



## Licensing Committee Agenda

Wyre Borough Council  
Date of Publication: 19 September 2018  
Please ask for : Carole Leary  
Democratic Services Officer  
Tel: 01253 887444

**Licensing Committee meeting on Thursday, 27 September 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 - 6)

To confirm as a correct record the minutes of the two meetings of Licensing Committee held on 16 August 2018 and 30 August 2018, both attached.

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

(Pages 7 - 54)

Report of the Service Director Health and Wellbeing attached.

**5. Application for the variation of Hackney Carriage fares**

(Pages 55 - 68)

Report of the Service Director Health and Wellbeing, attached.

**6. The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018**

(Pages 69 - 76)

Report of the Service Director Health and Wellbeing, attached.

This page is intentionally left blank



## Licensing Committee Minutes

The minutes of the Licensing Committee meeting of Wyre Borough Council held on Thursday, 16 August 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, Sue Pimbley, Julie Robinson, Ann Turner and Val Wilson

**Apologies:**

Councillor(s) Christine Smith, Shaun Turner, Matthew Vincent and Lynn Walmsley

**Other councillors present:**

None.

**Officers present:**

Niky Barrett – Licensing Manager  
Mary Grimshaw – Senior Solicitor  
Mandy Seddon – Manager of Food Health & Safety & Licensing  
David Parry – Taxi Licensing Officer  
Carole Leary – Democratic Services Officer

**Members of the public present:**

Wyre Council Taxi Driver for Item 5

No press attended the meeting.

---

**19           Declarations of Interest**

None.

**20           Confirmation of minutes**

The minutes of the Licensing Committee, held on Thursday 26 July 2018, were confirmed as a correct record.

**21           Exclusion of the Public and Press**

That the public and press be excluded from the meeting whilst agenda item 5 was being considered, because it 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 outweighs the public interest in disclosing the information.

## **22 Complaint about a licensed Wyre dual driver licence holder**

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

The Wyre Council Taxi Driver was present at the meeting, but was not legally represented.

The Licensing Manager introduced the report and then everyone present reviewed the CCTV footage.

The Wyre Council Taxi Driver addressed the Committee, and gave an account of the incident, the circumstances leading up to it, and referred to the CCTV footage shown.

Members of the Committee, the Licensing Manager and the Senior Solicitor all asked questions of the Wyre Council Taxi Driver, who provided answers.

The Wyre Council Taxi Driver, the Licensing Manager, the Taxi Licensing Officer and the Manager of Food Safety, Health and Safety and Licensing left the room whilst the Committee Members considered all the facts of the case and the representations of the Wyre Council Taxi Driver.

The Wyre Council Taxi Driver, the Licensing Manager, the Taxi Licensing Officer and the Manager of Food Safety, Health and Safety and Licensing were brought back into the room and the Licensing Committee reconvened and the Chairman announced the Committee's decision to everyone.

**RESOLVED** that the Wyre Council Taxi Driver's Dual Driver's Licence is revoked under section 61 (1) (b) of the Local Government (Miscellaneous Provisions) Act 1976 and that revocation should take immediate effect in accordance with section 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976.

### **The reasons for the decision were:**

That Members carefully considered all the evidence presented at the meeting, including the Wyre Council Taxi Driver's account, previous history, the CCTV footage and the considerable seriousness of the incident and determined that it was appropriate in all the circumstances to revoke the Licence under section 61 (1) (b) of the Local Government (Miscellaneous Provisions) Act 1976 to take immediate effect in accordance with section 61 (2B) thereof in the interests of public safety.

The meeting started at 6.03 pm and finished at 7.20 pm.

**Date of Publication:** Tuesday 21 August, 2018

## Licensing Committee Minutes

The minutes of the Licensing Committee meeting of Wyre Borough Council held on Thursday, 30 August 2018 at the Civic Centre, Poulton-le-Fylde.

---

### **Licensing Committee members present:**

Councillors Michael Barrowclough, Terry Lees, Sue Pimbley, Julie Robinson, Christine Smith, Ann Turner, Matthew Vincent, Lynn Walmsley and Val Wilson

### **Apologies:**

Councillor(s) Colette Birch, Peter Cartridge, Sue Catterall, Patsy Ormrod and Shaun Turner

**Non-members present:** None

### **Officers present:**

Niky Barrett – Licensing Manager  
Mary Grimshaw – Senior Solicitor  
David Parry – Taxi Licensing Officer  
Mandy Seddon – Manager of Food Health & Safety & Licensing  
Carole Leary – Democratic Services Officer

### **Members of the public present:**

Applicant, accompanied by a Director of the Taxi firm for Item 5 only.  
Applicant for Item 6 only.

No members of the press were present.

**Councillor Matthew Vincent left the meeting after the decision was taken on Item 5. He did not have any involvement in the discussion or decision taken, on Item 6.**

---

## **23        Declarations of Interest**

Councillor Robinson declared an Other Significant Interest in Item 5 – Complaint about a Licensed Wyre Dual Driver Licence holder – as she has used that particular taxi firm and also knows one of the Directors of that company, as he is a Stalmine Parish Councillor, who had come to the Licensing meeting, to support the licensed Wyre Dual Driver. She was satisfied though, that as she did not know the licensed Wyre Dual Driver, that this would not prejudice her judgement, nor give rise to a conflict of interest and therefore she stayed in the meeting and took part in the decision making.

Councillor Pimbley also declared an Other Significant Interest in Item 5 – Complaint about a Licensed Wyre Dual Driver Licence holder – as she has used that particular taxi firm too. She was satisfied though, that as she did not know the licensed Wyre Dual Driver, that this would not prejudice her judgement, nor give rise to a conflict of interest and therefore she stayed in the meeting and took part in the decision making.

#### **24 Confirmation of minutes**

The minutes of the Licensing Sub-Committee meeting held on Tuesday 7 August, 2018, were confirmed as a correct record, by both Cllrs Robinson and Smith and unanimously agreed by the Committee.

#### **25 Exclusion of the Public and Press**

**RESOLVED** That the public and press be excluded from the meeting whilst agenda items 5 & 6 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 outweighs the public interest in disclosing the information.

#### **26 Complaint about a licensed Wyre Dual Driver Licence holder**

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 as to whether or not a licensed Wyre Dual Driver can still be considered a fit and proper person and still eligible to hold a Wyre Council Dual Driver's Licence.

The licensed Wyre Dual Driver was present at the meeting and was supported by a Director of the taxi firm he works for, but he was not legally represented.

The Licensing Manager introduced the report.

The Taxi Driver spoke to the Committee, explaining the circumstances of the incident and provided an account of what took place that night, as referred to within the report.

The Taxi Driver answered questions from the Members. The Director of the taxi firm employing the Taxi Driver also spoke in support and answered questions from the Members.

The Taxi Driver, the Director, the Taxi Licensing Officer, the Licensing Manager and the Manager of Food Health & Safety & Licencing then left the room whilst the Committee Members considered the case in closed session.

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

**RESOLVED** that the Licensed Wyre Dual Driver is eligible to hold a Wyre Council Dual Driver's Licence, but that he be suspended for a two week period (to take place 22 days after receipt of the decision letter) together with a written warning, which will be placed on file.

**The reasons for the decision were:**

The Committee acknowledged that this was a serious matter but considered it to be an isolated moment of misjudgement, that was unlikely to be repeated. The Committee noted how remorseful he was about the incident which appeared to be genuine and also noted his full cooperation with the Council's investigation. The Committee considered a suspension of 4 weeks to be reasonable, but noted that he had already been suspended for two weeks by his employer and therefore considered a further two week suspension to be a sufficient deterrent and was a reasonable and proportionate period in the circumstances. In reaching this decision, the Committee noted that he had held Wyre driver's licences for almost 5 years and he had a clear full driving licence with no prior criminal convictions. Also, he had never been before the Committee previously and that this was the first complaint that the Local Authority had received.

The Licensing Authority confirmed it has an overriding duty to protect the public when considering the conduct of licensed drivers. The ongoing scrutiny of the conduct and behaviour of licensed drivers, such as this one, before Members at this meeting, forms part of that process and wants to provide assurance to the public, that all those entrusted to convey passengers, are and continue to be, "fit and proper" to hold Wyre Dual Driver Licences.

**27 New applicant for a Wyre Dual Driver's Licence with historic criminal convictions and a motoring offence**

The Service Director Health and Wellbeing submitted a report to provide members of the Licensing Committee with information to assist them at a hearing. Additional letters of support for the applicant, which had been received after the agenda had been published, were handed out to the Committee.

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

The Licensing Manager introduced the report.

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

Members of the Committee and the Licensing Manager asked questions of the applicant, and she provided explanations of the incidents up to the present date, where she confirmed to the Committee, a current motoring offence.

The applicant, the Taxi Licensing Officer, the Licensing Manager and the

Manager of Food Health & Safety & Licensing 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 Wyre Council on this occasion were not willing to grant a Wyre Dual Driver's Licence.

**The reasons for the decision:**

The Committee considered all the written evidence within the report and also gave careful consideration to the verbal explanation given by the applicant, but decided not to grant a Wyre Dual Driver's Licence as the applicant did not satisfy the criteria in the policy, in particular sections 10.3 and 15.1 and were not able to find any exceptional reasons to depart from the policy under section 1.10

The Licensing Authority confirmed it has an overriding duty to protect the public when considering the conduct of all licensed drivers. The ongoing scrutiny of the conduct and behaviour of Wyre's licensed drivers, forms part of that process and they want to provide assurance to the public, that all those entrusted to convey passengers, are "fit and proper" to hold Wyre Dual Driver Licences.

The meeting started at 6.00 pm and finished at 7.13 pm.

**Date of Publication:** Tuesday 4 September, 2018





Report of:	Meeting	Date	Item no.
Mark Broadhurst, Service Director Health and Wellbeing	Licensing Committee	27 September 2018	4

**Application for a new Premises Licence – The Alley, 2 - 4 Breck Mews,  
Poulton-le-Fylde, FY6 7AA**

**1. Purpose of report**

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

**2. Outcomes**

2.1 That the application for a new premises licence be determined.

**3. Recommendation**

3.1 That Members consider the application submitted by Sandra Jane James and the representation from a local resident and determine the application.

**4. Background**

4.1 On 7 August 2018, the Licensing Unit received an application from Sandra Jane James, for a new premises licence in respect of 2 – 4 Breck Mews, Poulton le Fylde, FY6 7AA (**Appendix 1**).

4.2 The applicant wishes to provide the following licensable activities:

Activity	Mon - Sun
Sale of alcohol ('on' and 'off' sales)	09:00 – 00:00
Recorded Music (indoors)	09:00 – 00:00
Open to the Public	09:00 – 00:30

4.3 In addition, the applicant wishes to sell alcohol on New Year's Eve until 01:00 and remain open to the public until 01:30.

- 4.4 The premises will be created by knocking through two separate commercial units. One of which was previously licensed for the sale of alcohol under the trading name Aged in Oak.
- 4.5 An application seeking the required change of use and associated building alterations was submitted to the council's planning department in April. The planning application seeks authorisation to trade between 09:00 and midnight, seven days a week.
- 4.6 At the time of writing this report, the applicant has not yet been advised if that application has been granted.

