



Licensing Committee Agenda

Wyre Borough Council
Date of Publication: 21 November 2018
Please ask for : Carole Leary
Democratic Services Officer
Tel: 01253 887444

**Licensing Committee meeting on Thursday, 29 November 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 - 4)

To confirm as a correct record the minutes of the meeting of the Licensing Committee held on 25 October 2018, attached.

4. Application to vary Premises Licence PL(A)0342 in respect of The Cube, 2 Breck Road, Poulton-Le-Fylde, Lancashire, FY6 7AA

(Pages 5 - 40)

Report of the Service Director Health and Wellbeing, attached.

5. Review of Discretionary Fees and Charges 2019/20

(Pages 41 - 50)

Report of the Service Director Health and Wellbeing, attached.

6. Exclusion of the Public and Press

In accordance with Paragraph 11 of the Access to Information Rules in Part 4 of the Council's Constitution, the Chief Executive has determined that the reports submitted under items 7 & 8 of this agenda are "Not for Publication" because items 7 & 8 contain "exempt information", as defined in Schedule 12A of the Local Government Act 1972.

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

"That the public and press be excluded from the meeting whilst agenda items 7 & 8 are being considered, because they refer to exempt

information as defined in category 1 (information relating to any individual) of Part 1 of Schedule 12(a) of the Local Government Act, 1972, as amended by the Local Government (Access to Information) Variation Order 2006 and, that the public interest in maintaining the exemptions outweighs the public interest in disclosing the information”.

7. Complaint about a Wyre dual driver licence holder (Pages 51 - 74)

Report of the Service Director Health and Wellbeing, attached.

8. New applicant for a Wyre dual driver's licence with a conviction for no insurance (Pages 75 - 86)

Report of the Service Director Health and Wellbeing, attached.



Licensing Committee Minutes

The minutes of the Licensing Committee meeting of Wyre Borough Council held on Thursday, 25 October 2018 at the Civic Centre, Poulton-le-Fylde.

Licensing Committee members present:

Councillors C Birch, Cartridge, Catterall, Lees, Ormrod, Robinson, Matthew Vincent, Walmsley and Wilson

Apologies for absence:

Councillor(s) Barrowclough, Pimbley, Smith, A Turner and S Turner

Other councillors present:

None

Officers present:

Mary Grimshaw – Senior Solicitor

David Parry – Taxi Licensing Officer

Mandy Seddon – Manager of Food Health & Safety & Licensing

Carole Leary – Democratic Services Officer

The Applicant and his wife attended the meeting for Item 5 only.

No members of the public or press attended the meeting.

33 Declarations of Interest

None.

34 Confirmation of minutes

The minutes of the Licensing Committee meeting for 27 September 2018, were confirmed as a correct record.

35 Exclusion of the Public and Press

RESOLVED That the public and press be excluded from the meeting whilst agenda item 5 (New applicant for a dual drivers licence) 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 outweighed the public interest in disclosing the information.

36 New Applicant for a Wyre Dual Drivers Licence with an historic criminal conviction

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

The Applicant was present at the meeting and supported by his wife, but he was not legally represented.

The Manager of Food Health & Safety & Licensing, in the Licensing Manager's absence, introduced the report.

The Applicant spoke to the Committee, explaining the circumstances of his historic criminal conviction 38 years ago and of a more recent motoring offence in 2015, as set out in the report.

His wife also spoke to the Committee in support of her husband.

Members of the Committee and the Senior Solicitor asked questions of the applicant, and he provided explanations of the two incidents.

The Applicant, his wife, the Taxi Licensing Officer and the Manager of Food Health & Safety & Licensing, left the room whilst the Committee Members considered the application in closed session.

The Applicant, his wife, the Taxi Licensing Officer and the Manager of Food Health & Safety & Licensing were brought back into the room and the Licensing Committee reconvened and the Chairman announced the Committee's decision.

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

The reasons for the decision were:

The Committee were satisfied that the applicant was a fit and proper person to hold a dual driver's licence.

After listening to his explanation of the one historic offence and the one motoring offence, it was considered that there were exceptional circumstances to depart from the council's policy, as the historic offence was an isolated offence which had occurred 38 years ago and also, almost 3 years had elapsed since the SP30 motoring offence.

The Committee also noted that the applicant had a full clean driving licence and had no other recorded convictions, except for the two disclosed within the report.

It was explained to him how seriously Wyre Council takes its duty to protect the travelling public and to assure the public that all drivers of Wyre licensed vehicles are checked and scrutinised to an appropriately high standard.

The meeting started at 6pm and finished at 6.23pm

The meeting started at 6.00 pm and finished at 6.23 pm.

Date of Publication: Monday 29 October, 2018

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Report of:	Meeting	Date
Mark Broadhurst, Service Director Health and Wellbeing	Licensing Committee	29 November 2018

Application to vary Premises Licence PL(A)0342 in respect of The Cube, 2 Breck Road, Poulton-le-Fylde, Lancashire, FY6 7AA

1. Purpose of report

1.1 To provide members with information to assist them at a hearing to determine an application to vary a premises licence under the provisions of the Licensing Act 2003.

