



## Licensing Sub-Committee Agenda

Wyre Borough Council  
Date of Publication: 24 November 2023  
Please ask for: George Ratcliffe  
Assistant Democratic Services Officer  
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**Licensing Committee meeting on Monday, 4 December 2023 at 6.00 pm  
in the Council Chamber - 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. Application for a new Premises Licence - Corkscrew Wine Bar, 57a Victoria Road West, Cleveleys, FY5 1AJ** (Pages 3 - 52)

Report of the Corporate Director Environment.

**4. Exclusion of the public and press**

In accordance with Paragraph 11 of the Access to Information Rules in Part 4 of the Council's Constitution, the Chief Executive has determined that the report submitted under item 5 of this agenda is "Not for Publication" because it contains "exempt information", as defined in Schedule 12A of the Local Government Act 1972.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 this item, it will need to pass the following resolution:

"That the public and press be excluded from the meeting whilst agenda item 5 be considered, as it refers 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 exemption outweighs the public interest in disclosing the information".

**5. Complaint relating to conduct whilst using licensed Hackney Carriage. Failure to report conviction or associated incident to the** (Pages 53 - 84)

**Licensing Authority.**

Report of the Corporate Director Environment.



Report of:	Meeting	Date
Mark Billington, Corporate Director Environment	Licensing Sub-Committee	4 <sup>th</sup> December 2023

**Application for a new Premises Licence – Corkscrew Wine Bar, 57a Victoria Road West, Cleveleys, FY5 1AJ**

**1. Purpose of report**

- 1.1 To assist Members to determine an application submitted under section 17 of the Licensing Act 2003 by The Corkscrew Wine and Cheese Company Ltd, for a new premises licence.

**2. Outcomes**

- 2.1 Members determine whether or not to grant the application for a premises licence having taken into account all relevant representations submitted by responsible authorities and interested parties.

**3. Recommendation/s**

- 3.1 Members consider the application and representation before determining whether granting a licence, in the terms applied for, would adversely impact on one or more of the Licensing Objectives.
- 3.2 Members should note subsection 1.17 of guidance issued under section 182 of the Licensing Act 2003 which states *“each application must be considered on its own merits and in accordance with the licensing authority’s statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case”*.

**4. Background**

**4.1** On 11<sup>th</sup> October 2023, an application was received from The Corkscrew Wine and Cheese Company Ltd for a new premises licence in respect of 57a Victoria Road West, Cleveleys, FY5 1AJ. A copy of the application is attached at **Appendix 1**. The premises in close proximity to Cleveleys town centre on a busy high street. Members can view the premises location via aerial layer and street image at **Appendix 2**.

**4.2** The applicant wishes to be authorised to provide the following licensable activities:

Sale of alcohol for consumption on and off the premises, between 09:00 and 23:00 hours on all days with an additional non-standard timing sought for New Years Eve between 09:00 hours and 01:00 hours of the following day.

Opening hours between 09:00 and 23:30 hours on all days with an additional non-standard timing for New Years Eve between 09:00 hours and 01:30 hours.

**4.3** The applicant has not applied for live or recorded music as part of this application. However, the activities Live and Recorded music are permitted to take place on alcohol licensed premises between 08:00 hours and 23:00 hours on any day as long as the audience is below 500.

**4.4** A copy of the application has been served on all responsible authorities. None of the responsible authorities have submitted a relevant representation. However, members should note the information at **Appendix 3** which contains written measures agreed between Nick Clayton of Environmental Health at Wyre Borough Council and the applicant. Members should also note that the written measures would become conditions of the premises licence if the application is granted today.

**4.5** The application was advertised in accordance with The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 and at the end of the consultation period there was 1 outstanding representation against it.

**4.6** Section 18(3) of the Licensing Act 2003, as amended, requires the Licensing Authority to hold a hearing to consider an application and any relevant representations, within twenty working days following the end of the statutory twenty-eight day consultation period, which ended on 8<sup>th</sup> November 2023.

## **5. Key issues and proposals**

**5.1** The intended premises is a former retail unit situated at 57a Victoria Road West, Cleveleys.

**5.2** One representation has been received against this application and has been brought to the attention of the applicant. The representation is concerned that the possible effect of granting the licence would undermine the licensing objective 'Prevention of public nuisance'. A copy of the representation and associated correspondence is contained at **Appendix 4** of this report. Members should note this appendix also includes email correspondence relating to efforts to mediate with the individual that submitted the representation.