## 5. Key issues and proposals

- 5.1 Section 18 (3) of the Licensing Act 2003, as amended, requires the Licensing Authority to hold a hearing to consider the application and any relevant representations, within twenty working days following the end of the statutory twenty-eight day consultation period, which ended on 4 September 2018.
- 5.2 The Police have been consulted and have agreed a number of additional conditions to promote the prevention of crime and disorder licensing objective to be included on the operating schedule, if a licence is granted (**Appendix 2**).
- 5.3 Environmental Health have been consulted and agreed additional conditions with the applicant, to mitigate against nuisance if a licence is granted (**Appendix 3**).
- 5.4 There have been no responses from any of the other Responsible Authorities.
- 5.5 The application has been advertised in accordance with the Regulations and at the end of the consultation period there was one outstanding representation from local residents (**Appendix 4**).
- 5.6 The objectors are primarily concerned that if granted the premises and their clientele will potentially cause noise nuisance. They also refer to late night disturbance from this type of venue and the impact that has on their grandchildren when they stay overnight.
- 5.7 To assist all parties to the hearing, **Appendix 5** is a comprehensive list of the agreed conditions that would form Annex 2, of the licence should one be granted.
- 5.8 A location plan is provided at **Appendix 6**.
- 5.9 When considering the application Members should take into account the Council's own Statement of Licensing Policy. The following paragraphs are particularly relevant to this application and are reproduced in **Appendix 7**:

- 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.

**5.10** Members are also directed to 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, which are reproduced at **Appendix 8**.

**5.11** After having regard to the representation, the Council’s Statement of Policy and the Statutory Guidance, the Committee must determine if it is satisfied that granting the application would undermine one or more of the licensing objectives.

**5.12** If it is satisfied that one or more of the objectives would not be undermined by granting the application, it must grant the application it in the terms applied for.

**5.13** If, however, it is not, Members must consider what steps are appropriate to secure the promotion of the licensing objectives.

It may take any of the following steps:

- Grant the licence subject to such conditions that the authority considers appropriate for the promotion of the licensing objectives.
- Exclude from the scope of the licence, any of the licensable activities to which the application relates (This can include revising the permitted hours for licensable activities).
- Reject the whole or part of the application.

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

**Other risks/implications: checklist**

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

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

<b>risks/implications</b>	<b>✓ / x</b>
asset management	x
climate change	x
data protection	x

report author	telephone no.	email	date
Niky Barrett	887236	Nicola.Barrett@wyre.gov.uk	12 Sept 2018

<b>List of background papers:</b>		
name of document	date	where available for inspection
Wyre Council Statement of Licensing Policy	2016 - 2021	Licensing section

### **List of appendices**

- Appendix 1 - Application
- Appendix 2 - Lancashire Constabulary mediation
- Appendix 3 - Wyre Environmental Health mediation
- Appendix 4 - Representation from Other Persons
- Appendix 5 - Draft Annex 2
- Appendix 6 - Location Plan
- Appendix 7 - Excerpt from Wyre Statement of Licensing Policy
- Appendix 8 - Excerpt from the Statutory S182 Guidance



(F) Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We SANDRA JANE JAMES

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
THE ALLEY 2-4 BRECK MEWS			
Post town	POUGTON	Postcode	FY6 7AA
Telephone number at premises (if any)			
Non-domestic rateable value of premises	£		

**Part 2 - Applicant details**

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

- a) an individual or individuals \*  please complete section (A)
- b) a person other than an individual \*
  - i as a limited company/limited liability partnership  please complete section (B)
  - ii as a partnership (other than limited liability)  please complete section (B)
  - iii as an unincorporated association or  please complete section (B)
  - iv other (for example a statutory corporation)  please complete section (B)
- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)
- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

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

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or
- a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input checked="" type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)
Surname <b>JAMES</b>			First names <b>SANDRA JANE</b>	
Date of birth :			I am 18 years old or over <input checked="" type="checkbox"/> Please tick yes	
Nationality <b>BRITISH</b>				

Current residential address if different from premises address			
Post town	BOULTON LE FYLDE	Postcode	
Daytime contact telephone number			
E-mail address (optional)			

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over <input type="checkbox"/> Please tick yes			
Nationality					
Current postal address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address

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

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
01	07	2018

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

DD	MM	YYYY

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

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)



- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g)  
(if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box I)

**Supply of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

**A**

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 5)		
Wed					
Thur			<b><u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Fri					
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue					
Wed			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5)		
Thur					
Fri					
Sat			<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)	
Day	Start	Finish		
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)	
Tue				
Wed				<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Thur				
Fri				
Sat				
Sun				

**D**

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place <u>Indoors or outdoors or both</u> – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 5)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 4)	
Mon				
Tue				
Wed			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)	
Thur				
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)	
Sat				
Sun				

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	0900	00.00	Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue	0900	0000			
Wed	0900	0000	State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur	0900	0000			
Fri	0900	0000	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	0900	0000			
Sun	0900	0000			

**G**

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 5)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat					
Sun					



# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
Tue			<b>Please give further details here</b> (please read guidance note 4)	Both	<input type="checkbox"/>
Wed					
Thur			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 5)		
Fri					
Sat			<b>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sun					

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 5)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat					
Sun					

J

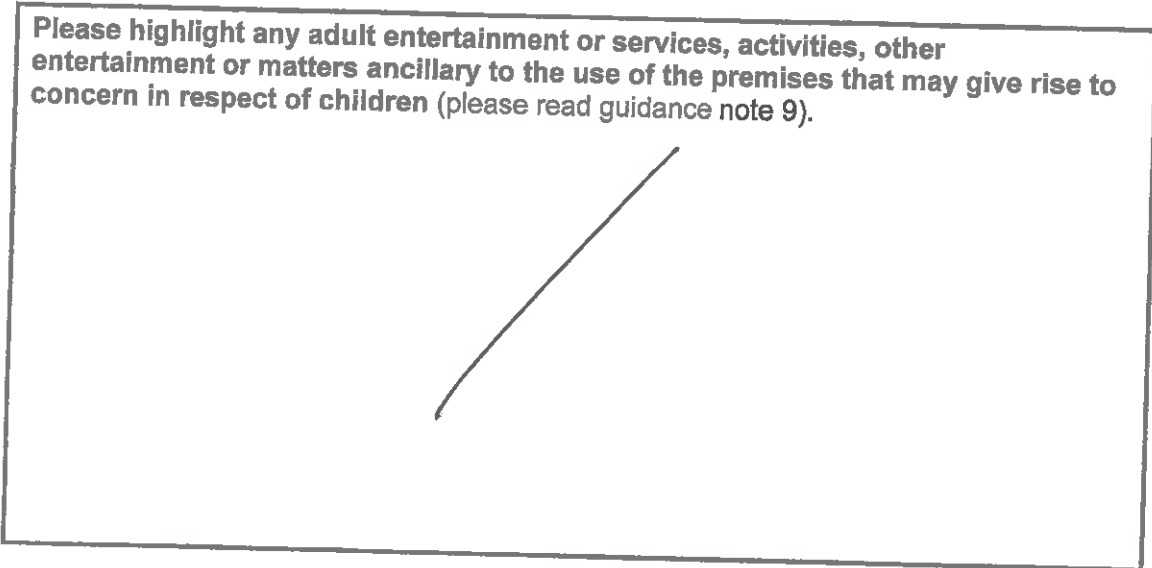
<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Mon	0900	0000			
Tue	0900	0000			
Wed	0900	0000			
Thur	0900	0000			
Fri	0900	0000			
Sat	0900	0000			
Sun	0900	0000			
			<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
			New Years Eve 0900 - 01.20		

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

Name	SANDRA JANE JAMES		
Date of birth			
Address	POULTON LE FYLDE		
Postcode			
Personal licence number (if known)	WBCPA2279		
Issuing licensing authority (if known)	WYRE COUNCIL		

K

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



L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	09.00	06.30	<p><b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)</b></p> <p>NEW YEARS EVE 09.00 - 01.30</p>
Tue	09.00	00.30	
Wed	09.00	00.30	
Thur	09.00	00.30	
Fri	09.00	00.30	
Sat	09.00	00.30	
Sun	09.00	00.30	

**Checklist:**

Please tick to indicate agreement

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

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

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

**Part 4 – Signatures** (please read guidance note 11)

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

<b>Declaration</b>	<p>[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</p> <p>The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licesable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)</p>
--------------------	--

**M** Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

**b) The prevention of crime and disorder**

CD 3	CD 26	CD 14
CD 5	CD 30	
CD 19	CD 31	
CD 24	CD 42	

**c) Public safety**

**d) The prevention of public nuisance**

PPNS

**e) The protection of children from harm**

Signature	
Date	16-5-18
Capacity	

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

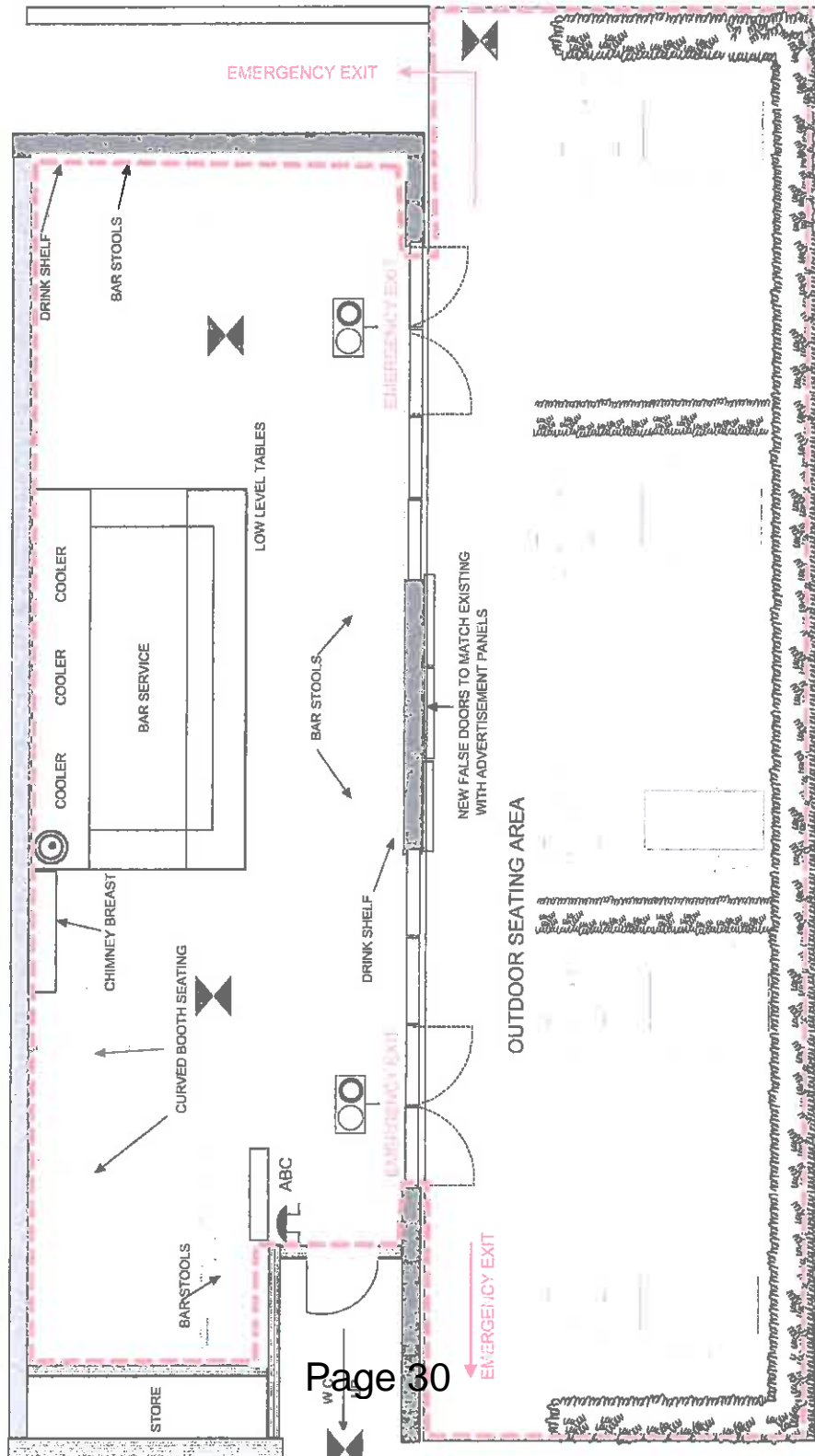
Signature	
Date	
Capacity	

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

**Notes for Guidance**

- Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
- In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more