2. Outcomes

2.1 Determination of the application submitted under section 34 of the Licensing Act 2003 by The Cube Bar Ltd.

3. Recommendation

3.1 That members determine the application to vary premises licence PL(A)0342, in respect of The Cube, 2 Breck Road, Poulton-le-Fylde, Lancashire, FY6 7AA.

4. Background

4.1 The Cube Bar is a three storey building on the corner of Breck Road and Vicarage Lane in Poulton-le-Fylde, It offers dance floors and function suites for its' clients, together with a ground floor bar and dance area.

4.2 Predominantly it has a daytime offer that includes food and beverages and a night time offer that includes beverages, musical entertainment, and facilities for dancing.

4.3 The licensing authority has not received any complaints that directly relate to these premises in recent years, although it is aware of an incident in the early hours of Sunday 14 October 2018 outside the premises involving a number of persons who were under the influence of alcohol and fighting.

4.4 The premises are active members of the town's Pubwatch scheme. There is no other intelligence to suggest that these premises operate in breach of their current licence, either in respect of their permitted hours or conditions.

4.5 The current licence authorises the following:

Live Music, recorded music, performance of dance, anything of a similar description, sale of alcohol (on and off the premises)

Sunday to Thursday 09:00 to 01:00

Friday and Saturday 09:00 to 03.00

Late night refreshment

Sunday to Thursday 23:00 to 01:00

Friday and Saturday 23:00 to 03.00

Premises open to the public

Sunday to Thursday 09:00 to 01:30

Friday and Saturday 09:00 to 03:30

Non-standard timings, licensable activities are permitted:

(i) The whole of December 10:00hrs- 03.00hrs

(ii) Thursday to Sunday of all Bank Holiday weekends

10:00hrs-03:00hrs

(iii) Maundy Thursday 10:00hrs-03.00hrs

(iv) Christmas Eve 10:00hrs-03:00hrs

(v) New Year's Eve 10:00hrs-03:00hrs

(vi) New Year's Day 10:00hrs-01:00hrs

Premises will close to the public 30mins after the conclusion of the terminal time for licensable activity.

4.6 The premises Licence is held by Cube Bar Ltd. and Mr Paul Anthony Mellor is registered with Companies House as the Director. He also holds the position of Designated Premises Supervisor and has fulfilled this role throughout the licensed period.

4.7 There have been a number of applications over the years to extend the times for licensable activities at this venue, which have been considered and granted by the Licensing Committee.

5. Key issues and proposals

5.1 An application was received on 9 October 2018 to vary the permitted times for licensable activities and opening hours on a Thursday night until 02:00 and 02:30 hrs respectively. There are no other changes proposed to the licence (**Appendix 1**).

5.2 A copy of the existing licence, including all of the conditions that the premises must observe, is attached at **Appendix 2**.

- 5.3** A location plan is attached at **Appendix 3**.
- 5.4** The application was advertised, in accordance with the requirements of The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005, and during the statutory 28 day consultation period, one representation against the application has been received (**Appendix 4**).
- 5.5** All of the Responsible Authorities have been consulted and none have objected to the proposed hours.
- 5.6** This application has therefore been brought before members to determine in the light of the outstanding representation.
- 5.7** Whilst all of the Council's Statement of Licensing Policy should be taken into account when determining this application, the Committee's attention is particularly drawn to the following paragraphs:-
- 7.0 General Approach to Licensing
 - 14.0 The Licensing Objectives
 - 14.3 Prevention of Public Nuisance
 - 14.3.1 Disturbance by patrons leaving the premises
- 5.8** The Licensing Committee must consider the application in accordance with Section 35 of the Licensing Act 2003.

Section 35 (2) provides that subject to subsection (3) and section 36(6), the authority must grant the application.

(3) Where relevant representations are made, the authority must—

(a) Hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and

(b) Having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives.

(4) The steps are:

(a) to modify the conditions of the licence;

(b) to reject the whole or part of the application;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

Financial and legal implications	
Finance	There are no financial implications directly associated with the review of this licence.

Legal	The hearing should be conducted following the principles of natural justice and in accordance with the council's hearing procedure.
Legal cont.	Any party to this application who is aggrieved by the decision of the licensing committee has the right of appeal within twenty one days to the magistrates' court.

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.

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

risks/implications	✓ / x
asset management	x
climate change	x
ICT	x

Processing Personal Data

If the decision(s) recommended in this report will result in personal data being processed, a privacy impact assessment (PIA) will have been completed and signed off by the council's Data Protection Officer before the decision is taken (as required by the General Data Protection Regulations 2018).