**5.3** When considering the application Members should take into account the Council's own Statement of Licensing Policy, particularly the following sections:–

- 9.3 Conditions imposed at a hearing
- 13.1 Prevention of crime and disorder
- 13.3 Prevention of public nuisance
- 17 Need for licensed premises **Appendix 5.**

**5.4** Members are also directed to the Statutory Guidance issued under section 182 of the Licensing Act 2003 and in particular the following sections: 1.16, 9.3, 9.4, 9.26-9.30, 9.37-9.40, 9.42-9.44 and 10.8-10.10, which are reproduced at **Appendix 6.**

**5.5** After having regard to all the representations, the council's Statement of Policy and the Statutory Guidance, the Committee must consider whether granting the application in the terms applied for, would undermine any of the licensing objectives.

If it is satisfied that the licensing objectives would not be undermined, it should grant the licence in the terms applied for.

**5.6** If, however it is concerned that granting the application would have the potential to undermine one or more of the licensing objectives, it must then consider what, if any, steps would be appropriate to secure the promotion of the licensing objectives.

It may take any of the following steps:

- Grant a 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.

**5.7** All parties to the application have been invited to attend the hearing and have been sent a copy the hearing procedure. Copies of this report will be made available to all in advance of the hearing.

**6. Alternative options considered and rejected**

**6.1** There are no options that are alternative to those listed above.

<b>Financial, Legal and Climate Change 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 within 21 days 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.
Climate Change	There will be a slight negative impact on climate change from granting the licence. However there is potential to mitigate some of the potential impacts through use of locally sourced, low carbon, low/no packaging products and good recycling practices.

**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 a x.

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

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

**Processing Personal Data**

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a third party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

report author	telephone no.	email	date
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Patrick Cantley	01253 887281	<a href="mailto:Patrick.cantley@wyre.gov.uk">Patrick.cantley@wyre.gov.uk</a>	14 <sup>th</sup> November 2023
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<b>List of background papers:</b>		
name of document	date	where available for inspection
Licensing Act 2003	14 <sup>th</sup> November 2023	<a href="https://www.legislation.gov.uk">Licensing Act 2003 (legislation.gov.uk)</a>
S.182 Guidance	14 <sup>th</sup> November 2023	<a href="https://publishing.service.gov.uk">Revised Guidance issued under section 182 of the Licensing Act 2003 (publishing.service.gov.uk)</a>
Wyre Council – Statement of licensing policy 2021 - 2026	14 <sup>th</sup> November 2023	<a href="https://www.wyre.gov.uk/downloads/file/1020/licensing-act-policy-2021-2026">https://www.wyre.gov.uk/downloads/file/1020/licensing-act-policy-2021-2026</a>

**List of appendices –**

**Appendix 1 – Application and notices**

**Appendix 2 – Location of premises**

**Appendix 3 – Mediation efforts between Environmental Health and Applicant.**

**Appendix 4 – Relevant representation from other person and associated correspondence**

**Appendix 5 – Extract from the Statement of Licensing Policy 2021-2026**

**Appendix 6 – Extract from S182 Licensing Act Guidance**

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# Appendix 1 – Copy of application

## 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 The Corkscrew Wine and Cheese Company Ltd

*(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 Corkscrew Wine Bar 57a Victoria Road West Cleveleys			
Post town	Lancashire	Postcode	FY5 1AJ
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£14,500	

#### Part 2 - Applicant details

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

- 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 type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)
<b>Surname</b>		<b>First names</b>		
<b>Date of birth</b>		I am 18 years old or over <input type="checkbox"/> Please tick yes		
<b>Nationality</b>				
Current residential address if different from premises address				
Post town		Postcode		
<b>Daytime contact telephone number</b>				
<b>E-mail address (optional)</b>				
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)				

**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)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>			I am 18 years old or over <input type="checkbox"/> Please tick yes		
<b>Nationality</b>					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**(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	The Corkscrew Wine and Cheese company Ltd
Address	55 Victoria Road West Thornton-Cleveleys FY5 1AJ
Registered number (where applicable)	15135133
Description of applicant (for example, partnership, company, unincorporated association etc.)	Private Limited Company

Telephone number (if any)
E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start? 