# PROPOSED LAYOUT AND LICENSED AREA



MAINTAINED EMERGENCY LIGHT

FIRE ALARM AUDIBLE WARNING

EMERGENCY ILLUMINATED DIRECTIONAL EXIT BOX

MANUAL CALL POINT

ABC FIRE EXTINGUISHERS

FP FIRE PANEL

LICENSED AREA

2-4 THE MEWS  
 POULTON-LE-FYLDE  
 PROPOSED LAYOUTS AND ELEVATIONS  
 DRAWN: ROB KNIGHTON  
 DATE 22/03/2018



Wyre Council Licensing Service			
<b>Notification of Mediation Agreement</b>			
<b>Premises Details</b>			
Name of Premises:	Alley Bar		
Premises Address:	2 – 4 Breck Mews, Poulton-le-Fylde		
Post Code:	FY6 7AA		
<b>Responsible Authority</b>			
Service / Department	Lancashire Constabulary		
Officer (Print Name)	PC 4107 Emma Pritchard		
Signature			
<b>Proposed changes to Application Operational Schedule</b>			<b>Mark one</b>
Adequate changes proposed during the representation period. No representation made.			X
Some changes proposed. Representation will follow for remaining concerns.			
Some changes made after representation submitted. Continue to hearing.			
Full and adequate proposals made after representation. Representation withdrawn.			
<b>Applicant's consent to amend Licence Application</b>			
I the undersigned am the applicant and hereby authorize Blackpool Licensing Service to amend my application as detailed below. I understand that these amendments may be included as conditions on the Premises Licence should one be issued.			
Applicant's Name (Please print clearly)	Mrs Sandra Jane James		
Applicant's Usual Signature			
Date of signing	23	8	2018
<b>Amendments</b>			
1	<b>The following conditions to be added to the operating schedule:</b>		
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 30minutes.
- 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 or polycarbonate.
- 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 A minimum of one SIA licensed member of door staff will be on duty from 20:00hours every Friday and Saturday, Sunday before Bank Holiday, Christmas Eve, Boxing Day and New Year's Eve. At all other times the 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 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.

22. Any outside area which is used for the consumption of alcohol shall cease to be so used at 22:00hrs
23. The outside area of the venue will be checked by a competent person at intervals of a minimum of 30 minutes.
24. 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.
25. In the outside area, the supply of intoxicating liquor shall be by waiter/waitress service only and only to persons seated at tables.

**2 The following conditions to be removed from the operating schedule:**

**Barrett, Niky**

---

**From:** Clayton, Nick  
**Sent:** 31 August 2018 14:48  
**To:** Licensing & Health and Safety  
**Subject:** FW: The Alley Licence conditions and licensing plan  
**Attachments:** licensing plan.pdf; The Alley Licence conditions.docx

Good afternoon,

Thank you for consulting me on this Licencing application. Please see the conditions (see attached) agreed by myself and Sandra.

Kind regards

Nick Clayton

Nick Clayton  
 Graduate Environmental Health Officer  
 01253 887404  
 Room 129

-----Original Message-----

**From:** Sandra James  
**Sent:** 31 August 2018 14:29  
**To:** Clayton, Nick

**Subject:** RE: The Alley Licence conditions and licensing plan

Hi Nick

It was nice to meet up with you this morning

I have no objections to the finalised conditions for The Alley Bar

Thanks Again

Kind Regards

Sandra James

-----Original Message-----

**From:** Clayton, Nick  
**Sent:** 31 August 2018 10:46  
**To:** 'sandra'  
**Subject:** The Alley Licence conditions and licensing plan

Dear Sandra

Following on from this morning, please find attached the finalised conditions for the Alley bar (also included is the approved licencing plan for the outside area). As discussed if I do not hear back from you, I will take it that you agree to the conditions and as such I will forward on my comments to licence on Monday 3rd September. If however you

don't agree please contact me before the end of work today either via email or by calling me on 01253 887404 to discuss any objections.

Kind Regards

Nick Clayton  
Nick Clayton  
Graduate Environmental Health Officer  
Wyre Council

, Poulton-le-Fylde, Lancashire, FY6 7PU

Find us online at: [wyre.gov.uk](http://wyre.gov.uk), [facebook.com/wyrecouncil](https://www.facebook.com/wyrecouncil), @wyrecouncil The Wyre Council email disclaimer can be found at [www.wyre.gov.uk/disclaimer](http://www.wyre.gov.uk/disclaimer).

Be prepared for winter - find advice and details of any disruption to services during the freezing weather at [www.wyre.gov.uk/winter](http://www.wyre.gov.uk/winter)

Email secured by Check Point

1. The designated premises supervisor or the personal licence holder for the premises who is supervising the sale or supply of alcohol at that time shall not permit customers to congregate and consume alcohol sold or supplied by that premises in a public place within the immediate vicinity of the premises and in an area not so licensed for consumption to the annoyance or obstruction of others and shall prevent the removal of alcohol if it is intended for such a purpose
2. No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the premises
3. There shall be no emission from the premises of any offensive smells, which are likely to cause a nuisance.
4. 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.
5. 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. 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.
7. 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.
8. The Licensee 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
9. 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
10. 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.
11. Refuse, including bottles, shall not be disposed of in any external area of the licensed premises between 20.00 and 09.00.
12. 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).
13. All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency.
14. 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 purposes of smoking.
15. 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.

---

**From:**  
**Sent:** 01 September 2018 22:05  
**To:** Licensing & Health and Safety  
**Subject:** THE ALLEY BAR 2-4 THE MEWS POULTON / NEW PREMISES ALCOHOL LICENCE  
**Attachments:** wbc objection.pdf

01/09/18

Dear Councillors

With reference to the above New Premises Licence application please find attached our letter detailing our concerns, objections & request to re-consider the application.

Yours sincerely

Mr & Mrs Brenda Horabin

Email secured by Check Point



Mr & Mrs Richard Horabin  
Lockwood Avenue  
Poulton le Fylde  
Lancashire



01/09/18

Dear Councillors

**THE ALLEY BAR 2-4 THE MEWS POULTON / NEW PREMISES**  
**ALCOHOL LICENCE**

With reference to the above New Premises Licence application by SANDRA JANE JAMES, my husband & I must lodge our full objection to the application for the premises to become yet another venue for late night drinking, music & live bands that will without doubt involve further noise & further nuisance to the town & its residents.

We live on Lockwood Avenue our home is the 4th property on the left side of the Avenue, the rear ground floor rooms, rear bedrooms & the garden of our property routinely resonate with the sounds of people partying, music & live bands from the Poulton bars & venues not to mention the inconsiderate nature & noise of the people leaving these venues, some of whom park down Lockwood Avenue & return to their vehicles in the early hours of the morning.

A further concern regarding the proposed venue is the tri folding doors that open onto the pavement area to the front of the premises, the design of these doors suggests that they will be opened fully allowing the noise from the customers & entertainment to travel freely to the surrounding residences & be of an even greater disturbance. Several years ago, after many disturbed weekends sleep we had no choice but to submit a noise complaints to Wyre Borough Council against the former owner of a bar on Breck Road who repeatedly opened his tri folding doors during trading hours despite his licence clearly stating this was not permitted!

As residents of Lockwood Avenue for 12 years we have seen many changes to the town & the entertainment establishments, some for the good & some in our opinion to the detriment of the town, its historic heritage & it's residents. The town already has extensive choice of venues for the locals & visitors to enjoy a night out, we do not believe the addition of a further venue located in a quiet alleyway which has access to the Aldi supermarket & a pathway to Tithebarn Street.

We have 5 grandchildren under the age of 7 years and we regularly enjoy any one or 2 of them staying over for a couple of nights, and it is very upsetting when one of them wakes very upset during the night due to the party noise coming from the town, surely the quality of life of a town's residents must be a priority ? Poulton is a beautiful town full of history, green spaces & parks, a wonderful community & place to shop & enjoy, if our Council insists on issuing more alcohol & entertainment licences surely the Council's vision statement cannot be achieved?

We request that Wyre's Vision Statement be considered when reviewing this application, especially the section & I quote:

*"The Council aims to ensure ... Those venues granted licences under the licencing Act 2003 should operate responsibly & safely to enable our residents and visitors to be able to reside in an area that can support a diverse range of businesses but not to the detriment of resident's quality of life or health."*

We look forward to any comments or communication on this matter.

