

Licensing Committee Minutes

The minutes of the Licensing Committee meeting of Wyre Borough Council held on Tuesday, 24 May 2022 at the Council Chamber - Civic Centre, Poulton-le-Fylde.

Licensing Committee members present:

Councillors Cartridge, Matthew Vincent, Baxter, Beavers, C Birch, P Ellison, Leech and A Turner

Apologies for absence:

Councillors Cropper, George, Smith, S Turner and A Vincent

Failure to attend:

Councillor Williams

Other councillors present:

Councillor Le Marinel

Officers present:

Daphne Courtenage, Assistant Democratic Services Officer
Mary Grimshaw, Legal Services Manager (and Monitoring Officer)
Patrick Cantley, Senior Licensing Officer

No members of the public or press attended the meeting.

1 Election of Chairman

Agreed that Councillor Peter Cartridge be appointed Chairman of the Licensing Committee for the municipal year 2022/23.

2 Election of Vice Chairman

Agreed that Councillor Matthew Vincent be appointed Vice Chairman of the Licensing Committee for the municipal year 2022/23.

3 Declarations of Interest

Councillor Paul Ellison declared an interest in agenda item 6, as his wife was not only the ward councillor for the application but had also submitted an objection letter to the application. However as the interest was not considered

to be a non-registerable interest under the Councillors Code of Conduct and would not affect his view of the wider public interest he remained in the meeting and took part in the decision.

4 Confirmation of minutes

The minutes of the meeting of the Licensing Committee held on the 29 March 2022 were **approved** as a correct record.

5 Application for a new Premises Licence - Thornton Cleveleys Football Club, Gamble Road, Thornton Cleveleys, FY5 4JH

The Corporate Director Environment submitted a report to assist members in their decision making process in respect of the application for a new premises license, submitted by Thornton Cleveleys Football Club.

The Designated Premises Supervisor (DPS) applicant, Natalie Thornton, was present, as well as two other members of the club's committee. In response to a question regarding new evidence which had not been presented to the committee, the applicant stated that the club's committee had held a meeting with local residents to dissuade concerns over noise and amplified music. The applicant surmised that this meeting and their comments to residents led to the absence of all 27 objectors.

The Senior Licensing Officer introduced the report. They pointed out to members a note to para 4.2 of the report, which explained that the applicant was not planning to keep the club open according to the applied for hours every day, but that this was to ensure that should they require those extended hours for a function or event, they would not have to apply for a temporary events notice (TENs). The Senior Licensing Officer also referred members to para 4.7, listing 27 representations had been received by the Licensing Authority but that appendix 3 also contained an email referring to the mediation meeting with residents and local councillors.

The Senior Licensing Officer pointed members to the conditions agreed by the applicant with both Lancashire Police and the council's Environmental Health department. Neither had raised an objection to the application but they had agreed a number of conditions which covered many of the objections raised by residents.

Councillor Baxter asked the Senior Licensing Officer to clarify the point of amplified music in relation to the conditions agreed with Environmental Health.

The DPS applicant presented their case. They referred to the representations from residents, which they felt had been addressed in the mediation meeting, and stated that they also felt these issues had been addressed through the agreements with Lancashire Police and Environmental Health. They stated that they had agreed with residents to put a notice board outside, and to signpost residents should they be holding a function that finished late. They also referred to other concerns, such as litter and amplified music. The

applicant stated that they were a resident of the area and understood the concerns raised by residents.

Councillor Matthew Vincent asked the applicants whether they accepted all the conditions and amendments imposed; they replied that they understood them and agreed with Environmental Health on the conditions surrounding amplified music.

All participants who were not involved in considering the decision were then asked to leave during the committee's deliberations. Only the members of the committee, the Legal Services Manager and the Assistant Democratic Services Officer remained in the room whilst the case was considered.

The Licensing Committee then reconvened and the Chair announced the decision.

Decision

The Committee decided to **grant** the premises license but with reduced times for the licenseable activities and subject to the conditions agreed with Lancashire Police and Environmental Health as detailed below.

Reasons for the decision

The Committee noted all the information before it, including the concerns raised by residents. 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, the Licensing objectives; 13.1 – 13.1.8, prevention of crime and disorder; and 13.3 – 13.3.4 in relation to prevention of public nuisance
- The Statutory Guidance published by the Secretary of State 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, 10.8 – 10.10, 16.36 – 16.41
- The Licensing Act 2003 and the Human Rights Act 1998

The Committee in particular made note of the objections raised by residents on the issue of noise, specifically amplified music or voices outside of the venue. The applicants had stated, both in their statement to the committee as well as in the email regarding the mediation meeting, that they would stop any music, recorded or live, outside the venue from 9pm.

Supply of Alcohol/Closing Times

Sale of alcohol for consumption on and off the premises:

- Sunday to Thursday, between 10.00 hours to 23.00 hours, with a closing time of 23.00
- Friday and Saturday between 10.00 hours and midnight, with a closing time of 01.00 hours with half an hour drink up time from 12.30am.