DD	MM	YYYY
A	S	A P

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)

We would like to open a wine and Cheese bar. There would be background music which would only be at a level where customers would be able to talk without music being overpowering.

We would also be serving a selection of whiskeys and two draft beers and one draft cider.

All food would be served cold ie a variety of different cheese and cured meats from around the world. Day time we would be serving teas and coffees. Within premises in the day we would also be a retail premises selling bottles of wines from around the world . We are hoping to have around 200 different varieties of wines to sell with a large selection of cheeses, chutneys and cured meats

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)  | <input type="checkbox"/>   |
| b) films (if ticking yes, fill in box B)  | <input type="checkbox"/>   |
| c) indoor sporting events (if ticking yes, fill in box C)   | <input type="checkbox"/>   |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)  | <input type="checkbox"/>   |
| e) live music (if ticking yes, fill in box E)   | <input type="checkbox"/>   |
| f) recorded music (if ticking yes, fill in box F)   | <input type="checkbox"/>   |
| g) performances of dance (if ticking yes, fill in box G)  | <input type="checkbox"/>   |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/>   |

**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**

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play 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)		
Tue					
Wed			<b>State any seasonal variations for performing plays</b> (please read guidance note 5)		
Thur					
Fri			<b>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</b> (please read guidance note 6)		
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			
Mon			<b>Please give further details here</b> (please read guidance note 4)		
Tue					
Wed			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5)		
Thur					
Fri			<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)		
Sat					
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			
Tue			<b>State any seasonal variations for indoor sporting events</b> (please read guidance note 5)
Wed			
Thur			<b>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</b> (please read guidance note 6)
Fri			
Sat			
Sun			



**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b>Will the boxing or wrestling entertainment 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			
Mon			<b>Please give further details here</b> (please read guidance note 4)		
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"/>
Day	Start	Finish		
Mon			<b>Please give further details here</b> (please read guidance note 4)	
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**

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b>Will the playing of recorded 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"/>
Day	Start	Finish				
Mon			<b>Please give further details here</b> (please read guidance note 4)			
Tue						
Wed			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 5)			
Thur						
Fri			<b>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</b> (please read guidance note 6)			
Sat						
Sun						

**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	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>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</u> (please read guidance note 6)		
Sun					



**I**

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment 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			
Mon			<b>Please give further details here</b> (please read guidance note 4)		
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	09:00	23:00						
Tue	09:00	23:00						
Wed	09:00	23:00						
Thur	09:00	23:00				<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)		
Fri	09:00	23:00						
Sat	09:00	23:00						
Sun	09:00	23:00						
						New Years Eve 09:00 to 01:00		

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):

<b>Name</b> Jason Dunning	
<b>Date of birth</b> 	
<b>Address</b> 	
<b>Postcode</b>	FY5 1NL
<b>Personal licence number (if known)</b> PA1200	
<b>Issuing licensing authority (if known)</b> Burnley Borough 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**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b>State any seasonal variations</b> (please read guidance note 5)
Day	Start	Finish	
Mon	09:00		
		23:30	
Tue	09:00		
		23:30	
Wed	09:00		
		23:30	
Thur	09:00		
		23:30	
Fri	09:00		
		23:30	
Sat	09:00		
		23:30	
Sun	09:00		
		23:30	

**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)

New Years Eve 09:00 to 01:30



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## 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)**

All staff shall be suitably trained for their job function for the premises. The training shall be written into a programme ongoing and under constant review and shall be made available to a relevant responsible authority when called upon.

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

A CCTV system shall be installed to cover all entry and exit points enabling frontal identification of every person entering in any light condition.

The CCTV system shall continually record whilst the premises is open for licensable activities. It shall operate during all times when customers remain on the premises.

All recordings shall be stored for a minimum period of 31 days with correct date and time stamping and shall be made available immediately upon the request of Police or an authorised officer of the council throughout the preceding 31 day period.

The CCTV system shall be updated and maintained according to police recommendations.

A staff member from the premises who is conversant with the operation of the CCTV system, shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.