Yours sincerely

Mrs Brenda Horabin

## DRAFT ANNEX 2

- 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 20:00hours 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

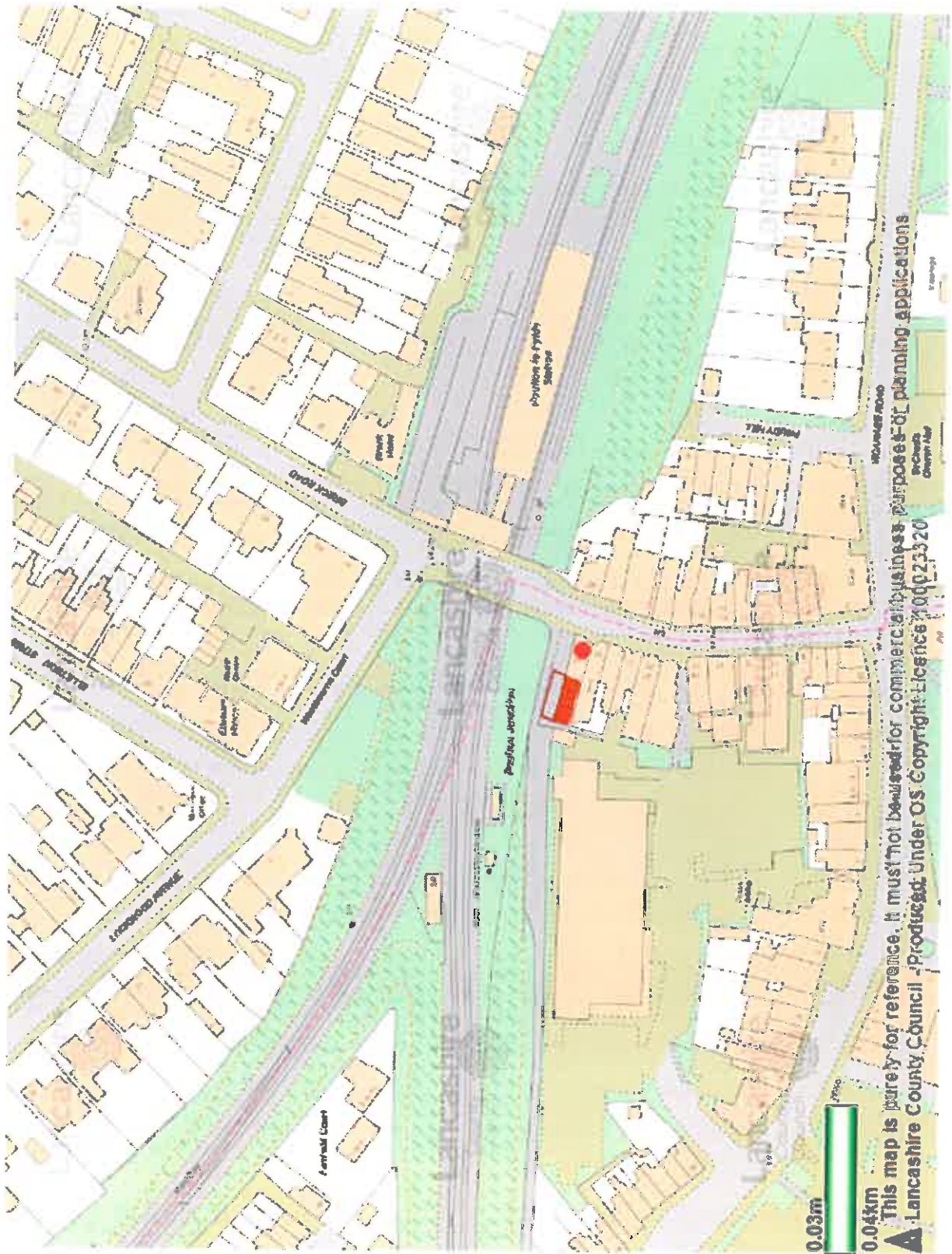
for such suspicion

The 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.







## 6.1 Planning

The use of premises for sale or provision of alcohol, provision of entertainment or late night refreshment is subject to planning control. Such use will normally require planning permission or must otherwise be lawful, ie have a lawful development certificate under planning legislation. Planning permission is usually required for the establishment of new premises or change of use of premises.

Applicants need to be aware that there are also circumstances when, as a condition of the planning permission an earlier closing time has been set for the use of premises for commercial purposes or a later opening time may apply. If the operating hours are different to the licensing hours, the applicant must observe the earlier closing time or later opening hour. A licence issued under the 2003 Act does not override any restriction placed on the premises by the planning authority. Premises operating in breach of their planning permission are liable to prosecution under planning law.

It should also be noted that any decision made by the Licensing Authority does not relieve an applicant of the need to apply for building control authorisation.

The Council is of the view that the licensing authority is not bound by decisions made by the Planning Authority and vice versa. While the two authorities consider different (albeit related) matters, the Licensing Authority must ensure it addresses only the licensing objectives to ensure that any hearing does not in effect become a re-run of any planning hearing.

### Key message 01

Licence applications should normally be from premises where

- The activity to be authorised by the licence is a lawful under the planning use of the premises
- The hours sought do not exceed those authorised by any planning permission; and
- Any existing hours are appropriate for the use of the premises

Note – Where the appropriate planning consent has not been obtained in advance and relevant representations are made, applicants will need to demonstrate that the operation of the premises would not be detrimental to the promotion of the licensing objectives.

## 7. General approach to licensing

In undertaking its licensing functions under the Licensing Act 2003, Wyre Council will aim to ensure that licensable activities make a positive contribution to the social, economic, and environmental well-being of the borough. The authority aims to support a diverse cultural offering, providing something for everyone, in a safe, healthy and welcoming environment. In particular it supports a mixed night-time economy, which attracts all parts of the community, including families, and is not dominated by premises whose primary focus is the sale of alcohol.

It is keen to encourage family-friendly licensed premises where suitable entertainment is provided and to promote premises where parents and young people can enjoy their leisure time together. It recognises that premises within the leisure and hospitality sector of the economy are an important part of its district and are major contributors to the local economy, attracting tourists and visitors whilst sustaining vibrant towns and communities. Leisure income provides employment for those service sectors with a knock-on effect for supporting businesses, often in the daytime economy.

The policy statement takes account of the need to regulate businesses that operate under the Licensing Act whilst balancing any adverse impact of activities on members of the public who live or work in the area concerned. The licensing authority and its committees cannot, however, use the Licensing Act 2003 for any purpose not defined in the Act as a 'licensing objective'.

This policy is not capable of being a universal remedy for all the various forms of anti-social behaviour or other problems associated with licensable activities. Where it is evident that a licensed premises is responsible for an undesirable event (perhaps by employing unsuitable people or exercising poor standards of management), then the licensing authority will make use of its powers under the Licensing Act 2003, where they offer a remedy.

#### **18. Need for licensed premises**

The licensing authority will not use its powers to dictate whether there is a market need for additional licensed premises. Need is a decision for planners and the commercial sector to consider. A licensing authority should not seek to impose a ceiling on the number of licensed premises either overall or by class of premises, either by use of policy or practice.

#### **19. Cumulative impact of a concentration of licensed premises**

The authority acknowledges that a concentration of licensed premises in a particular area can result in an increased number of people walking through or congregating in streets during the night, with the potential to increase crime, anti-social behaviour, noise pollution, littering and other disturbance to residents. In such cases the amenity of local residents can be placed under severe pressure but this may not be attributable to any individual premises.

A licensing authority may adopt a Cumulative Impact Policy (CIP) for an area in which issues are being experienced by residents, visitors or agencies, due to the number of licensed premises in that area. Evidence should be obtained as to the nature and location of the issues occurring and a thorough consultation must take place, before the licensing authority can decide whether such a policy is appropriate. It will then form part of the authority's Statement of Licensing Policy.

The CIP creates a rebuttable presumption that new or varied applications for premises licences or club premises certificates that will add to the existing cumulative impact will normally be refused. However in order for this to be effective, a representation must be received first, otherwise an application will be granted, as applied for, under delegated powers.

The licensing authority recognises that such a policy cannot be absolute and if a policy were to be adopted it would still continue to consider each application properly on its own merit. For licences that were unlikely to add significantly to the problems of saturation, the application, however may still be approved, despite being in a CIP area.

Any discussion concerning the possible introduction of such a policy will also look at the alternatives to such a policy, to see if they might either achieve the same objective or be a complement to such a policy.

Where there is no cumulative impact policy, there is no presumption against the grant of new licences. Nevertheless, the presence of other licensed premises in the area of the premises for which an application has been made and the future operation of premises which are due to open in the surrounding area are matters which may be raised by those making representations and if those representations are pertinent to the licensing objectives, it will have a bearing on the decision making process.

In the absence of a Cumulative Impact Policy for Wyre the licensing authority may still consider representations where a body or person believes that an application (new or varied) will have a negative impact on one or more of the licensing objectives. If cumulative impact is being hi-lighted as the reason for an objection, the responsible authority or other person should state why the application will impact on the area of concern, what the implications will be and if possible produce examples or evidence.

It may be that the type of premises or offering will attract more people into an already busy and problematic area, therefore impacting on the licensing objectives that address disorder and/or nuisance. This can apply to those premises who sell alcohol on or off the premises equally to those that do not-(takeaways).

We encourage applications for restaurants and other predominantly seated venues which do not adversely impact upon the licensing objectives, in contrast to those that predominantly offer vertical drinking. Applications should demonstrate how the licensing objectives are to be promoted.

Two areas of concern have been hi-lighted by residents and councillors and although at this time there is insufficient data to support a Cumulative Impact Policy for these areas, detailed consideration should be given to the addition of licensed premises in these areas.

The first area- Poulton le Fylde Town, Centre has a large concentration of mainly on-licensed premises (pubs, restaurants, bars and a nightclub) and whilst these in isolation may not be problematic, large numbers of patrons visiting the area cause impact on resources (taxis, police, street cleaning, food outlets). Therefore if an applicant wishes to add to the number of patrons in the area or extend opening times provision should be considered and implemented as to how they can minimise the impact on the area from an additional venue.

#### **Wyre key message 25**

Operators who wish to submit a new premises application in Poulton le Fylde town centre should ensure that the application is robust in its promotion of the licensing objectives and contains a number of appropriate conditions that will prevent the premises contributing to disorder or nuisance in this area.

Extracts from the S.182 Guidance (April 2018)

## 9. Determining applications

### General

**9.1** When a licensing authority receives an application for a new premises licence or an application to vary an existing premises licence, it must determine whether the application has been made in accordance with section 17 of the 2003 Act, and in accordance with regulations made under sections 17(3) to (6), 34, 42, 54 and 55 of the 2003 Act. It must similarly determine applications for the grant of club premises certificates made in accordance with section 71 of the 2003 Act, and in accordance with regulations made under sections 71(4) to (7), 84, 91 and 92 of the 2003 Act. This means that the licensing authority must consider among other things whether the application has been properly advertised in accordance with those regulations.

### Where representations are made

**9.3** Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant, the licensing authority's discretion will be engaged. It will also be engaged if another person makes relevant representations to the licensing authority, which are also not frivolous or vexatious. Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

### Relevant, vexatious and frivolous representations

**9.4** A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local business person about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a business person that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. **There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.**

### Hearings

**9.31** The Licensing Act 2003 (Hearings) Regulations 2005 governing hearings may be found on the [www.legislation.gov.uk](http://www.legislation.gov.uk) website. If the licensing authority decides that representations are relevant, it must hold a hearing to consider them. The need for a hearing can only be avoided with the agreement of the licensing authority, where the applicant and all of the persons who made relevant representations have given notice to the authority that they consider a hearing to be unnecessary. Where this is the case and the authority agrees that a hearing is unnecessary, it must forthwith give notice to the parties that the hearing has been dispensed with. Notwithstanding those regulatory provisions, in cases where the licensing authority believes that a hearing is still necessary, it is recommended that the authority should, as soon as possible, provide the parties with reasons in writing for the need to hold the hearing. In cases where only 'positive' representations are received, without qualifications, the licensing authority should consider whether a hearing is required. To this end, it may wish to notify the persons who made representations and give them the opportunity to withdraw those

representations. This would need to be done in sufficient time before the hearing to ensure that parties were not put to unnecessary inconvenience.

**9.37** As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits.

**9.38** In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- this Guidance;
- its own statement of licensing policy.

**9.39** The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety. Any conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.

