing Committee meeting of Wyre Borough Council held on Thursday, 21 June 2018 at the Civic Centre, Poulton-le-Fylde.

Licensing Committee members present:

Councillors Michael Barrowclough, Colette Birch, Peter Cartridge, Sue Catterall, Terry Lees, Patsy Ormrod, Julie Robinson, Brian Stephenson, Ann Turner, Matthew Vincent, Lynn Walmsley and Val Wilson

Apologies:

Councillor(s) Sue Pimbley and Christine Smith

Other councillors present:

None

Officers present:

Niky Barrett – Licensing Manager
Mary Grimshaw – Senior Solicitor
David Parry – Taxi Licensing Officer
Carole Leary – Democratic Services Officer

No members of the public or press attended the meeting.

1 Election of Chairman

Resolved that Councillor Robinson be appointed Chairman of the Licensing Committee for the municipal year 2018/19.

2 Election of Vice Chairman

Resolved that Councillor Lynn Walmsley be appointed Vice-Chairman of the Licensing Committee for the municipal year 2018/19.

3 Declarations of Interest

None.

4 Confirmation of Minutes

The minutes of the Licensing Committee meeting held on Thursday 22 March 2018, were confirmed as a correct record

5 Exclusion of the Public and Press

RESOLVED that the public and press be excluded from the meeting whilst agenda items 7 & 8 were being considered, because 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 exemptions outweighed the public interest in disclosing the information.

6 New applicant for a Wyre dual driver licence with criminal convictions and motoring offences

The Service Director Health and Wellbeing submitted a report to provide members of the Licensing committee with information to assist them at a hearing.

The Applicant was present at the meeting, but he was not legally represented.

The Licensing Manager introduced the report.

The applicant spoke to the Committee, explaining the circumstances of his convictions, as referred to within the report with regard to his past conduct.

Members of the Committee and the Licensing Manager asked questions of the applicant, and he provided explanations of the incidents and then up to the present date.

The applicant, the Taxi Licensing Officer and the Licensing Manager then left the room whilst the Committee Members considered the application in closed session.

The Licensing Committee then reconvened and the Chairman announced the Committee's decision to everyone.

RESOLVED that the applicant be granted a one year Wyre dual driver's licence.

The reasons for the decision were:

The Committee were satisfied that the applicant was a fit and proper person to hold a dual driver's licence after considering his explanations of the matters and the motoring offences referred to within the report. It was explained to the applicant how seriously Wyre Council take background checks, together with the duty of the Council to protect the travelling public and Wyre Councils requirement to assure the public that all drivers of Wyre licensed vehicles are

checked and scrutinised to an appropriate high standard. He was also informed that his progress would be monitored throughout the year and if he should commit any offences whatsoever, then he would be brought back before Licensing Committee for consideration.

7 New applicant for a Wyre dual driver licence with motoring offences

The Service Director Health and Wellbeing submitted a report to provide members of the Licensing committee with information to assist them at a hearing.

The Applicant was present at the meeting and supported by his Wife and a colleague that worked as a Taxi Driver, but he was not legally represented.

The Licensing Manager introduced the report.

The applicant spoke to the Committee, explaining the circumstances of his motoring offences, as referred to within the report with regard to his past conduct.

Members of the Committee and the Licensing Manager asked questions of the applicant, and he provided explanations of the incidents and then up to the present date.

He also produced a certificate of an Advanced Driving Course taken and completed 10 years prior.

The applicant and his supporters, the Taxi Licensing Officer and the Licensing Manager then left the room whilst the Committee Members considered the application in closed session.

The Licensing Committee then reconvened and the Chairman announced the Committee's decision to everyone.

RESOLVED that the applicant be granted a three year Wyre dual driver's licence.

The reasons for the decision were:

That the Committee were satisfied after hearing all the evidence presented and that there were exceptional circumstances that warranted them departing from the policy and granting a licence.