Live Music/Recorded Music (inside and outside)

- Sunday to Thursday – music will not be amplified/outside past 22.00
- Sunday to Thursday – live/recorded music until 23.00
- Friday and Saturday – music (live/recorded) between 23.00 and midnight. Music will not be amplified/played outside past 22.00 (see note below)

Note in relation to live/recorded music

- Under the Live Music Act 2015, no licence permission is required for a performance of unamplified live music between 08.00 and 23.00 on any day
- Under the Live Music Act 2015, a performance of amplified live music is permitted between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500
- Under the Live Music Act 2015, no licence permission is required for any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500

Private functions and bank holidays

There are no exceptions for these days and the hours are as above for sale of alcohol and the playing of recorded/live music.

Schedule

- Agreed by the applicant with Lancashire Police

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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 to them will be refused. Suitable signage will be displayed to specify the Challenge 25 policy is in place

2. 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 six months. Records to evidence this will be made available to an authorised officer upon request

3. The DPS will risk assess the requirement for door supervisors at the premises and shall employ door supervisors in such numbers and at such times as is deemed necessary by the risk assessment.

4. 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.

5. Frequent collection of glasses and bottles will be undertaken to ensure that empty containers do not accumulate in or around the licensed premises.

6. Appropriate measures will be taken to ensure no drink is to be removed from the grounds or curtilage of the licensed premises in an unsealed container.

7. 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.

8. At least one personal licence holder must 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.

9. An authorisation of sales, signed and dated by the DPS, shall be kept at the premises showing all persons authorised by them to make sales of alcohol at the premises.

10. Security/staff arrangements will be sufficient to discourage the sale and consumption of drugs and shall ensure such arrangements include regular documented checks of toilets.

11. 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.

12. No drinks shall be taken into the outside area after 21:00hrs. Any removable furniture shall be cleared away no longer than 30 minutes after this time.

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

14. Functions which specifically target young people aged 17-18 years (for example birthday parties) will not be allowed to take place on the premises.

15. 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.

16. The licence holder or designated premises supervisor shall make attempts to ensure members of the public leave quietly so as not to disturb neighbours.

17. Except for pre-arranged private functions and ticketed events, children under 16 shall vacate the premises by 22:00hours.

Agreed by Applicant with Environmental Health Officer

1. The outside area of the venue will be regularly checked by a competent person.

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. No nuisance shall be caused by noise coming from the premises or vibration transmitted through the structure of the premises.

5. 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.

6. Frequent collection of glasses and bottles will be undertaken to ensure that empty containers do not accumulate in or around licensed premises.

7. 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.

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. 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.

10. There shall be no amplified music emitted to the external licensed area. (see note above)

11. 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.

12. 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.

13. There shall be no emission from the premises of any offensive smells, which are likely to cause a nuisance.

14. 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

6 Application for a new premises licence - 18 Breck Road, Poulton-le-Fylde

The Corporate Director Environment submitted a report to assist members in their decision making process in respect of the application for a new premises license submitted by Business Suite Limited.

Malcolm Ireland, the applicant's solicitor and agent, a member of his legal team, and Chris Lambe, the proposed designated premises supervisor (DPS) were in attendance.

Councillor Peter Le Marinel was in attendance as he had submitted a representation on this application.

The Senior Licensing Officer introduced the report.

The agent presented the applicant's case, stating that the company Business Suite Limited was a local marketing business, which ran several buildings as offices but also was involved in hospitality. Due to the pandemic and some personal reasons, the applicant had decided to re-evaluate the use of the building of 18 Breck Road, and in keeping with the businesses in Poulton had decided to turn it into a boutique delicatessen, coffee shop and wine bar. The agent, referring the Head of Legal Services to the case of Daniel Thwaites v Wirral Borough Magistrates Court (2008), explained to the committee the issues with the representation submitted concerning public nuisance and the use of the rear outdoor area. They also explained to the committee their attempts at mediation with the objector.

Councillor Baxter asked the agent to clarify the issue around the rear outdoor area and the restriction for 9pm. The agent clarified that the applicant was happy to agree to close the outside area for service and drinks at 9pm, with access just for smokers so that they would not spill out onto the street. The agent also responded to another question on the style of the delicatessen, which he said would be Mediterranean in style, and on offer at all hours.

Councillor Le Marinel, the one representative, made his case to the committee. He commented that if the agent had been more clear in the intention for the rear outdoor area, then the mediation would have been successful. However, he said he was still concerned on behalf of residents of the potential noise nuisance from smokers past 9pm, which was why he had been advocating for a complete close of the outdoor area from 7pm. He made reference to other premises on the street which had the restriction of 7pm for outdoor areas.