**9.40** Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.

**9.41** In the context of variations or minor variations, which may involve structural alteration to or change of use of a building, the decision of the licensing authority will not exempt an applicant from the need to apply for building control approval, planning permission or both of these where appropriate.

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

**9.42** Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

**9.43** The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

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

**Mr & Mrs Richard Horabin  
Lockwood Avenue  
Poulton le Fylde  
Lancashire  
FY6 7...**

16/09/18

Dear Ms Barrett

**THE ALLEY BAR 2-4 THE MEWS POULTON / NEW PREMISES  
ALCOHOL LICENCE**

Thank you for your email reply to our objection letter regarding the new premises licence for The Alley. Unfortunately the list of conditions are not sufficient to appease our concerns with regards to the potential for noise disturbances from the venue The Alley.

The said conditions are not detailed or specific with regards to :  
the specified time schedule of sound emission records  
the type of equipment required to conduct the regular assessment of noise coming from the premises  
the noise level to be agreed by a Wyre Borough Council Environmental Health Officer

The conditions do not detail or explain to a layperson like ourselves key information, for example point 6 with regards to "*Noise from regulated entertainment at the licenced 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*" I have been informed that LAeq,5min is equivalent to 90DB of noise, all very vague & ambiguous !

We genuinely hope that The Alley operates as a responsible venue & not to the detriment of the nearby residents, but unfortunately we have not been convinced that the conditions agreed by Wyre Borough & the Police are sufficient to control any potential nuisance and we will not be withdrawing our objection.

I do hope that yourself & the other Officers who work for Wyre Borough in this department will act as promptly in the future should there be any failure of these conditions.

Yours sincerely

Mrs Brenda Horabin

This page is intentionally left blank





Report of	Meeting	Date	Item no
Mark Broadhurst, Service Director Health and Wellbeing	Licensing Committee	27 September 2018	5

## APPLICATION FOR THE VARIATION OF HACKNEY CARRIAGE FARES

### 1. Purpose of Report

- 1.1 To provide Members of the Licensing Committee with information to assist them at a hearing to 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.

### 2. Outcomes

- 2.1 To recommend to Cabinet any amendments to the table of fares for Wyre licensed hackney carriages.

### 3. Recommendation

- 3.1 That Members reconsider the table of fares for hackney carriages within the Borough in the light of the proposal from the Wyre Hackney Carriage Association for a variation in the maximum scale of charges.

### 4. Background

- 4.1 The Local Government (Miscellaneous Provisions) Act 1976 allows district councils to fix the maximum rates of fares for hackney carriage journeys (but not for private hire vehicles which are determined by market forces). No time period however is set for the review of such fares.
- 4.2 The last variation, resulting in an increase in the tariff, was approved by the Licensing Committee in March 2011 and implemented on 20 April that year. It was for an average increase of 5.09% (tariff 1) and 4.65% (tariff 2). A copy of the current table of fares for Wyre is attached at **Appendix 1**.
- 4.3 The provision of taxis is an integral part of the transport infrastructure and is particularly influential in the transportation of individuals late at night when bus services have ceased. The provision of affordable taxis assist in community

safety by ensuring people are removed from town centres safely and helps to reduce the incidence of drink driving.

- 4.4** Hackney carriages are a vital form of transport for the disabled who may have difficulties accessing other forms of public transport. It is important therefore that fares are maintained at a level which will encourage investment in DDA compliant and low emission vehicles yet remain affordable to disabled people.

**5. Key Issues and Proposals**

- 5.1** On 19 July 2018 the recently reformed Wyre Hackney Carriage Association, representing the five hackney carriage companies and independent hackney proprietors, submitted a proposal to vary the tariff for hackney carriage journeys in the Borough and vary the start time for tariff 2 from Monday to Thursday and separately on a Friday. A copy of their proposal is attached at Appendix 2.

- 5.2** The proposal consists of five options, the first two of the options are for varying the start time of tariff 2 and the other three options are for varying the yardages of tariffs 1 and 2 and if implemented will have the following effects on the existing tariffs:-

1) <b>Option 1</b> is to change the start time of tariff 2 from 11:00pm to 10:00pm for hiring's on Monday to Thursday inclusive. This option is considered by the taxi trade as not to affect daytime shoppers during the week.
2) <b>Option 2</b> is to change the start time of tariff 2 from 10:00pm to 8:00pm for hiring's on a Friday. This option is to realise a slightly higher earning potential on Friday's only.
The following <b>three options</b> affect the base distance travelled and flag fall distances. Of these options only 1 (or none) could be accepted (the metric conversions to metres are approximate):
3) <b>Option 3 - Tariff 1:</b> Decrease the base yardage from 505yds to 450yds (461.77m to 411.48m) and decrease the flag fall yardage from 210yds to 180yds (192.02 to 164.59m).  <b>Tariff 2:</b> Decrease the base yardage from 400yds to 375yds (365.76m to 342.90m) and decrease the flag fall yardage from 160yds to 140yds (146.30 to 128.02m).
4) <b>Option 4 - Tariff 1:</b> Decrease the base yardage from 505yds to 475yds (461.77m to 434.34m) and decrease the flag fall yardage from 210yds to 190yds (192.02 to 173.74m).  <b>Tariff 2:</b> Decrease the base yardage from 400yds to 380yds (365.76m to 347.47m) and decrease the flag fall yardage from 160yds to 145yds (146.30 to 132.59m).
5) <b>Option 5 - Tariff 1:</b> Decrease the base yardage from 505yds to 490yds (461.77m to 448.06m) and decrease the flag fall yardage from 210yds to 145yds (192.02 to 132.59m).  <b>Tariff 2:</b> Decrease the 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).

**5.3** Members will notice that within the proposal there is the potential to be selective around which of the options they approve, or alternatively, Members may consider rejecting the entire proposal.

**5.4** An analysis of the cost of journeys under the current tariff 1 and what they would cost with the percentage increase if one of the Association’s proposals were approved is attached as Appendix 3 (options 3, 4 and 5). Tariff 1 is the weekday tariff operating from Monday to Friday with Tariff 2 operating during the evening, weekends and Bank Holidays. Tariff comparisons are normally based within the trade on a distance of 2 miles at tariff 1.

<b>Current fare</b>	<b>Option 3</b>	<b>Option 4</b>	<b>Option 5</b>
£5.60	£6.20 + 10.71%	£6.00 + 7.14%	£5.80 + 3.57%

**5.5** Appendix 4 shows the comparison of tariff tables of fares for neighbouring councils, over a set distance of 2 miles on tariff 1 and including their recent variations. These figures are confirmed in the national Private Hire & Taxi Monthly magazine issued during September 2018:

**Fylde** - increased 1<sup>st</sup> February 2018 - £6.10

**Blackpool** - increased July 2018 - £5.80

**Lancaster** - increased 1<sup>st</sup> July 2017 - £5.60

**Preston** - increased 2017 - £6.00

**5.6** Members are now asked to consider the tariff variation proposal from the Wyre Hackney Carriage association and agree their recommendation to the Cabinet.

**5.7** Following the decision of Cabinet, the Council must advertise its intention to vary the table of fares in accordance with the provisions contained in section 65 of the Local Government (Miscellaneous Provisions) Act 1976, which require:

(2) (a) When a District Council make or vary a table of fares they shall publish in at least one local newspaper circulating in the District a notice setting out the table of fares or the variation thereof and specify the period, which shall not be less than fourteen days from the date of the first publication of the notice, within which and the manner in which objections to the table of fares or variation can be made.

(b) A copy of the notice referred to in paragraph (a) of this subsection shall for the period of fourteen days from the date of the first publication thereof be deposited at the offices of the Council which published the notice, and shall at all reasonable hours be open to public inspection without payment.

(3) If no objection to a table of fares or variation is duly made within the period specified in the notice referred to in subsection (2) of this section, or if all objections so made are withdrawn, the table of fares or variation shall come into operation on the date of the expiration of the period specified in the notice or the date of withdrawal of the objection or, if more than one, of the last objection, whichever is the later.

(4) If objection is duly made as aforesaid and is not withdrawn, the District Council shall set a further date, not later than two months after the first specified date, on which the table of fares shall come into force with or without modifications as decided by them after consideration of the objections.

<b>Financial and legal implications</b>	
Finance	There are no direct financial implications for the Council in setting the fares for hackney carriages, excepting the statutory advertising cost in a local newspaper.
Legal	The power to set the fares for hackney carriages is contained in section 65 of the Local Government (Miscellaneous Provisions) Act 1976. No such powers exist for the regulation of private hire fares.

#### **Other risks/implications: checklist**

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

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

<b>risks/implications</b>	<b>✓ / x</b>
asset management	x
climate change	x
data protection	x

Report Author	Telephone no	email	date
David Parry	887225	david.parry@wyre.gov.uk	13/09/2018

List of background papers		
Name of document	date	where available for inspection
Hackney Carriage and Private Hire Licensing Policy	V05 1 April 2018	Licensing Section

#### **LIST OF APPENDICES**

Appendix 1	Current Wyre table of tariffs
Appendix 2	Wyre Hackney Owners Association variation request
Appendix 3	Comparison of proposed Wyre journey costs on tariff 1 and 2
Appendix 4	Comparison of costs of neighbouring boroughs

## Appendix 1

# HACKNEY CARRIAGE FARES



### LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976, SECTION 65

Scale of maximum charges fixed by the Wyre Borough Council with respect to Hackney Carriages in the Borough and to operate from: **20<sup>th</sup> April 2011.**

**NOTE:** Tariff 2 applies to hiring's on Monday to Thursday inclusive between the hours of 11:00pm to 7:00am and from 10:00pm on Friday, all day on Saturdays and Sundays up to 7:00am on Monday morning. All day on Statutory Holidays and Bank Holidays and to apply to hiring's between 6:00pm and midnight on Christmas Eve and New Year's Eve.

Tariff 1 applies at all other times.

**(a) Mileage**

**Tariff 1:** £2.60 for the first 505 yards (461.77 metres approx.) or uncompleted part thereof.

20p for each subsequent 210 yards (192.02 metres approx.) or uncompleted part thereof.

**Tariff 2:** £2.70 for the first 400 yards (365.76 metres approx.) or uncompleted part thereof.

20p for each subsequent 160 yards (146.30 metres approx.) or uncompleted part thereof.

**(b) Waiting Time**

For each period of seconds or uncompleted part thereof: 20p per

Tariff 1  
60 seconds

Tariff 2  
50 Seconds

**(c) Extra Charges**

For each article of luggage conveyed outside the passenger compartment of the carriage or for each perambulator carried.

£ 0.20

£ 0.20

For each passenger in excess of one (two children between the ages of 3 years and 12 years to be counted as one). Younger children not to be reckoned.

£ 0.20

£ 0.20

For each dog carried.

**(No charge for guide dogs or hearing dogs)**

£ 0.20

£ 0.20

An extra between the hours of 2:00am to 6:00am

-----

£ 0.60

Surcharge per hiring commenced between 6:00pm on 24<sup>th</sup> December to 7:00am on 27<sup>th</sup> December and between 6:00pm On 31<sup>st</sup> December to 7:00am on 2<sup>nd</sup> January.