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

List of background papers:		
name of document	date	where available for inspection
Statement of Licensing Policy	2016 - 2021	Licensing section

List of appendices

- Appendix 1 – Application form
- Appendix 2 – Current Licence PL(A)03342
- Appendix 3 – Location plan
- Appendix 4 – Representation



(H) Application to vary a premises licence 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 THE CUBE BAR LTD
(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number	PL (A) 0342
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description	
THE CUBE 2 BRECK ROAD LANCS	
Post town	POULTON-LE-FYLDE
Postcode	FY6 7AA

Telephone number at premises (if any)	01253 895566
Non-domestic rateable value of premises	£ 121,000

Part 2 – Applicant details

Daytime contact telephone number	
E-mail address (optional)	

Current postal address if different from premises address		N/A	
Post town		Postcode	

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

THURSDAY NIGHTS TO BE EXTENDED TO 2:00 (CLOSING AT 2:30)

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

N/A

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

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)



Sale by retail of alcohol (if ticking yes, fill in box J)



In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue			State any seasonal variations for performing plays (please read guidance note 4)		
Wed			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 (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Wed					
Thur			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 (please read guidance note 5)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<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 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur					
Fri			<u>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</u> (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	9:00	1:00	Please give further details here (please read guidance note 3)		
Tue	9:00	1:00			
Wed	9:00	1:00	State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur	9:00	2:00	THE WHOLE OF DECEMBER : 10:00-3:00 THURSDAY TO SUNDAY OF ALL BANK HOLIDAYS : 10:00-3:00		
Fri	9:00	3:00	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 (please read guidance note 5)		
Sat	9:00	3:00	MAUNDY THURSDAY : 10:00-3:00 CHRISTMAS EVE : 10:00-3:00		
Sun	9:00	1:00	NEW YEARS EVE : 10:00-3:00 NEW YEARS DAY : 10:00-1:00		

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	9:00	1:00	Please give further details here (please read guidance note 3)		
Tue	9:00	1:00			
Wed	9:00	1:00	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	9:00	2:00	THE WHOLE OF DECEMBER : 10:00-3:00 THURSDAY TO SUNDAY OF ALL BANK HOLIDAYS : 10:00-3:00		
Fri	9:00	3:00	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 5)		
Sat	9:00	3:00	MAYNBY THURSDAY : 10:00-3:00		
			CHRISTMAS EVE : 10:00-3:00		
Sun	9:00	1:00	NEW YEARS EVE : 10:00-3:00		
			NEW YEARS DAY : 10:00-1:00		

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	9:00	1:00	Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	9:00	1:00			
Wed	9:00	1:00	State any seasonal variations for the performance of dance (please read guidance note 4) THE WHOLE OF DECEMBER : 10:00-3:00 THURSDAY TO SUNDAY OF ALL BANK HOLIDAYS : 10:00-3:00		
Thur	9:00	2:00			
Fri	9:00	3:00			
Sat	9:00	3:00	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 (please read guidance note 5) MAUNDY THURSDAY : 10:00-3:00 CHRISTMAS EVE : 10:00-3:00		
Sun	9:00	1:00		NEW YEARS EVE : 10:00-3:00 NEW YEARS DAY : 10:00-1:00	

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	9:00	1:00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	9:00	1:00	Please give further details here (please read guidance note 3)		
Wed	9:00	1:00			
Thur	9:00	2:00	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4) THE WHOLE OF DECEMBER : 10:00 - 3:00 THURSDAY TO SUNDAY OF ALL BANK HOLIDAYS : 10:00 - 3:00		
Fri	9:00	3:00			
Sat	9:00	3:00	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 (please read guidance note 5) MAUNDY THURSDAY : 10:00 - 3:00 CHRISTMAS EVE : 10:00 - 3:00 NEW YEARS EVE : 10:00 - 3:00 NEW YEARS DAY : 10:00 - 1:00		
Sun	9:00	1:00			

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23:00	1:00	Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	23:00	1:00			
Wed	23:00	1:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4) THE WHOLE OF DECEMBER : 10:00 - 3:00 THURSDAY TO SUNDAY OF ALL BANK HOLIDAYS : 10:00 - 3:00		
Thur	23:00	2:00			
Fri	23:00	3:00	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 (please read guidance note 5) MAUNDY THURSDAY : 10:00 - 3:00 CHRISTMAS EVE : 10:00 - 3:00 NEW YEARS EVE : 10:00 - 3:00 NEW YEARS DAY : 10:00 - 1:00		
Sat	23:00	3:00			
Sun	23:00	1:00			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) THE WHOLE OF DECEMBER : 10:00 - 3:00 THURSDAY TO SUNDAY OF ALL BANK HOLIDAYS : 10:00 - 3:00 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 (please read guidance note 5) MAUNDY THURSDAY : 10:00-3:00 CHRISTMAS EVE : 10:00-3:00 NEW YEARS EVE : 10:00 - 3:00 NEW YEARS DAY : 10:00-1:00		
Mon	9:00	1:00			
Tue	9:00	1:00			
Wed	9:00	1:00			
Thur	9:00	2:00			
Fri	9:00	3:00			
Sat	9:00	3:00			
Sun	9:00	1:00			

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 8).

None.

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	9:00	1:30	THE WHOLE OF DECEMBER : 10:00-3:00 THURSDAY TO SUNDAY OF ALL BANK HOLIDAYS* 10:00-3:00 <u>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</u> (please read guidance note 5) MAUNDY THURSDAY : 10:00-3:00 CHRISTMAS EVE : 10:00-3:00 NEW YEARS EVE : 10:00-3:00 NEW YEARS DAY : 10:00-1:00
Tue	9:00	1:30	
Wed	9:00	1:30	
Thur	9:00	2:30	
Fri	9:00	3:30	
Sat	9:00	3:30	
Sun	9:00	1:30	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

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.