The agent summarised their case, again referring to the issues raised in the objections, stating that the majority of the objections were irrelevant in terms of the licensing objectives. The agent stated that the applicant was happy to agree with conditions agreed with Lancashire Police and Environmental Health.

All participants who were not involved in considering the decision were then asked to leave during the committee's deliberations. Only the members of the committee, the Legal Services Manager and the Assistant Democratic Services Officer remained in the room whilst the case was considered.

The Licensing Committee then reconvened and the Chair announced the decision.

Decision

The Committee agreed to **grant** the premises license as applied for together with the conditions agreed with Lancashire Police and Environmental Health, as set out in the schedule below.

Reasons for the decision

The Committee noted all the information before it, including the representation from Councillor Le Marinel. The Committee felt that the conditions agreed with the Police and Environmental Health were suitable and appropriate enough to mitigate any concerns set out in the representation.

In addition, the Committee had regard to:

- the Council's own Statement of Licensing Policy, including the following sections: 9.3, conditions imposed at a hearing; 13.3 – 13.3.4 in relation to the prevention of public nuisance; and 18, cumulative impact policy
- the Statutory Guidance issued under section 182 of the Licensing Act 2003, in particular the following: 1.16, 9.3, 9.4, 9.37-9.40, 9.42-9.44, 10.8-10.10, 16.36-16.41
- the Licensing Act 2003
- the Human Rights Act 1998
- Daniel Thwaites PLC v Wirral Magistrates Court (2008)

Supply of alcohol/Closing times

Late night refreshment all days between 23.00 hours and 00.30 hours (on the following day) and non-standard timings of 23.00 hours to 01.30 hours (on the following day) for each of the following occasions; Maundy Thursday; any Friday, Saturday and Sunday which immediately precedes a Bank holiday; Halloween; Christmas Eve, Boxing Day; New Year's Eve and, New Year's Day.

· Sale of alcohol for consumption on and off the premises all days between 10.00 hours and 00.30 hours (on the following day) & non- standard timings of 10.00 hours to 01.30 hours (on the following day) for each of the following occasions; Maundy Thursday, any Friday, Saturday and Sunday which immediately precedes a Bank Holiday; Halloween; Christmas Eve; Boxing Day; New Year's Eve and New Year's Day.

· Opening hours are 08.00 hours to 01.00 hours (on the following day) and are applicable every day excluding non- standard timings of 08.00 hours to 02.00 hours (on the following day) for each of the following occasions; Maundy Thursday; any Friday, Saturday and Sunday which immediately precedes a Bank Holiday; Halloween; Christmas Eve; Boxing Day; New Year's Eve; and New Year's day.

Schedule

Agreed by applicant with Lancashire Police

1. At least one personal license 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. 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.
5. 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
6. 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
7. Appropriate measures will be taken to ensure staff prevent the removal of bottles or glasses from the curtilage and grounds of the licensed premises (with the exception of authorised off-sales).
8. Frequent collection of glasses and bottles will be undertaken to ensure that empty containers do not accumulate in or around the licensed premises.
9. Functions which specifically target young people aged 17-18 years (for example birthday parties) will not be allowed to take place on the premises.
10. A minimum of one SIA licensed member of 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 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.
11. Whenever the outside area of the venue is being used by customers, it will be checked by a competent person at intervals of no more than 30 minutes.
12. Appropriate measures will be taken to ensure that all customers consuming alcohol in the outside area are seated.
13. A monitor displaying CCTV coverage of the outside area shall be kept in the main bar area in a place visible to both staff and customers.

Agreed by applicant with Environmental Health

1. There shall be no emission from the premises of any offensive smells, which are likely to cause a nuisance.
2. 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
3. There shall be no amplified sound including but not limited to music or voices emitted to the external licensed area
4. No more than 45 customers will be permitted to enter or remain in the outdoor area of the premises at any one time
5. Whenever more than one door supervisor is on duty at the premises, a door supervisor will be specifically tasked with monitoring the external area (when in use) to ensure that customers are behaving in an acceptable way, and that the area is not used for the consumption of alcohol after 21.00 hours
6. 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
7. The noise climate of the surrounding area shall be protected such that the A-weighted equivalent continuous noise level (LAeq) emanating from the application site, as measured 1 metre from any façade of any noise sensitive premises over any 5 minute period with entertainment taking place shall not increase by more than 3dB as compared to the same measure, from the same position, and over a comparable period, with no entertainment taking place
8. The volume of amplified sound including but not limited to music and voices shall, at all times, be under the control of the License Holder of Management and the controlling mechanism shall be operated from a part of the premises inaccessible to the public
9. Staff will be trained to encourage customers to leave the premises and the area quickly and quietly, in order to minimise any disturbance to residents
10. Management at the premises will routinely assess the noise emanating from the premises and take steps to reduce the level of noise where it is considered likely to cause a disturbance to residents living in the vicinity. 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
11. 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 5.58 pm and finished at 7.42 pm.

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