CCTV shall be downloaded on request by the Police or authorised officer of the council.

Appropriate signage advising customers of CCTV being in operation, shall be prominently displayed in the premises.

A documented check of the CCTV shall be completed weekly to ensure all cameras remain operational and the 31 days storage for recordings is being maintained.

A premises daily register shall be kept at the premises. This register shall be maintained and kept for a rolling period of 12 months.

The register shall record all incidents which may have occurred which are relevant to the supply of alcohol and the promotion of the licensing objectives. Such incidents shall include, but not be limited to, complaints made to the premises alleging nuisance or anti-social behaviour by persons attending or leaving the premises and all refusals to sell alcohol.

The register shall be readily available for inspection by an authorised person upon reasonable request.

Super-strength lagers, beers and/or ciders, i.e. those with an ABV of 6.5% or higher, shall not be sold at the premises.

**c) Public safety**

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All exit routes and public areas shall be kept unobstructed, shall have non-slippery and even surfaces, shall be free of trip hazards and shall be clearly signed.

The premises licence holder shall ensure that a suitable fire risk assessment and emergency plan is in place at all times.

Regular checks and maintenance shall be carried out on all equipment, electrical installations, emergency lighting and fire alarms and equipment to ensure their continued safe operation. A written record of these checks shall be kept and made available to an authorised officer of the licensing authority.

Empty glasses and bottles shall be removed from public areas quickly and efficiently.

An adequate and appropriate supply of first aid equipment and materials shall be available on the premises.

**d) The prevention of public nuisance**

Arrangements shall be put in place to ensure that waste collection contractors do not collect refuse between 19:00 and 07:00.

No person shall be allowed to leave the licensed area whilst in the possession of any open drinking vessel or open glass bottle, whether empty or containing any beverage.

The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and ensure that there is no public nuisance.

Signage requesting customers to be respectful of others when entering or leaving the premises shall be installed in a prominent position by the premises' exit.

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

The Licensee to adopt a "Challenge 25" policy where all customers who appear to be under the age of 25 and attempt to purchase alcohol or other age-restricted products are asked for proof of their age. The Licensee to prominently display notices advising customers of the "Challenge 25" policy. The following proofs of age are the only ones to be accepted:

- Proof of age cards bearing the "Pass" hologram symbol
- UK Photo Driving licence
- Passport
- A Military ID Card

Notices advertising that the premises operates a "Challenge 25" scheme shall be displayed in a clear and prominent position at the premises entrance.

All occasions when persons have been refused service shall be recorded in the premises daily register.

The register will contain details of time and date, description of the attempting purchaser, description of the age restricted products they attempted to purchase, reason why the sale was refused and the name/signature of the salesperson refusing the sale.

Documented delegation of authorisations to sell alcohol shall be maintained at the premises and shall be available on request by an authorised officer of the Licensing Authority or a constable.

A prominent clear notice shall be displayed at the point of entry to the premises advising customers that they may be asked to produce evidence of their age if seeking to purchase alcohol.

**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 or my share code issued by the Home Office online right to work checking service (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>	<ul style="list-style-type: none"> <li>• [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</li> </ul>
--------------------	---

	<p>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> <ul style="list-style-type: none"> <li>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 licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)</li> </ul>
Signature	<i>Ian Crockard</i>
Date	10/10/2023
Capacity	Duly Authorised Agent

**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)			
Innpacked Ltd Suite F8 10 Whittle Road Ferndown Industrial Estate			
Post town	<b>Wimborne</b>	Postcode	<b>BH21 7RU</b>
Telephone number (if any)	01202 890030		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) PREMISESLICENCE@INNPACKED.COM			



**Consent of individual to being specified as premises supervisor**

I, Jason Dunning

of [REDACTED]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for a premises licence made by

The Corkscrew Wine and Cheese company Ltd

relating to a premises licence for

The Corkscrew Wine Bar, 57a Victoria Road West, Cleveleys, FY5 1AJ

and any premises licence to be granted or varied in respect of this application made by

The Corkscrew Wine and Cheese company Ltd

concerning the supply of alcohol at

The Corkscrew Wine Bar, 57a Victoria Road West, Cleveleys, FY5 1AJ

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below

Personal licence number PA1200

Personal licence issuing authority Burnley Borough Council

Signed [REDACTED]