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	9.10.2018.
Capacity	DIRECTOR OPS.

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Post town		Post code	
Telephone number (if any)			



**Licensing Act 2003
Premises Licence**

PREMISES LICENCE NUMBER	PL(A)0342
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Part 1- Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

The Cube

2 Breck Road
Poulton-Le-Fylde
Lancashire
FY6 7AA

Telephone number 01253 895566

WHERE THE LICENCE IS LIMITED THE DATES THAT APPLY

Not Applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- E.Live music-Indoors
- F.Recorded music-Indoors
- G.Dance-Indoors
- H.Similar to E,F or G-Indoors
- L.Late night refreshment-Indoors
- M.Sale of Alcohol ON and OFF Premises

LICENSABLE ACTIVITIES-AUTHORISED TIMINGS

E.Live music-Indoors

FRIDAY AND SATURDAY 09:00 - 03:00
SUNDAY TO THURSDAY 09:00 - 01:00

The whole of December 10:00hrs to 03.00hrs
Thursday to Sunday of all Bank Holiday weekends 10:00hrs to 03.00hrs
Maundy Thursday 10:00hrs to 03.00hrs
Christmas Eve 10:00hrs to 03:00hrs
New Years Eve 10:00hrs to 03:00hrs
New Years Day 10:00hrs to 01:00hrs

F.Recorded music-Indoors

FRIDAY AND SATURDAY 09:00 - 03:00
SUNDAY TO THURSDAY 09:00 - 01:00

The whole of December 10:00hrs to 03.00hrs
Thursday to Sunday of all Bank Holiday weekends 10:00hrs to 03.00hrs
Maundy Thursday 10:00hrs to 03.00hrs
Christmas Eve 10:00hrs to 03:00hrs
New Years Eve 10:00hrs to 03:00hrs
New Years Day 10:00hrs to 01:00hrs

G.Dance-Indoors

FRIDAY AND SATURDAY 09:00 - 03:00
SUNDAY TO THURSDAY 09:00 - 01:00

The whole of December 10:00hrs to 03.00hrs
Thursday to Sunday of all Bank Holiday weekends 10:00hrs to 03.00hrs
Maundy Thursday 10:00hrs to 03.00hrs
Christmas Eve 10:00hrs to 03:00hrs
New Years Eve 10:00hrs to 03:00hrs
New Years Day 10:00hrs to 01:00hrs

H.Similar to E,F or G-Indoors

FRIDAY AND SATURDAY 09:00 - 03:00
SUNDAY TO THURSDAY 09:00 - 01:00

The whole of December 10:00hrs to 03.00hrs
Thursday to Sunday of all Bank Holiday weekends 10:00hrs to 03.00hrs
Maundy Thursday 10:00hrs to 03.00hrs
Christmas Eve 10:00hrs to 03:00hrs
New Years Eve 10:00hrs to 03:00hrs
New Years Day 10:00hrs to 01:00hrs

L.Late night refreshment-Indoors

FRIDAY AND SATURDAY 23:00 - 03:00
 SUNDAY TO THURSDAY 23:00 - 01:00

The whole of December 10:00hrs to 03.00hrs
 Thursday to Sunday of all Bank Holiday weekends 10:00hrs to 03.00hrs
 Maundy Thursday 10:00hrs to 03.00hrs
 Christmas Eve 10:00hrs to 03:00hrs
 New Years Eve 10:00hrs to 03:00hrs
 New Years Day 10:00hrs to 01:00hrs

M.Sale of Alcohol ON and OFF Premises

FRIDAY AND SATURDAY 09:00 - 03:00
 SUNDAY TO THURSDAY 09:00 - 01:00

The whole of December 10:00hrs to 03.00hrs
 Thursday to Sunday of all Bank Holiday weekends 10:00hrs to 03.00hrs
 Maundy Thursday 10:00hrs to 03.00hrs
 Christmas Eve 10:00hrs to 03:00hrs
 New Years Eve 10:00hrs to 03:00hrs
 New Years Day 10:00hrs to 01:00hrs

OPENING HOURS OF THE PREMISES

FRIDAY AND SATURDAY 09:00 - 03:30
 SUNDAY TO THURSDAY 09:00 - 01:30

Part 2

NAME, (REGISTERED) ADDRESS OF HOLDER(S) OF PREMISES LICENCE

Cube Bar Limited
 4a Breck Road
 Poulton le Fyde
 Lancashire
 FY6 7AA

**REGISTERED NUMBER OF HOLDER, FOR EXAMPLE, COMPANY NUMBER, CHARITY NUMBER
(WHERE APPLICABLE)**

Company Reg Number 04240604

**NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR
WHERE THE LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

Mr Paul Mellor

The Cube, Breck Road, Poulton le Fylde, Lancashire, FY6 7AA

**PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY
THE DESIGNATED PREMISES SUPERVISOR**

PA01629

Manchester

OPERATING CONDITIONS

ANNEX 1 - Mandatory Conditions

- 1.1 No supply of alcohol may be made under this licence
- a. at a time when there is no designated premises supervisor in respect of it or,
 - b. at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
- 1.2 Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

Mandatory conditions where Door Supervisors are provided

All individuals who carry out security activities must be licensed by the Security Industry Authority (SIA)

Mandatory Licensing Conditions (October 2014)

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.

4. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
- (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Licensing Act 2003 (Mandatory Licensing Conditions) Order May 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
- (b) "permitted price" is the price found by applying the formula—
- $$P = D + (D \times V)$$
- where—
- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence—
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

ANNEX 2 - Conditions Consistent with the operating schedule

Prevention of Crime and Disorder

- 1 CCTV will be installed internally and externally at the premises and will comply with the following:
 - The CCTV system shall be installed, maintained and operated to the reasonable satisfaction of Lancashire Constabulary. All public areas of the premises, where practical, are to be covered by the system.
 - The system will display on any recording the correct time and date of the recording.
 - The system will make recordings during all hours the premises are open to the public.
 - VCR tapes or digital recording shall be held for a minimum of 31 days and 28 days respectively, after the recording is made and will be made available to the Police or any authorised persons acting for a Responsible Authority for inspection upon request.
 - The system will as minimum, record images of the head and shoulders of all persons entering the premises.
- 2 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.
- 3 The Licence Holder or Designated Premises Supervisor shall notify the Police Licensing Unit on any occasion when the CCTV or radio system is to be inoperative for a period of one working day and shall provide a certificate from a competent person stating reason

for the system being operative and the measures which have been taken to satisfy the licence conditions.

4. Appropriate signage alerting customers to CCTV recording shall be displayed in conspicuous positions on the premises.
5. Bi-Annual documented maintenance checks of the CCTV system including the recording system will be undertaken by the Designated Premises Supervisor to ensure that the system is in good working order and fit for purpose.
6. The Licence holder is to support and rigorously enforce the Challenge 25 proof of age policy.

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:

- i. UK photo driving licence
- ii. Passport
- iii. Proof of Age Standards Scheme Card
- iv. Armed forces ID card

All staff involved in the sale of alcohol shall receive suitable training in relation to the proof of age scheme to be applied upon the premises. All such staff to receive regular refresher training at intervals of at least 3 months. Records to evidence this will be made available to officers on request.

7. All members of staff shall receive suitable training with regard to serving drunks and conflict management and are to receive regular refresher training at intervals of a maximum of 3 months. Records to evidence this will be made available to authorised officers upon request.

8. An incident book will be maintained in which there will be recorded:

- o All incidents of crime and disorder
- o Refused sales to suspected under-age and drunken persons.
- o A record of any person asked to leave the premises.
- o Details of occasions on which the police are called to the premises.

- o 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 or authorised person on demand.

9. Security arrangements are sufficient to discourage the sale and consumption of drugs and shall ensure such arrangements include regular checks of toilet areas.
10. Records of incidents involving the use and / or detection of drugs shall be maintained and those records shall be available for inspection.
11. Confiscated and found drugs shall be stored, disposed, transferred in accordance with procedures agreed with the Lancashire Constabulary.
12. Personal licence holder shall be on the premises after 21:00 hours when intoxicating liquor is being sold or supplied to customers, except in the case of an emergency. They must be contactable at all other times.
13. All children under 12 years of age will be accompanied by an adult at all times the premises is open to the public. Any unaccompanied children (between ages of 12 - 17) may be permitted in the restaurant area for food and a soft drink and must be served by waitress service only until 18:00 hours
14. No children under 18 will be allowed on the premises after 21:00 hours except for children attending a private function. All children attending a private function must be accompanied at all times and leave the premises by midnight and remain in the specified function area.
15. Functions which specifically target young people aged 17-18 years (for example birthday parties) will not be allowed to take place on the premises, except when public events are organised and supervised by Educational Establishments
16. No entertainment of an adult or sexual nature will take place on the premises.
17. 1 x SIA door staff from 21:30 hours every Friday and Saturday, Sundays prior to Bank Holiday, Maundy Thursday, Christmas Eve and New Year's Eve, with an additional 1 x

SIA door staff from 22:00 hours from the first 100 customers. There must then be an additional 1 x SIA door staff for every part thereof 150 customers.

- 18 At all other times the licence holder will determine an appropriate number of door staff, having regard to a written risk assessment maintained by the premises licence holder. This document must be kept in such a place so that it can be inspected by Police if required.
19. At least two door staff must remain at the entrance until all customers have left the premises and the doors to the premises are closed, except in case of emergencies.

With regard to door supervisors the Designated Premises Supervisor will maintain a daily record comprising of the following;

- (i) Start and finish time of each door supervisor
- (ii) A record of the door staff SIA licence numbers
- (iii) The door staff's printed names and signatures in a legible form recorded at the beginning and the end of each tour of duty.
- (iv) The record will be kept securely on the premises for at least 6 months and shall be produced on request to the police or other authorized person.

CD5 No person in possession of a drink in a sealed or unsealed container shall be allowed to enter the premises except for the purposes of delivery.

CD6 No drink shall be sold from a bar or by staff service or consumed in or on the premises other than in a container made from non-splintering plastic, paper or shatterproof glass.