£ 3.00

£ 3.00

Cleaning charge arising from the withdrawal of a vehicle owing to passenger abuse.

£ 50.00

£ 50.00

**(d) Fuel Surcharge**

If the cost of diesel reaches £1.60 or higher based on prices at Morrison's Fuel Station, Amounderness Way, Cleveleys, then a 20p surcharge is allowed per journey. This surcharge is also allowed if the vehicle is powered by a fuel alternative to diesel at that time.

Director of People and Places,  
Wyre Borough Council, Civic Centre,  
Poulton-Le-Fylde. Lancashire. FY6 7PU  
Tel: (01253) 891000 www.wyrebc.gov.uk

**No smoking or drinking of  
alcohol allowed in this vehicle.**

## Appendix 2

### OPTION 1)

T1 505 yds - 450 yds / 210 yds - 180 yds T1  $\downarrow$  2.60 FD.

T2 400 yds - 375 yds / 160 yds - 140 yds T2  $\downarrow$  2.70 FD.

MON - THUR T2 FROM 23.00 - 22.00 ~~\*~~

FRI T2 FROM 22.00 - 18.00 20.00

~~WAITING TIME FROM 20p x 50 SEC - 20p x 40 SEC.~~

### OPTION 2)

T1 505 - 475 / 210 - 190 yds T1  $\downarrow$  2.60 FD

T2 400 - 380 / 160 - 145 yds T2  $\downarrow$  2.70 FD.

MON - THUR T2 FROM 23.00 - 22.00 ~~\*~~

FRI T2 FROM 22.00 - 20.00

~~WAITING TIME FROM 20p x 50 SEC - 20p x 40 SEC~~

### OPTION 3

T1 505 - 490 yds / 210 - 190 yds T1  $\downarrow$  2.60 FD

T2 400 - 390 yds / 160 - 150 yds T2  $\downarrow$  2.70 FD.

MON - THUR T2 FROM 23.00 - 22.00 ~~\*~~

FRI T2 FROM 22.00 - 20.00

~~WAITING TIME FROM 20p x 50 SEC - 20p x 40 SEC~~

CLOCK 3 TO STAY AT 02.00 HRS FOR THIS INCREASE

# Appendix 3 - Option 3

## Current Tariff Charges Per Mile

Enter Distance in Miles:	2.00 (In Yards) =	3,520.00
Enter Base Yardage T1: (Initial Fare)	505.00	Cost = £2.60
Enter Base Yardage T2: (Initial Fare)	400.00	Cost = £2.70
Enter Flag Fall Yards T1: (Initial Distance)	210.00	Unit Drop = £0.20
Enter Flag Fall Yards T2: (Initial Distance)	160.00	Unit Drop = £0.20

	Tariff 1	Tariff 2
Distance In Yards:	3,520.00	3,520.00
Minus Base Yards:	505.00	400.00
<b>Yards Sub Total</b>	<b>3,015.00</b>	<b>3,120.00</b>
Number of Flag Falls:	14.36	19.50
Flag Falls Rounded Up:	15	20
Flag Falls Cost:	£3.00	£4.00
Plus Base Fare:	£2.60	£2.70
<b>** Total Cost Of Fare:</b>	<b>£5.60</b>	<b>£6.70</b>

## Proposed Tariff Charges Per Mile - OPTION 3

Enter Distance in Miles:	2.00 (In Yards) =	3,520.00
Enter Base Yardage T1: (Initial Fare)	450.00	Cost = £2.60
Enter Base Yardage T2: (Initial Fare)	375.00	Cost = £2.70
Enter Flag Fall Yards T1: (Initial Distance)	180.00	Unit Drop = £0.20
Enter Flag Fall Yards T2: (Initial Distance)	140.00	Unit Drop = £0.20

	Tariff 1	Tariff 2
Distance In Yards:	3,520.00	3,520.00
Minus Base Yards:	450.00	375.00
<b>Yards Sub Total</b>	<b>3,070.00</b>	<b>3,145.00</b>
Number of Flag Falls:	17.06	22.46
Flag Falls Rounded Up:	18	23
Flag Falls Cost:	£3.60	£4.60
Plus Base Fare:	£2.60	£2.70
<b>** Total Cost Of Fare:</b>	<b>£6.20</b>	<b>£7.30</b>

	T1	T2
<b>1st Mile fare =</b>	<b>£3.80</b>	<b>£4.50</b>
Running mile =	£1.80	£2.20
<b>Current Tariff Charges Per Mile</b>	<b>£5.60</b>	<b>£6.70</b>
2	£7.20	£8.90
3	£9.00	£11.10
4	£10.60	£13.30
5	£12.20	£15.50
6	£14.00	£17.70
7	£15.60	£19.90
8	£17.40	£22.10
9	£19.00	£24.30
10	£19.00	£24.30

	T1	T2
<b>1st Mile fare =</b>	<b>£4.20</b>	<b>£4.70</b>
Running mile =	£2.00	£2.60
<b>Proposed Tariff Charges Per Mile-Option 3</b>	<b>£6.20</b>	<b>£7.30</b>
2	£8.00	£9.90
3	£10.00	£12.30
4	£12.00	£14.90
5	£14.00	£17.30
6	£15.80	£19.90
7	£17.80	£22.30
8	£19.80	£24.90
9	£21.80	£27.50
10	£21.80	£27.50

Average % Increase =

% Increase %	T1	T2
	10.53	4.44
	11.11	18.18
	10.71	8.96
	11.11	11.24
	11.11	10.81
	13.21	12.03
	14.75	11.61
	12.86	12.43
	14.10	12.06
	13.79	12.67
	14.74	13.17
<b>Average % Increase =</b>	<b>13.80</b>	<b>12.76</b>

# Appendix 3 - Option 4

## Current Tariff Charges Per Mile

Enter Distance in Miles:	2.00 (In Yards) =	3,520.00
Enter Base Yardage T1: (Initial Fare)	505.00	Cost = £2.60
Enter Base Yardage T2: (Initial Fare)	400.00	Cost = £2.70
Enter Flag Fall Yards T1: (Initial Distance)	210.00	Unit Drop = £0.20
Enter Flag Fall Yards T2: (Initial Distance)	160.00	Unit Drop = £0.20

	Tariff 1	Tariff 2
Distance In Yards:	3,520.00	3,520.00
Minus Base Yards:	505.00	400.00
<b>Yards Sub Total</b>	<b>3,015.00</b>	<b>3,120.00</b>
Number of Flag Falls:	14.36	19.50
Flag Falls Rounded Up:	15	20
Flag Falls Cost:	£3.00	£4.00
Plus Base Fare:	£2.60	£2.70
<b>** Total Cost Of Fare:</b>	<b>£5.60</b>	<b>£6.70</b>

Page 22

## Proposed Tariff Charges Per Mile - OPTION 4

Enter Distance in Miles:	2.00 (In Yards) =	3,520.00
Enter Base Yardage T1: (Initial Fare)	475.00	Cost = £2.60
Enter Base Yardage T2: (Initial Fare)	380.00	Cost = £2.70
Enter Flag Fall Yards T1: (Initial Distance)	190.00	Unit Drop = £0.20
Enter Flag Fall Yards T2: (Initial Distance)	145.00	Unit Drop = £0.20

	Tariff 1	Tariff 2
Distance In Yards:	3,520.00	3,520.00
Minus Base Yards:	475.00	380.00
<b>Yards Sub Total</b>	<b>3,045.00</b>	<b>3,140.00</b>
Number of Flag Falls:	16.03	21.66
Flag Falls Rounded Up:	17	22
Flag Falls Cost:	£3.40	£4.40
Plus Base Fare:	£2.60	£2.70
<b>** Total Cost Of Fare:</b>	<b>£6.00</b>	<b>£7.10</b>

	T1	T2
<b>1st Mile fare =</b>	<b>£3.80</b>	<b>£4.50</b>
Running mile =	£1.80	£2.20
<b>Current Tariff Charges Per Mile</b>	<b>£5.60</b>	<b>£6.70</b>
2	£7.20	£8.90
3	£9.00	£11.10
4	£10.60	£13.30
5	£12.20	£15.50
6	£14.00	£17.70
7	£15.60	£19.90
8	£17.40	£22.10
9	£19.00	£24.30
10	£20.80	£26.50

	I1	I2	% Increase %
<b>1st Mile fare =</b>	<b>£4.00</b>	<b>£4.70</b>	<b>5.26</b>
Running mile =	£2.00	£2.60	<b>11.11</b>
<b>Proposed Tariff Charges Per Mile-Option 4</b>	<b>£6.00</b>	<b>£7.10</b>	<b>7.14</b>
2	£7.80	£9.50	<b>8.33</b>
3	£9.60	£11.90	<b>6.67</b>
4	£11.40	£14.50	<b>7.55</b>
5	£13.40	£16.90	<b>9.84</b>
6	£15.20	£19.30	<b>8.57</b>
7	£17.00	£21.70	<b>8.97</b>
8	£18.80	£24.10	<b>8.05</b>
9	£20.80	£26.50	<b>9.47</b>
10	£20.80	£26.50	<b>9.10</b>
<b>Average % Increase =</b>			<b>9.68</b>



# Appendix 3 - Option 5

## Current Tariff Charges Per Mile

Enter Distance in Miles:	2.00 (In Yards) =	3,520.00
Enter Base Yardage T1: (Initial Fare)	505.00	Cost = £2.60
Enter Base Yardage T2: (Initial Fare)	400.00	Cost = £2.70
Enter Flag Fall Yards T1: (Initial Distance)	210.00	Unit Drop = £0.20
Enter Flag Fall Yards T2: (Initial Distance)	160.00	Unit Drop = £0.20

### Tariff 1 (T1)

Distance In Yards:	3,520.00	Tariff 2 (T2)	3,520.00
Minus Base Yards:	505.00		400.00
<b>Yards Sub Total</b>	<b>3,015.00</b>	<b>Yards Sub Total</b>	<b>3,120.00</b>
Number of Flag Falls:	14.36		19.50
Flag Falls Rounded Up:	15		20
Flag Falls Cost:	£3.00		£4.00
Plus Base Fare:	£2.60		£2.70
<b>** Total Cost Of Fare:</b>	<b>£5.60</b>	<b>** Total Cost Of Fare:</b>	<b>£6.70</b>

T  
o  
o  
o

## Proposed Tariff Charges Per Mile - OPTION 5

Enter Distance in Miles:	2.00 (In Yards) =	3,520.00
Enter Base Yardage T1: (Initial Fare)	490.00	Cost = £2.60
Enter Base Yardage T2: (Initial Fare)	390.00	Cost = £2.70
Enter Flag Fall Yards T1: (Initial Distance)	190.00	Unit Drop = £0.20
Enter Flag Fall Yards T2: (Initial Distance)	150.00	Unit Drop = £0.20

### Tariff 1

Distance In Yards:	3,520.00	Tariff 2	3,520.00
Minus Base Yards:	490.00		390.00
<b>Yards Sub Total</b>	<b>3,030.00</b>	<b>Yards Sub Total</b>	<b>3,130.00</b>
Number of Flag Falls:	15.95		20.87
Flag Falls Rounded Up:	16		21
Flag Falls Cost:	£3.20		£4.20
Plus Base Fare:	£2.60		£2.70
<b>** Total Cost Of Fare:</b>	<b>£5.80</b>	<b>** Total Cost Of Fare:</b>	<b>£6.90</b>