Print name Jason Dunning

Date

25/9/23

Date of birth [REDACTED]

Place of birth [REDACTED]

Nationality British

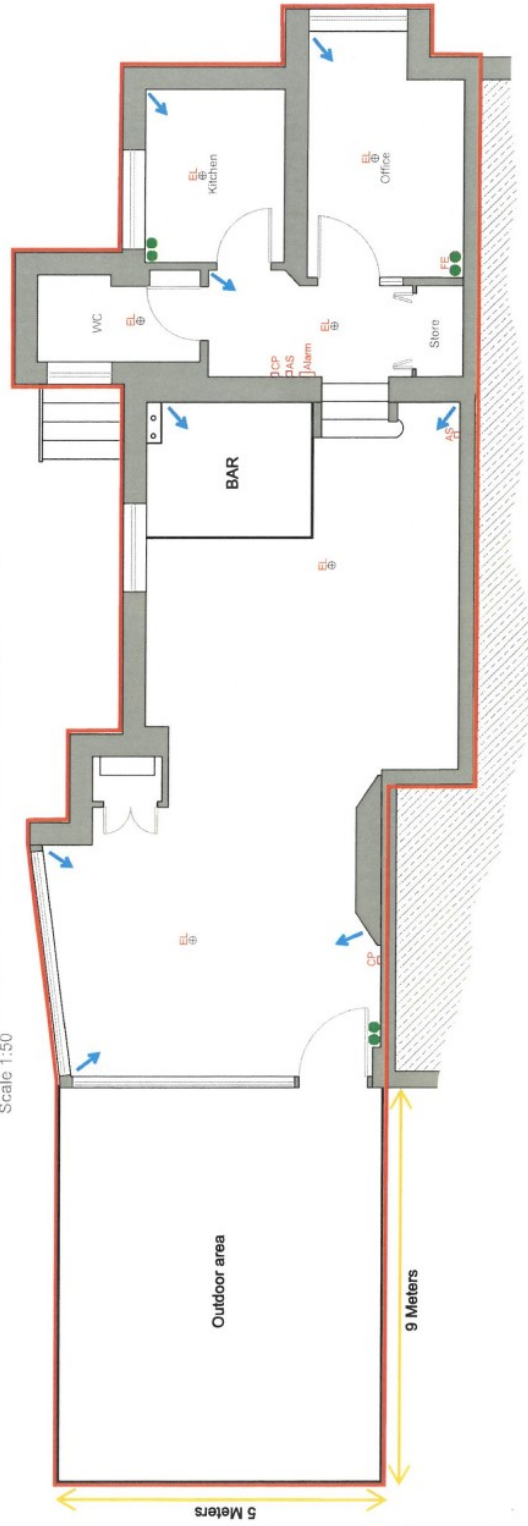
Mobile no. [REDACTED]

The Corkscrew Wine Bar  
 57a Victoria Road West  
 Cleaveleys  
 Lancashire  
 FY5 1AJ

Existing Ground Floor Plan

Scale 1:50

- FIRE SAFETY KEY**  
 CP - Call Point  
 AS - Alarm Sounder  
 EL - Emergency Lighting  
 ● - Fire Extinguisher  
 ← - CCTV





## PUBLIC NOTICES

### LICENCE APPLICATIONS

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#### NOTICE OF APPLICATION FOR A PREMISES LICENCE UNDER SECTION 17 OF THE LICENSING ACT 2003