CD7 No drink shall be removed from the premises in an unsealed container. Off sales shall not take place after 23:00hrs on Fridays, Saturdays and Sundays preceding bank Holidays

The maximum numbers of persons permitted on the premises shall not exceed:-

Ground Floor 479 persons
First Floor 270 persons
Second floor 120 persons

CD22 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 Pub and Club watch scheme for the area within which the premises is located.

The licence holder shall maintain records of all checks and precautions relating to health and safety at work, fire safety and crime and disorder.

The licence holder will operate the following dispersal policy:-

The licence holder will seek to ensure that clients leave the licensed premises in an orderly manner and will apply the following measures:-

- a) a notice will be erected at each exit from the premises reminding patrons of the need to leave the vicinity in an orderly manner
- b) the door staff will, when appropriate remind patrons in the vicinity of the premises of any need to moderate their behavior.

Any patrons who disregard the advice of the door staff (under b above) will be subsequently denied entry to the premises until the licence holder is satisfied that they will conduct themselves in a satisfactory manner.

The licensee shall display at a suitable location on the premises, campaign material produced by Wyre Community Safety Partnership.

PCH16 The Premises Licence Holder and the Designated Premises Supervisor shall at all times comply with the Portman Group Code of Practice and with the requirements or recommendations of any Portman Group Retailer Alert Bulletin.

Public Safety

PS38 The premises shall be provided with adequate lavatory accommodation which shall at all times when the premises are in use be kept clean, ventilated, disinfected and supplied with hot and cold water, soap, toilet tissue, hand drying and sanitary towel disposal facilities as appropriate.

Prevention of Public Nuisance

PPN3 No deliveries, removal of bottles and refuse and other vehicle movements onto the premises will take place before 07:30hrs and after 20:00hrs

PPN14 There shall be no emission from the premises of any offensive smells, which are likely to cause a nuisance.

PPN16 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.

Protection of children from harm

When children are admitted to the premises all entertainment provided must be suitable for them.

ANNEX 3 - Conditions added by the Licensing Authority

PPN5 A dispersal policy, which is agreed by the Police is to be implemented at all times.

PPN8 No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the premises.

PPN9 All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency.

PPN10 The L10 noise level from the premises, whilst being used for public entertainment purposes, shall not exceed the L90 in any 1/3 octave band between 40-160 Hz and the LAEQ shall not exceed the LA90 measured at the nearest noise sensitive property.

PPN11 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.

PPN12 There shall be placed at all exits from the premises, in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the area quietly.

PPN19 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.

The outside area shall not be used after 21:00 and the Premises Licence Holder or their representative shall ensure that access to this area by anyone is prevented from 21:00.

ANNEX 4 - Plan of the Premises

Plan references

- 1) March 2005 plan ref AV1/A 051100398
- 2) Feb 2001 plan ref AM1/D
- 3) March 2005 plan ref AL1/A

Fletcher, Stuart

From: Cllr McKay, Lesley
Sent: 09 October 2018 15:52
To: Licensing & Health and Safety
Subject: Re: Variation of premises licence

Dear Sir/Madam,

Please could I object to the variation of premises licence at the Cube Bar in Poulton.

The variation to hours is in respect of trading on a Thursday night. Extending the terminal time of entertainment and sale of alcohol to 2am is completely unreasonable. In real terms, this extension will mean frequenters of the Cube on a Thursday night will be leaving the premises from 2.30am, potentially going on to cause disruption to nearby residents until 3/3.30am. This is totally unacceptable on a weeknight. This venue is within metres of residential properties who already suffer enough with the noise, vandalism and littering etc from people leaving the venue at 1am on a Thursday and later at the weekends. As a council, we can not allow this variation to go ahead to the further detriment of local residents. Enough is enough.

Kind regards,

Cllr Lesley McKay
Tithebarn Ward



Report of:	Meeting	Date
Mark Broadhurst, Service Director Health and Wellbeing	Licensing Committee	29 November 2018

Review of Discretionary Fees and Charge 2019/20
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1. Purpose of report

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

2. Outcomes

- 2.1 To set the level of discretionary fees and charges for licences, permits, registrations and consents effective from 1 April 2019.

3. Recommendations

- 3.1 That the proposed fees and charges set out in **Appendix 1** to the report be implemented on 1 April 2019.
- 3.2 That a new Group 2 medical certificate will be required for each three year dual driver licence granted.
- 3.3 That licensed drivers over 65 years of age, will only be eligible for a one year dual driver licence, to run concurrent with their annual Group 2 medical.

4. Background

- 4.1 Wyre Council has a statutory responsibility for the administration and enforcement of a wide range of licences, permits, registrations and consents. In most cases the legislation provides a discretion for the Council to levy an application fee and in some cases an annual fee, to recoup the costs of administering the applications.
- 4.2 The basis of setting such fees is generally to achieve full cost recovery. Case law has confirmed that fees may reflect administrative and compliance costs, but cannot include the costs of enforcement against licensed or unlicensed drivers.

4.3 It has been four years since the council last carried out a full review of discretionary licensing fees and charges. There have been no fundamental changes to the service in this time and the fees have been monitored and reviewed to ensure reasonableness. It is important though to benchmark comprehensively periodically and Licensing and Finance Officers have worked closely throughout the summer to undertake this process.

