

Licensing Committee Minutes

The minutes of the Licensing Committee meeting of Wyre Borough Council held on Thursday, 27 September 2018 at the Civic Centre, Poulton-le-Fylde.

Licensing Committee members present:

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

Apologies:

Councillor(s) Terry Lees, Sue Pimbley, Christine Smith and Shaun Turner

Other councillors present:

Councillor David Henderson for Item 4 only.

Officers present:

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

Members of the public present:

Mr and Mrs James (Applicants), Mr & Mrs Horabin attended the meeting for Item 4 only.

No press attended the meeting.

28 Declarations of Interest

None.

29 Confirmation of minutes

The minutes of the Licensing Committee meetings for both, 16 August 2018 and 30 August 2018, were confirmed as a correct record.

30 Application for a new Premises Licence - The Alley, 2 - 4 Breck Mews, Poulton-Le-Fylde, FY6 7AA

The Service Director Health and Wellbeing submitted a report to provide

members of the Licensing Committee with information to assist them at a hearing to determine an application, submitted under section 17 of the Licensing Act 2003 by Sandra Jane James, for a new premises licence at The Alley, 2 – 4 Breck Mews, Poulton-Le-Fylde, FY6 7AA.

Mrs S James, supported by her husband Mr A James were present at the meeting.

Mr & Mrs Horabin were present to make their representations to the Committee, with Wyre Councillor D Henderson there as support.

Everyone had received prior to the meeting, the additional paperwork, in the form of an email sent in by Mrs S James on 25 September 2018, confirming her wish to reduce the hours for the sale of alcohol from midnight to 23:30 and a letter explaining what sort of a venue she was hoping to run.

No further information was brought to the meeting, or anything else received prior to the meeting.

The Licensing Manager introduced the report.

Both Mr and Mrs James spoke to the Committee, explaining the circumstances of the recent application for a new Premises Licence for their business; The Alley, 2 – 4 Breck Mews, Poulton-Le-Fylde, FY6 7AA and their future ideas for the business.

The Committee asked questions of the Applicants.

The Committee also heard oral evidence from Mr and Mrs Horabin, outlining their concerns about the application and the detrimental impact of noise levels, they felt might happen, if the Licence were granted.

The Applicants responded to Mr and Mrs Horabin's oral and written representation.

When considering the application, Members also had regard to; the Council's own Statement of Licensing Policy and the following paragraphs which were particularly relevant to the application:-

- 6.1 Planning;
 - 7. General approach to licensing;
 - 18. Need for licensed premises;
 - 19. Cumulative impact of a concentration of licensed premises
- Wyre Key Message 25.

Members also took into consideration; the Statutory Guidance issued under section 182 of the Licensing Act 2003 and in particular the following sections: 9.1, 9.3, 9.4, 9.31 and 9.37 to 9.44 inclusive.

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 Committee decided to grant the licence, but subject to the following amended hours as agreed by the Applicant and subject also to the additional conditions agreed with the Police Licensing Officer and the Environmental Health Officer, which were outlined within the report:-

Sale of Alcohol ('on' and 'off' sales) : Monday to Sunday: 09:00 - 23.30

Recorded Music (indoors) : Monday to Sunday: 09.00- 23.30

Open to the Public: Monday to Sunday : 09:00- 00:00

- 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 All external doors and windows shall be kept closed when regulated entertainment is being provided, except in the event of an emergency.
- 21 A minimum of 1 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 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.
- 22 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.
- 23 The outdoor area as shown in green on the approved Licensing Plan shall cease to be used for the consumption of alcohol and food at 22.00 hours. Thereafter it can only be used for the purpose of smoking.
- 24 The outside area of the venue will be checked by a competent person at intervals of a minimum of 30 minutes.
- 25 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.
- 26 In the outside area, the supply of intoxicating liquor shall be by waiter/waitress service only and only to persons seated at tables.
- 27 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.
- 28 No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the premises.
- 29 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.
- 30 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.
- 31 No 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 nearby premises.
- 32 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 nearby residents.
- 33 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 the end of operating hours each night.
 - 34 Refuse, including bottles, shall not be disposed of in any external area of the licensed premises between 20.00 and 09.00.
 - 35 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).
 - 36 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.
 - 37 There shall be no emission from the premises of any offensive smells which are likely to cause a nuisance.
 - 38 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 licence holder and/or the designated premises supervisor or a person nominated by them shall be a member of and regularly attend at the meetings of any Pubwatch scheme for the area within which the premises is located.

Reasons for the Decision

The Committee noted the objections from Mr and Mrs Horabin, but were satisfied that a grant of a new premises licence subject to the revised times and also subject to the extensive conditions, would not undermine the Licensing Objectives. The Committee noted that the Police and Environmental Health had both been consulted and had agreed a number of additional conditions to promote the prevention of crime and disorder licensing objective and also to mitigate against nuisance and the Committee were satisfied that the residents' concerns had been addressed in these conditions.

31 Application for the variation of Hackney Carriage fares

The Service Director Health and Wellbeing submitted a report to provide Members of the Licensing Committee with information to assist them at a

hearing. To determine and consider a proposal from the Wyre Hackney Carriage (Taxis) Association for a variation in the maximum fares which may be charged by hackney carriages licensed by Wyre Council.

The outcome would be to recommend any amendments to the table of fares for Wyre Licensed Hackney Carriages to Cabinet.

Mr Barratt from the Taxi Association and also Mr Walker an associate were present at the meeting.

The Licensing Manager introduced the report.

Both Mr Barratt and Mr Walker spoke to the Committee, explaining the circumstances of the report and spoke in support of their application and answered questions from the Members.

Mr Barratt, Mr Walker, the Licensing Manager and the Taxi Licensing Officer 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 Members reconsidered the table of fares for Hackney Carriages within the Borough, as per the proposal from the Wyre Hackney Carriage Association, for a variation in the maximum scale of charges. The Committee noted that the Tariff was last amended in 2011 and after considering a number of options put forward by the trade agreed to recommend the following amendments to Cabinet at their meeting scheduled for 28 November 2018:-

1)	To change the start time of Tariff 2 from 11:00pm to 10:00pm for hiring's on Monday to Thursday inclusive.
2)	To change the start time of Tariff 2 from 10:00pm to 8:00pm for hiring's on a Friday.
3)	Amend the Tariff 1 base yardage from 505yds to 490yds (461.77m to 448.06m) and decrease the flag fall yardage from 210yds to 190yds (192.02 to 132.59m). Amend the Tariff 2 base yardage from 400yds to 390yds (365.76m to 356.62m) and decrease the flag fall yardage from 160yds to 150yds (146.30 to 137.16m). Please Note: (the metric conversions to metres are approximate).

If implemented the cost of a 2 mile journey on tariff 1 will increase from £5.60 to £5.80.

The Service Director Health and Wellbeing submitted a report to provide members of the Licensing Committee with information about the new legislation which will govern how the Council licenses activities involving animals from 1 October 2018.

The Licensing Manager introduced the report and discussions took place around the impact of The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, which become effective on Monday 1 October 2018.

RESOLVED that The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 report be noted and agreed and that the proposed fee schedule, come into force from Monday 1 October 2018.

The meeting started at 6.05 pm and finished at 7.50 pm.

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