	T1	T2
1st Mile fare =	£3.80	£4.50
Running mile =	£1.80	£2.20
<b>Current Tariff Charges Per Mile</b>	<b>£6.70</b>	<b>£6.70</b>
2	£7.20	£8.90
3	£9.00	£11.10
4	£10.60	£13.30
5	£12.20	£15.50
6	£14.00	£17.70
7	£15.60	£19.90
8	£17.40	£22.10
9	£19.00	£24.30
10	£20.80	£26.50

	T1	T2
1st Mile fare =	£4.00	£4.70
Running mile =	£2.00	£2.40
<b>Proposed Tariff Charges Per Mile-Option 5</b>	<b>£6.90</b>	<b>£6.90</b>
2	£7.80	£9.30
3	£9.60	£11.70
4	£11.40	£14.10
5	£13.20	£16.30
6	£15.20	£18.70
7	£17.00	£21.10
8	£18.80	£23.30
9	£20.80	£25.70
10	£22.80	£28.10


Average % Increase =

% Increase %	T1	T2
	5.26	4.44
	11.11	9.09
	3.57	2.99
	8.33	4.49
	6.67	5.41
	7.55	6.02
	8.20	5.16
	8.57	5.65
	8.97	6.03
	8.05	5.43
	9.47	5.76
<b>Average % Increase =</b>	<b>8.58</b>	<b>6.05</b>

## Appendix 4

	<p>Fylde Council Licensing Team Town Hall, St Annes Telephone – 01253 658658</p>
<p><b>HACKNEY CARRIAGE FARES</b> <b>LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976</b></p>	
<p>Scale of maximum charges fixed by the Fylde Borough Council with respect to Hackney Carriages in the Borough to operate from 1<sup>st</sup> February 2018. <b>Some vehicles may charge a lower fare than this tariff</b></p>	
<p><b>Tariff 1 – Monday to Friday 6.00 a.m. to 11.00 p.m.</b> 1<sup>st</sup> person £2.70 start for the first 380 yds/348m and 20p for every subsequent 190 yds/174m or part thereof.</p>	
<p><b>Tariff 2 – Monday to Friday 11.00 p.m. to 02.00 a.m.</b> <b>Saturday and Sunday and Bank and Statutory Holidays</b> 1st person £2.90 start for the first 300 yds/274m and 20p for every subsequent 150yds/137m or part thereof.</p>	
<p><b>Tariff 3 – applies to hiring's commenced between 6:00pm on 24<sup>th</sup> December to 6:00am on 27<sup>th</sup> December and between 6:00pm on 31<sup>st</sup> December to 6:00am on 2<sup>nd</sup> January. Tariff 1 + 50%.</b></p>	
<p><b>Tariff 4 – applies to hiring's commenced between 02.00am and 06.00am (apart from those identified in tariff 3)</b> 1<sup>st</sup> person £3.40 start for the first 318 yds/291m and 20p for every subsequent 159 yds/145m or part thereof.</p>	
<p><b>Additional passengers in excess of one – 40p for each additional passenger</b> <b>For Journeys where between 5 and 8 passengers are being conveyed the driver may charge 1.5 times the metered fare of the journey not including extras.</b></p>	
<p><b>Children – For every two children aged 3 to 12 years – 40p</b></p>	
<p><b>Luggage, Prams &amp; Dogs (excluding assistance dogs) – each item 40p</b></p>	
<p><b>Waiting time – 20p for each period of 54 seconds, the meter adds this automatically</b></p>	
<p><b>Cleaning charges arising from the withdrawal of a vehicle due to passenger abuse - £60</b></p>	
<p><b>NOTE 1 – Drivers may ask you to pay an estimated fare/deposit in advance of the journey. If you do not agree to pay you may be refused travel.</b></p>	
<p><b>NOTE 2 – The meter will not commence until all passengers are loaded safely and securely in the vehicle. No charge for assistance dogs or wheelchairs.</b></p>	
<p><b>NOTE 3 - The following sums may be added to the fare: 20p when the price of diesel reaches £1.50p per litre at Heyhouses Service Station, St Annes and a further 20p when the price of diesel reaches £1 75p per litre at Heyhouses Service Station</b></p>	
<p><b>Allan Oldfield</b> <b>Chief Executive</b> <b>Fylde Borough Council</b> <b>1<sup>st</sup> February 2018</b></p>	

## Appendix 4

	<b>Blackpool Council</b> Licensing Service Municipal Buildings, Blackpool Tel: 01253 477 477
<b>TABLE OF HACKNEY CARRIAGE FARES</b>	
These are the fares for Blackpool taxis. <b>Some vehicles may charge a different fare.</b>	
<b>Tariff 1 Monday to Friday 06.00 to 22.00</b> 1 person £2.60 start for first 400 yards and every subsequent 200 yards 20p	
<b>Tariff 2 Monday to Friday 22.00 to 01.00</b> <b>Tariff 2 Saturday and Sunday and Bank Holidays</b> £2.60 start for first 300 yards and every subsequent 150 yards 20p	
<b>Tariff 3 Daily from 01.00 to 06.00</b> £3.20 start for first 300 yards and every subsequent 150 yards 20p	
<b>Tariff 4 Xmas and New Year</b> £5.20 Start for first 300 yards and every subsequent 150 yards 20p	
<b>Christmas and New Year</b> 24 Dec T2 06.00 until 18.00 and T3 from 18.00 until 22.00 T4 22.00 until 06.00 25 Dec 25 Dec T4 06.00 until 06.00 26 Dec 26 Dec T3 from 06.00 until 22.00 and T4 22.00 until 06.00 27 Dec 31 Dec T2 06.00 until 18.00 and T3 from 18.00 to 22.00 T4 from 22.00 until 06.00 on 1 Jan 1 Jan T3 06.00 until 22.00 and T4 22.00 until 06.00 2 Jan	
<b>Additional passengers in excess of one - 30p for each additional passenger</b>	
<b>Children - for every two passengers 3 to 12 years - 30p</b>	
<b>Luggage, Prams and Dogs - each item 30p</b>	
<b>Waiting time - 20p for each period of 40 seconds. The meter adds this automatically.</b>	
<b>Cleaning charges - if passengers soil the vehicle the driver may add £40 to the fare</b>	
<b>NOTE 1: Drivers may ask you to pay an estimated fare/deposit in advance of the journey. If you do not agree you may be refused travel.</b>	
<b>NOTE 2: The meter will not commence until all disabled/wheelchair bound passengers are loaded safely and securely in the vehicle. No charge for assistance dogs or wheelchairs.</b>	

JB46B4 0615



Promoting City, Coast & Countryside

## HACKNEY CARRIAGE TABLE OF FARES Applicable from 12 noon 1<sup>st</sup> September 2017

### Tariff 1

For hirings commenced between 07.01 and 23.59	
If the distance does not exceed 660 yards for the whole distance:	
For each of the subsequent 310 yards or uncompleted part thereof:	£2.60
<b>Waiting Time:</b> For each period of 40 seconds or uncompleted part thereof	30p
<b>Tariff 2</b>	10p

For hirings commenced between midnight and 07.00	
For hirings commenced between 19.00 and midnight on the 24 <sup>th</sup> December	
For hirings commenced between 19.00 and midnight on the 31 <sup>st</sup> December	
For hirings commencing on any Bank Holiday or Public Holiday	
If the distance does not exceed 660 yards for the whole distance:	
For each subsequent 220 yards or uncompleted part thereof:	£3.80
<b>Waiting time:</b> For each period of 40 seconds or uncompleted part thereof	30p
<b>Tariff 3</b>	10p

For hirings commenced between 00.01 25 <sup>th</sup> December and 07.00 27 <sup>th</sup> December	
For hirings commenced between 00.01 1 <sup>st</sup> January and 07.00 2 <sup>nd</sup> January	
If the distance does not exceed 880 yards for the whole distance:	
For each subsequent 220 yards or uncompleted part thereof:	£5.00
<b>Waiting time:</b> For each period of 40 seconds or uncompleted part thereof	40p
	10p

For each passenger in excess of one [for the purpose two children aged 11 or under to count as one passenger for the whole distance]	20p
For each perambulator or article of luggage carried outside the passenger compartment of the vehicle	20p
<b>Soiling Charge:</b> A charge may be requested if the passenger[s] soils the vehicle. This will not exceed £75.00	

**The driver may at his/her discretion require the payment of an agreed amount in advance of the journey. A receipt will be given. The amount will be set against the metered fare.**

A booking fee up to a maximum of £4.00 may be charged where:

- (a) The Hackney carriage is booked in advance; and
- (b) (i) The Customer shall be told the cost of the booking fee at the time that the booking is taken and the amount recorded in the booking log; and  
(ii) The customer shall be told that the booking fee is in addition to the fare for the journey; and
- (c) The hiring involves a separate journey of at least one mile, starting from the taxi rank or the operator's premises, to the pick up point.

Any complaints regarding the vehicle and/or driver should be addressed to the Licensing Section, Environmental Services, Town Hall, Dalton Square, Lancaster, LA1 1PJ. Telephone [01524] 582033. Email [licensing@lancaster.gov.uk](mailto:licensing@lancaster.gov.uk)



**Preston**  
City Council

## Hackney Carriage Table of Fares

Applies to all journeys within the Local Authority area and to journeys that end outside the Local Authority area, unless agreed otherwise and in any case the fare shall not be greater than that shown on the meter.

### TARIFF 1

For hiring commenced between 7.00 am and 11.00 pm  
Monday to Saturday:

- \* For the first 735 yards .....£2.20
- \* For each succeeding 175 yards .....£0.20
- \* After 3 miles for each succeeding 145 yards.....£0.20

### TARIFF 2

For hiring commenced between 11.00 pm and 7.00 am  
Monday to Saturday, all day Sunday, Statutory Public  
and Bank Holidays (excluding Christmas and New Year  
period):

- \* For the first 735 yards .....£2.80
- \* For each succeeding 145 yards .....£0.20

### TARIFF 3

For hiring commenced between 8.00 pm on Christmas  
Eve and 7.00 am on 27 December and between 6.00 pm  
on New Year's Eve and 7.00 am on 2 January:

- \* For the first 735 yards .....£4.40
- \* For each succeeding 194 yards .....£0.40

Waiting time on each tariff - For each period of 1 minute (or part)..... £0.20

### EXTRAS

- \* For each article of luggage conveyed outside the passenger compartment of the carriage .....£0.20
- \* For each person in excess of 1 for each whole journey.....£0.20

### SOILING CHARGE

- \* To cover cleaning and loss of income, where the interior of the vehicle is soiled (at the discretion of the driver) not exceeding ..... £35.00

### UP-FRONT PAYMENTS

- DRIVERS MAY ASK YOU TO PAY AN ESTIMATED FARE/DEPOSIT UP-FRONT
- IF YOU DO NOT AGREE YOU MAY BE REFUSED TRAVEL.