The Committee were satisfied that the applicant was a fit and proper person to hold a dual driver's licence after considering his explanation of the motoring offences referred to within the report. It was explained to the applicant how seriously Wyre Council take background checks, together with the duty of the Council to protect the travelling public and Wyre Councils requirement to assure the public that all drivers of Wyre licensed vehicles are checked and scrutinised to an appropriate high standard. He was also informed that his progress would be monitored and if he should commit any offences

whatsoever, then he would be brought back before Licensing Committee for consideration.

The meeting started at 6.00 pm and finished at 7.15 pm.

Date of Publication: Tuesday 26 June, 2018



Licensing Committee Minutes

The minutes of the Licensing Committee meeting of Wyre Borough Council held on Tuesday, 26 June 2018 at the Civic Centre, Poulton-le-Fylde.

Licensing Committee members present:

Councillors Michael Barrowclough, Sue Pimbley and Julie Robinson

Apologies:

None

Other councillors present:

Councillors McKay and Henderson

Officers present:

Niky Barrett – Licensing Manager
Mary Grimshaw – Senior Solicitor
Carole Leary – Democratic Services Officer

Mr P Clarke, Mr D Clarke & Mr Lyons were present for Item 11 only.

No members of the press attended the meeting.

8 Appointment of Chairman

Resolved that Councillor Robinson be appointed as Chairman of this Sub-Licensing Committee meeting.

9 Declarations of Interest

None.

10 Application for a new Premises Licence - Stocks and Shilling, 53 Market Place, Poulton-le-Fylde, FY6 7AS

The Service Director Health and Wellbeing submitted a report to provide members of the Sub-Licensing Committee with information to assist them at a hearing to determine an application for the application for a new Premises Licence – Stocks and Shilling, 53 Market Place, Poulton-Le-Fylde, FY6 7AS.

The Application was for: A New Premises Licence to be determined in respect of Stocks and Shilling and the applicant wished to provide the

enclosed licensable activities:

Activity	Fri + Sat	Sun to Thurs
Sale of alcohol (on+off)	10:00 – 01:00	10:00 – 00:00
Recorded Music(indoors)	10:00 – 01:00	10:00 – 00:00
Late Night Refreshment	10:00 – 01:00	10:00 – 00:00
Open to the Public	10:00 – 01:30	10:00 – 00:30

The applicant also wished to offer licensable activities from the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day; for an additional hour when British Summer Time commences; and an additional hour on the Sundays preceding each Bank Holiday Monday.

The use of the premises, formally the Nat West Bank, is still subject to a decision to authorise a change of use and some building alterations by the Council's Planning Department which is anticipated in mid-July.

Mr P Clarke (Managing Director) and Mr D Clarke (Director) were present at the meeting and represented by Mr Lyons, whom put their case forward.

Cllr McKay was also present to make representations to the Committee, with Cllr Henderson there as support.

Apologies had been received from Mr Hardman, Helen Lever and no further communications had been received from the other written representor. The Sub-Committee considered it was appropriate to proceed in their absence to consider the application including all representations.

The additional information sent in on behalf of the Applicants on Monday 25 June was copied and provided via email to all present at the meeting, including the Sub-Committee Members, Licensing Manager, Senior Solicitor, Councillors McKay and Henderson and other members of the public involved in this hearing. In the absence of objection, the Committee agreed the information could be submitted.

Mr Lyons spoke to the Committee, explaining the circumstances of his client's recent application for a new Premises Licence for their business; Stocks and Shilling, 53 Market Place, Poulton-Le-Fylde, Lancashire, FY6 7AS and the family run business ideas for the future.

The Committee asked questions of both Applicants and Mr Lyons.

The Committee also heard oral evidence from Councillor McKay, outlining her concerns about the application and the detrimental impact she felt that if the Licence were granted.

Mr Lyons and the Applicants responded to the oral representation made and to the written in objections.