4.4 Detailed process maps have been produced to ensure that the fee levels recommended, accurately reflect current working practices and costs.

4.5 A number of Councils have been challenged in recent years on their fee levels and the work undertaken this year provides a sound evidence base to justify the fees recommended.

4.6 A table setting out the taxi fees set by our neighbouring authorities is attached at **Appendix 2**.

5. Key issues and proposals

5.1 General

The council has seen an increase in staffing costs since the last review was undertaken. However many areas of licensing work have been streamlined to produce efficiencies which has been reflected in the process mapping for each licence type.

The review has been undertaken in accordance with the Local Government Association's 'Open for business' guidance on locally set licence fees, which incorporates the principals in the 2006/123 EU Services Directive, that provide that "any charges which the applicant may incur from their application shall be reasonable and proportionate to the cost of the authorisation procedures and shall not exceed the cost of the procedures".

Regard has also been had to the recent relevant case law and in particular the Hemming v Westminster and Cummings v Cardiff cases.

5.2 Hackney Carriage and Private Hire Licensing - Driver licences

In most cases Wyre Dual Driver Licences are issued for three years. However licences may be issued for a shorter period if the Licensing Authority considers it appropriate in the circumstances of the case, in accordance with section s.53 (as amended) of the Local Government (Miscellaneous Provisions) Act 1976.

Currently Wyre Council requires drivers under the age of 45 to submit a certificate of fitness to the Group 2 standard on initial application and then every six years. At 45 they are then required to submit a medical every three years until their 65th birthday when they are required to submit an annual medical.

This has resulted in the identification of a number of drivers whose medicals do not run concurrent with their dual driver's licence. This necessitates monthly checks by officers to identify those whose medicals have expired mid-licence.

In order to further streamline the administrative process, it is proposed that from 1 April 2019, a new Group 2 medical will be required for all three year dual driver licences issued.

Conversely drivers who are aged 65 and over, will only be eligible for a one year licence to run concurrent with their medical.

The council has strengthened the checks it carries out to assess driver's fitness to hold a licence, which has increased the cost of this element of licensing. However, some of the additional costs have been mitigated by efficiencies in the application process, resulting in a proposed net increase of £23 for a three year licence.

5.3 Hackney Carriage and Private Hire Licensing - Vehicle licences

Vehicle licences are issued for one year and are subject to the council's vehicle compliance test.

There have been efficiencies introduced in the processing of applications, which have offset the increased establishment costs.

It is proposed that private hire vehicle licence fees will remain the same.

The council is still required to undertake an unmet demand survey every three years. Historically a £25 cost has been incorporated into Hackney Carriage vehicle licence fees to fund this work. However the council has accumulated a small surplus over recent years and so it is proposed to remove this element of the fee for the 2019/20 financial year and utilise the surplus when commissioning the 2021 unmet demand survey.

The council is currently looking at ways to promote the use of electric taxis and is exploring the options available to it to improve the infrastructure to facilitate this.

A one-off charge of £5 per vehicle licence issued in 2019/20 has been provisionally built into the fee structure to fund any additional survey work undertaken as part of this emerging work. Should the work not be undertaken then the 2019/20 fees will be amended to reflect the lower rate.

5.4 Hackney Carriage and Private Hire Licensing - Private Hire Operator licences

Private Hire Operator's licences are issued for five years. The vast majority of Wyre licence holders fall into the lowest category as they operate less

than ten private hire vehicles on their fleet.

The increase in operator fees reflects the additional costs incurred by the licensing authority during the lifetime of each licence, to undertake proactive and reactive work with operators.

5.5 Scrap Metal Dealers Licences

These licences are issued for three years under the Scrap Metal Dealer's Act 2013 for mobile collectors and site licences.

The council saw a considerable drop in the number of applicants to renew licences in 2016 and currently licences twenty-one scrap metal dealers. Fifteen of these are due to expire in 2019/20.

5.6 Second Hand Goods Dealer

The County of Lancashire Act 1984 provides for the registration of second hand goods dealers in certain circumstances and attracts a one-off registration fee.

The proposed increase reflects the ongoing nature of compliance work undertaken with these traders.

5.7 Skin piercing etc.

There are a range of special treatments which involve skin piercing, being carried out by individuals who are required to register with the local authority under Section of the Local Government (Miscellaneous Provisions) Act 1982. This includes cosmetic piercing, tattooing and electrolysis etc.

There is a one off registration fee for individuals seeking authorisation for these activities.

The council has seen a steady increase in applicants in response to the increasing consumer demand for these services. This is generating additional work which is reflected in the proposed increase.

5.8 Street Trading Consent

The council operate a consent scheme for traders wishing to engage in street trading in the Borough. Each consent is issued for one year at a time.

5.9 Sex Shop/Cinema

There are currently no retail outlets or cinemas in the Borough licensed under schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended.

5.10 Sexual Encounter Venue (Lap dancing Clubs etc.)

There are currently no venues in the Borough licensed under schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended.