### Complaints or Compliments:

Complaint and Compliment forms can be downloaded from [www.preston.gov.uk](http://www.preston.gov.uk) or requested by telephoning Preston City Council 01772 906910

Remember to note the taxi plate number and ask for a receipt for the journey

This page is intentionally left blank



Report of:	Meeting	Date	Item no.
Mark Broadhurst, Service Director Health and Wellbeing	Licensing Committee	27 September 2018	6

<b>The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018</b>
--

## 1. Purpose of report

- 1.1 To inform Members about the new legislation which will govern how the Council licenses activities involving animals from 1 October 2018.
- 1.2 To set out the proposed fees to be charged for each licensable activity.

## 2. Outcomes

- 2.1 That the report be noted and the fees agreed.

## 3. Recommendation

- 3.1 That Members consider the report and agree the proposed fee schedule.

## 4. Background

- 4.1 Wyre Council is responsible for regulating a variety of animal related activities and issues licences covering:

- Animal boarding establishments
- Dog breeding
- Pet shops
- Riding establishments
- Zoo licences
- Dangerous wild animals

- 4.2 The Council currently licences:

- 14 Animal Boarding Establishments (kennels and catteries)
- 19 Home Boarders
- 2 Dog Crèches
- 7 Pet Shops

- 6 Riding Schools

All of these licences are issued for a maximum of twelve months and expire on the 31 December each year, in accordance with the current legislation.

- 4 Dog Breeders

These licences are issued for 12 months and expire on the anniversary of the grant.

- 1 Zoo

This licence is issued for six years under the Zoo Licensing Act 1981 and will not be affected by the new Regulations.

- 4.3** There are currently no licences in Wyre issued under the Dangerous Wild Animals Act 1976 and like Zoos, Dangerous Wild Animal licensing will not be affected by the new Regulations.
- 4.4** Wyre Council licences for kennels, catteries, pet shops, dog breeders and riding establishments, are issued subject to the Chartered Institute of Environmental Health's model conditions.
- 4.5** Home boarding and dog crèche licences are issued subject Wyre Council's own standard conditions, as there are no published model conditions for these relatively new areas of animal businesses.
- 4.6** Lancashire County Council is currently responsible for registering any performing animals based within the county and enquiries have established that there are three such registrations in force in Wyre at the moment. These registrations do not have an expiry date.

## **5. Detailed Considerations**

- 5.1** The Government have introduced the Animal Welfare (Licensing of activities involving animals) (England) Regulations 2018, which will significantly change the way animal businesses are inspected and licensed after 1 October 2018.
- 5.2** DEFRA finalised the procedural guidance for Local Authorities in July and these nine separate guidance documents were published on the Canine and Feline Sector Group's website in early August ([www.cfsg.org.uk](http://www.cfsg.org.uk)).
- 5.3** With the exception of dog breeding, relevant activities that form part of a business will require licensing. The circumstances which a local authority must take into account in determining whether an activity is being carried on in the course of a business include; whether the operator makes any sale by, or otherwise carries on, the activity with a view to making a profit, or earns any commission or fee from the activity.
- 5.4** The new regulations define the various animal activities that will be regulated as follows:



- Providing or arranging for the provision of accommodation for other people's cats or dogs in the course of a business. This is further broken down into kennels, catteries, home boarding and dog day care.
  - Breeding three or more litters of puppies in any twelve month period; or breeding dogs and advertising a business of selling dogs.
  - Selling animals as pets (or with a view to their being later resold as pets) in the course of a business.
  - Hiring out horses in the course of a business for either riding or instruction, or both.
  - Keeping or training animals for exhibition in the course of a business for educational or entertainment purposes, either to any audience attending in person, or by the recording of visual images of them by any form of technology, or both.
- 5.5** Licences will be issued for one, two or three years, with the length of licence being determined following a comprehensive inspection of the applicant's premises and completion by the inspecting officer, of the prescribed risk matrix.
- 5.6** Licences for the exhibition of animals will be granted for three years and are not subject to the risk rating.
- 5.7** Each licensed premises should also receive one unannounced inspection during the currency of their licence.
- 5.8** The Regulations require the local authority to appoint one or more suitably qualified inspectors. Until 1 October 2021 existing local authority officers who have at least twelve months experience in inspecting licensed animal premises will be deemed to be suitably qualified. Wyre currently has two such officers.
- 5.9** After that date inspecting officers will have to hold a Level 3 certificate granted by a body, recognised and regulated by the Office of Qualifications and Examinations Regulation, which oversees the training and assessment of persons in inspecting and licensing animal activities businesses, confirming the passing of an independent examination.
- 5.10** All licences issued, except exhibiting animals, must be given a star rating, of between one and five stars, similar to the scores on the doors for food establishments. The star rating must be shown on the licence and DEFRA also recommends that the star rating for each licence is also published on the council's website.
- 5.11** Each of the eight animal activities have prescribed conditions that must be applied to each licence issued, creating consistency across England of the standards to be applied to licensable activities involving animals.

- 5.12** The transitional arrangements provide for all existing licences issued up to the 30 September 2018 under the current legislation, to remain in force until their natural expiry. Thereafter applicants wishing to continue to provide relevant activities involving animals will have to apply for and be granted new licences under the new Regulations.
- 5.13** Existing performing animal registrations will remain valid until 1 April 2019. After this date anyone training or keeping animals for exhibition will need a new licence.
- 5.14** To ensure fairness, local authorities must have an appeal procedure in place for operators to dispute their star rating, if they feel that the star rating given does not reflect the animal welfare standards and risk level of their business at the time of the inspection.
- 5.15** Businesses have twenty one days following the issue of a licence, in which to appeal their star rating.
- 5.16** Provision has been made for appeals in this respect to be determined by the Head of Environmental Health and Community Safety or in his absence by the Food Safety and Licensing Manager.
- 5.17** If an operator makes improvements to their business and wishes to increase their star rating, they may apply for a re-rating inspection. They must pay a fee for this type of inspection.
- 5.18** Any operator who is aggrieved by a decision by a local authority to refuse to grant or renew a licence, or to revoke or vary a licence, may appeal to the First-tier Tribunal, which will be administered by HM Courts and Tribunal Service. Any such appeal must be lodged within twenty eight days following the decision.
- 5.19** The animal licensing scheme falls within the definition of ‘services’ and is therefore subject to the EU Services Directive.
- 5.20** In preparing the proposed fee schedule (Appendix 1) officers have had regard to the LGA guidance on locally set licence fees, the Provision of Services Regulations 2009, the draft guidance on setting fees for activities involving animals and the principles in the Regulators’ Code.
- 5.21** In accordance with relevant case law, the proposed fees have been split into two parts – the application fee, payable at the time of submission to cover the council’s costs in considering and determining the application, with the remainder of the licence fee, which covers ongoing enforcement and compliance requirements, being payable before the licence becomes effective.
- 5.22** The proposed fees are based on the reasonably anticipated costs involved in administering the new licensing regime. Officers will undertake a full review of these fees in 2020/21, once a full year of data is available on the actual hours and costs involved in dealing with animal licensed premises.

<b>Financial and legal implications</b>	
Finance	<p>Assuming that all existing licence holders apply for new licences and are granted 1 year licences, the anticipated income from fees will be £11,571 which is in line with current estimates. However some licences may attract a higher fee in 2018/19 if they are eligible for a 2 or 3 year licence following the initial inspection.</p> <p>There is likely to be an increase in the number of licences applied for after 1 Oct 2018 as the new regulations increase the scope of activities which require a licence. However it is also possible that at the point of renewal in 2019/20, some existing licenced premises may be unable to satisfy the new higher standards, despite being given 12 months to upgrade their facilities and would no longer qualify for a licence.</p>
Legal	The Council has a statutory duty to implement the new Regulations and deliver the revised animal licensing regime.

#### **Other risks/implications: checklist**

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

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

<b>risks/implications</b>	<b>✓ / x</b>
asset management	x
climate change	x
data protection	x

report author	telephone no.	email	date
Niky Barrett	887236	Nicola.Barrett@wyre.gov.uk	13 Sept 2018

<b>List of background papers:</b>		
name of document	date	where available for inspection
The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, SI 2018/486	16 April 18	Licensing Office
DEFRA Procedural guidance notes for local authorities	July 2018	Licensing Office
DEFRA Guidance notes for conditions for providing boarding in kennels for dogs	July 2018	Licensing Office

DEFRA Guidance notes for conditions for providing boarding for cats	July 2018	Licensing Office
DEFRA Guidance notes for conditions for providing home boarding for dogs	July 2018	Licensing Office
DEFRA Guidance notes for conditions for providing day care for dogs	July 2018	Licensing Office
DEFRA Guidance notes for conditions for breeding dogs	July 2018	Licensing Office
DEFRA Guidance notes for conditions for selling animals as pets	July 2018	Licensing Office
DEFRA Guidance notes for conditions for hiring out horses	July 2018	Licensing Office
DEFRA Guidance notes for conditions for keeping or training animals for exhibition	July 2018	Licensing Office
Open for business: LGA guidance on locally set licence fees	May 2017	Licensing Office
Draft Animal Welfare Licence fees – a practical guide to fee setting	Aug 2018	Licensing Office
Provision of Services Regulations 2009	28 Dec 09	Licensing Office
Process mapping and officer cost calculations	Sept 2018	Licensing Office

### **List of appendices**

Appendix 1 – Proposed fee schedule

**Proposed Animal Licensing fees from 1 Oct 2018**

	Total licence fee
<b>Animal Boarding application fee - £119</b>	
Up to 20 units (+ £21 for each addl 10 units)	
New - 1 year	£236
2 year	£366
3 year	£430
Renewal - 1 year	£223
2 year	£353
3 year	£418
Re-rating inspection fee	£81
<b>Home Boarding application fee - £93</b>	
New - 1 year	£191
2 year	£320
3 year	£385
Renew - 1 year	£184
2 year	£314
3 year	£379
Re-rating inspection fee	£56
<b>Dog Creche application fee - £105</b>	
New - 1 year	£209
2 year	£339
3 year	£404
Renew - 1 year	£197
2 year	£327
3 year	£391
Re-rating inspection fee	£68
<b>*Dog Breeding application fee - £114</b>	
Up to 5 bitches (+ £10 for each addl 5 bitches)	
New - 1 year	£218
2 year	£348
3 year	£413
Renew - 1 year	£239
2 year	£369
3 year	£434
Re-rating inspection fee	£81
<b>Selling pets application fee - £116</b>	
New - 1 year	£239
2 year	£369
3 year	£434
Renew - 1 year	£233
2 year	£363
3 year	£428
Re-rating inspection fee	£81

	Total licence fee
<b>*Hiring Horses application fee - £154</b>	
New - 1 year	£283
2 year	£448
3 year	£531
Renew - 1 year	£247
2 year	£413
3 year	£496
Re-rating inspection fee	£104
Up to 20 horses (+ £21 for each addl 10)	
<b>Train/exhibit animals application fee - £89</b>	
3 year	£213
<b>Zoo Licence</b>	
6 year	£594
4 year	£484
<b>Dangerous Wild Animal Licence</b>	
2 year	£316

\* plus vet fees

This page is intentionally left blank