In reaching its decision, the Committee also had regard to:

- (i) Licensing Act 2003 (“Act”)
- (ii) Guidance published by the Secretary of State under s182 of the Act (“s182 Guidance”)
- (iii) Human Rights Act 1998
- (iv) The Council’s Licensing Policy

Members retired to consider the application in closed session. The Licensing Committee then reconvened and the Chairman announced the Committee’s decision.

RESOLVED that the New Premises Licence be granted subject to the following conditions:-

- 1 At least one personal licence holder will be contactable while the supply or sale of alcohol is being undertaken (whose 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 The premises shall have a documented drugs prevention policy on which all members of staff shall be trained.
- 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 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.
- 8 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.
- 9 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.
- 10 Appropriate measures will be taken to ensure staff prevent the removal of bottles or glasses from the curtilage and grounds of the licensed premises.
- 11 All drinking vessels used at the premises will be made of toughened glass (where that is available) or polycarbonate material.
- 12 Frequent collection of glasses and bottles will be undertaken to ensure that empty containers do not accumulate in or around the licensed premises.

- 13 No entertainment of an adult or sexual nature will take place on the premises.
- 14 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 to them will be refused. Suitable signage will be displayed to specify the Challenge 25 policy is in place.

- 15 All staff to have received suitable training in relation to the proof of age scheme. Refresher training on underage sales to be provided to all staff every three months. Records to evidence this will be made available to an authorised officer upon request.
- 16 Persons under the age of 18 shall only be admitted onto the premises in the company of an adult. Except for pre-arranged private functions and ticketed events, children under 18 shall vacate the premises by 21:00. Unaccompanied children shall not be on the premises.
- 17 Functions which specifically target young people aged 17-18 years (for example birthday parties) will not be allowed to take place on the premises.
- 18 CCTV must be installed internally and externally at the premises and must comply with the following:
 - i. Appropriate signage alerting customers to CCTV recording must be displayed in conspicuous positions on the premises.
 - ii. 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.
 - iii. The system must record all hours the premises are open to the public.
 - iv. Recordings must display the correct date and time.
 - v. Digital recordings must be held for a minimum period of 21 days. The system must as a minimum, record images of the head and shoulders of all persons entering the premises.
 - vi. A staff member who is conversant with the operation of the CCTV system will be on the premises at all times the premises are open to the public. This staff member will be able to show police recent data or footage with the absolute minimum of delay when requested.
 - vii. 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.

viii. 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.

- 19 All internal lobbied doors to any entrance/exit point, fire exit doors and external windows shall be closed after 22:00 hours except in the event of an emergency and save for the purposes of access and egress.
- 20 2 SIA door staff will be on duty from 20:00 hours every Friday and Saturday, Sunday before Bank Holiday, Christmas Eve, Boxing Day and New Year's Eve. At all other times the licence holder will determine an appropriate number of door staff, having regard to a risk assessment maintained by the premises licence holder. The document must be available for inspection if required.
- 21 A signing in sheet to be completed by all members of door staff on duty at the premises to include the times of their tour of duty, SIA badge number, full name printed, signature and date of birth of each individual door supervisor. A quantity of blank incident report forms to be kept with this file at all times, and all records shall be produced for inspection on the request of a police officer or authorised person.
- 22 On Friday and Saturday after 22:00hrs when the roof terrace is open to the public an SIA registered member of staff shall make frequent checks of intervals no less than every 30 mins.
At all other times that this area is open to the public frequent checks should be made by staff of intervals no less than every 30 mins.
- 23 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 suspicionThe book will be available for inspection by a police officer.
- 24 The licence holder or the Designated Premises Supervisor 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.
- 25 The outdoor area as shown in Yellow on the approved Licensing Plan shall cease to be used for the consumption of alcohol and food at 22.00 hours. All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency or for the purpose of access and egress.
- 26 No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the premises.
- 27 Noise from regulated entertainment at the licensed premises shall not