5.11 Gambling Act 2005

The council is able to set application and annual fees for premises licences issued under the Act, but they are subject to a maximum level which is prescribed by central government. Permits and lottery fees are non-discretionary and set centrally.

There are no changes proposed to the current fees. The prevalence of premises licensed for gambling (betting shops, adult gaming centres, family entertainment centres) remains fairly static, with no significant increase to the number of licensed premises, or intervention work required.

5.12 Licensing Act 2003

Licensing fees for activities that are regulated under the Licensing Act 2003 are not discretionary. The current fees and charges are determined by Central Government and unfortunately have not been reviewed since 2005 when the legislation was first implemented.

The Government did make provision through the Police Reform and Social Responsibility Act 2011 to give Local Authorities the discretion to set locally based fees for licensable activities, but unfortunately have yet to introduce the required secondary legislation to implement this power.

Financial and legal implications	
Finance	<p>The anticipated income from taxi fees is estimated to be £81,430.</p> <p>The estimated income from general licensing fees is circa £8,600.</p> <p>The estimated income from discretionary fees under the Gambling Act is £22,250 with a further estimated income of circa £5,390 from non-discretionary fees.</p> <p>The estimated income from non-discretionary fees under the Licensing Act 2003 remains static at circa £87,000.</p>
Legal	<p>Fees must be set in accordance with the requirements of the relevant legislation and in accordance with the 2006 EU Directive</p>

	There is a risk of challenge by way of Judicial Review in cases where fees are set at an unreasonable or unlawful level.
--	--

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.

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

risks/implications	✓ / x
asset management	x
climate change	x
ICT	x

Processing Personal Data

If the decision(s) recommended in this report will result in personal data being processed, a privacy impact assessment (PIA) will have been completed and signed off by the council's Data Protection Officer before the decision is taken (as required by the General Data Protection Regulations 2018).

report author	telephone no.	email	date
Niky Barrett	887236	Nicola.barrett@wyre.gov.uk	12 November 18

List of background papers:		
name of document	date	where available for inspection
Process mapping	November 2018	Licensing Office

List of appendices

- Appendix 1 – Proposed fees
- Appendix 2 – Comparison of taxi fees

Hackney Carriage and Private Hire Licensing

3 year Dual Driver - New	£206
3 year Dual Driver - Renew	£145
1 year Dual Driver - New	£156
1 year Dual Driver - Renew	£110
Hackney Carriage Vehicle Licence (1 year)	£142
Private Hire Vehicle Licence (1 year)	£142
Operator (1-10 PHV's) 5 year	£284
Operator (11-20 PHV's) 5 year	£326
Operator (21+ PHV's) 5 year	£368
Knowledge Test	£25
Plates	£25
Door Stickers	£16
Replacement badge	£15

Miscellaneous Licensing

Scrap Metal Dealer – New / Renew	£305
Scrap Metal Dealer – Variation	£86
Replacement badge	£15
Second Hand Goods Dealer – Registration fee	£176
Skin Piercing etc – Registration fee	£242
Street Trader – New / Renew	£306
Replacement badge	£15
Sex Shop – New / Renew	£1,952
Sexual Encounter Venue – New / Renew	£2,625

Gambling Act 2005

Bingo Premises

New Application	£2,365
Annual Fee	£1,000
Provisional Statement New	£2,365
Premises licence fee for holders of Provisional Statements	£1,125
Variation Fee	£1,465
Transfer Fee	£745
Reinstatement of Licence	£1,180

Betting Premises

New Application	£2,365
Annual Fee	£600
Provisional Statement New	£2,365
Premises licence fee for holders of Provisional Statements	£1,125
Variation Fee	£1,465
Transfer Fee	£745
Reinstatement of Licence	£1,180

Adult Gaming Centre (AGC)

New Application	£2,000
Annual Fee	£1,000
Provisional Statement New	£2,000
Premises licence fee for holders of Provisional Statements	£1,125
Variation Fee	£1,000
Transfer Fee	£745
Reinstatement of Licence	£1,180

Family Entertainment Centre

New Application	£2,000
Annual Fee	£750
Provisional Statement New	£2,000
Premises licence fee for holders of Provisional Statements	£950
Variation Fee	£1,000
Transfer Fee	£745
Reinstatement of Licence	£950

Track

New Application	£2,365
Annual Fee	£950
Provisional Statement New	£2,365
Premises licence fee for holders of Provisional Statements	£1,125
Variation Fee	£1,250
Transfer Fee	£745
Reinstatement of Licence	£950

APPENDIX 2

Taxi Fee Comparison - North Lancashire Authorities (November 2018)

Type	Wyre proposed	Blackpool	Lancaster	Fylde
New 3 year driver	206	250	292	230
New 1 year driver	156	115	191	127.50
3 Year renewal	145	225	221	180
1 Year renewal	110			
HCV	142	130	245	185
PHV	142	130	189	185
PHO < 10 vehicle	284	485 (3 year)	523 (2-10)	305 (1-5)
PHO 11-20 vehicle	326	900 (3 year)	697 (11-25)	325 (6-10)
PHO 21+ vehicle	368	-	1064 (26+)	350 (11+)
			419 (1 vehicle)	

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