- exceed the background noise level when measured as an LAeq, 5min in any one third octave band at the boundary with any noise sensitive premises.
- 28 Live or recorded music which is directed through speakers will be subject to a noise-limiting device set to a level agreed in writing by Wyre Council's Environmental Health Officer and thereafter retained at that level.
 - 29 No artificial light from or on the licensed premises and any other light under the control of the premises shall be provided where that light causes a nuisance to any sensitive premises.
 - 30 The premises licence holder or his representative shall ensure that staff departing late at night when the business has ceased trading conduct themselves in such a manner to avoid disturbance to any sensitive premises.
 - 31 The premises licence holder or his representative will arrange for litter and cigarette debris dropped in the vicinity of the licensed premises to be collected and removed at regular intervals and at the end of operating hours each night.
 - 32 Refuse, including bottles, shall not be disposed of in any external area of the licensed premises between 20.00 and 09.00.
 - 33 There shall be placed at all exits from the licensed premises in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the surrounding area quietly. (Note, this may also include a reference to vehicles).
 - 34 The premises licence holder or his representative shall conduct regular assessments of the noise coming from the licensed 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.
 - 35 There shall be no emission from the premises of any offensive smells which are likely to cause a nuisance to any sensitive premises.
 - 36 Where there are any offensive smells created on the premises which are causing a nuisance to any sensitive premises, provision shall be made for such smells to be vented from the premises so that they do not cause such a nuisance.
 - 37 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.
 - 38 Where the premises provide food to the public for consumption on or off the premises there shall be provided at or near the exits, sufficient waste bins to enable the disposal of waste food, food containers, wrappings, etc.
 - 39 The premises licence holder will implement the following Dispersal Policy and Smoking Policy and ensure they are adhered to.

Dispersal Policy

1. Staff members, including door personnel when employed, will advise patrons to leave the premises quickly and quietly out of respect for our neighbours.
2. Notices will be displayed requesting customers leave quietly and in an orderly manner out of consideration to neighbours and their attention will be drawn to these notices by members of staff.
3. A notice will be provided where it can easily be read by patrons indicating that drinks cannot be taken outside the licensed area of the premises. (This does not apply in the case of consumption in any delineated external drinking area).
4. We will actively discourage our customers from assembling outside the premises at the end of the evening.

Smoking Policy

1. The roof terrace used by customers wishing to smoke shall be clearly covered by the CCTV system installed at the premises.
2. The outside area shall be monitored by staff or door staff regularly at all times it is in use.
3. The area will be cleaned regularly.
4. Suitable receptacles shall be provided for smokers to dispose of cigarette butts.
5. Signs will be displayed in the area requesting customers keep noise to a minimum.
6. Patrons who disregard signage and verbal instructions regarding noise will be asked to move inside and/or leave the premises.

Reasons for the Decision

- The Committee noted the objections from local residents but were satisfied that a grant of a new premises licence subject to the conditions, would not undermine the Licensing Objectives. The Committee were satisfied that the residents' concerns had been addressed in the conditions which the Committee noted were extensive. The Committee noted that there were no objections from the police or other Responsible Authority.
- The Committee considered that some of the neighbours' concerns fell outside the Licensing regime and related to planning or highway matters and therefore were not considered as part of this application.
- The Committee noted the absence of a Cumulative Impact Policy when considering the representations from local residents and in particular the concerns regarding future problems relating to noise nuisance and anti- social behaviour. The Committee had regard to Wyre key message 25 in the Licensing Policy and considered that the application was robust in its

promotion of the licensing objectives and contained a number of appropriate conditions that will prevent the premises contributing to disorder or nuisance in the area.

- The Committee acknowledged the Applicant's considerable experience in the licensing business. It was noted that the Applicant had worked with the experts and had accepted the conditions requested by the police and environmental health officers.
- The Committee advised the residents that if there were any problems in the future then the review procedure would be the correct approach to deal with these issues.
- In an advisory capacity, the Committee asked the Applicants to explore a barrier being placed on the highway with LCC.

The meeting started at 6.35 pm and finished at 7.39 pm.

Date of Publication: Thursday 5 July 2018

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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