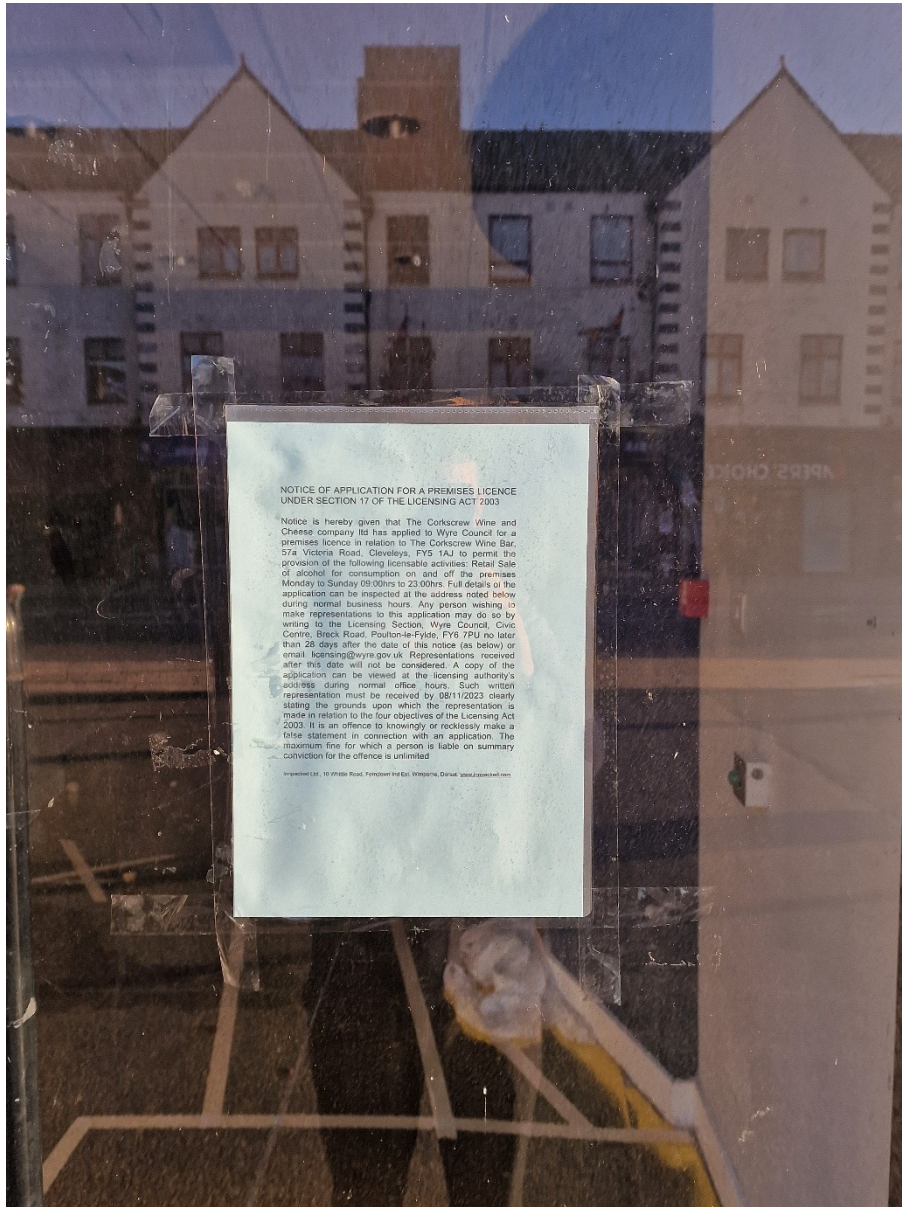
Notice is hereby given that The Corkscrew Wine and Cheese company ltd has applied to Wyre Council for a premises licence in relation to The Corkscrew Wine Bar, 57a Victoria Road, Cleveleys, FY5 1AJ to permit the provision of the following licensable activities: Retail Sale of alcohol for consumption on and off the premises Monday to Sunday 09:00hrs to 23:00hrs. Full details of the application can be inspected at the address noted below during normal business hours. Any person wishing to make representations to this application may do so by writing to the Licensing Section, Wyre Council, Civic Centre, Breck Road, Poulton-le-Fylde, FY6 7PU no later than 28 days after the date of this notice (as below) or email [licensing@wyre.gov.uk](mailto:licensing@wyre.gov.uk) Representations received after this date will not be considered. A copy of the application can be viewed at the licensing authority's address during normal office hours. Such written representation must be received by 08/11/2023 clearly stating the grounds upon which the representation is made in relation to the four objectives of the Licensing Act 2003. It is an offence to knowingly or recklessly make a false statement in connection with an application. The maximum fine for which a person is liable on summary conviction for the offence is unlimited

**Innpacked Ltd.,**

10 Whittle Road, Ferndown Ind Est, Wimborne, Dorset.  
[www.innpacked.com](http://www.innpacked.com)

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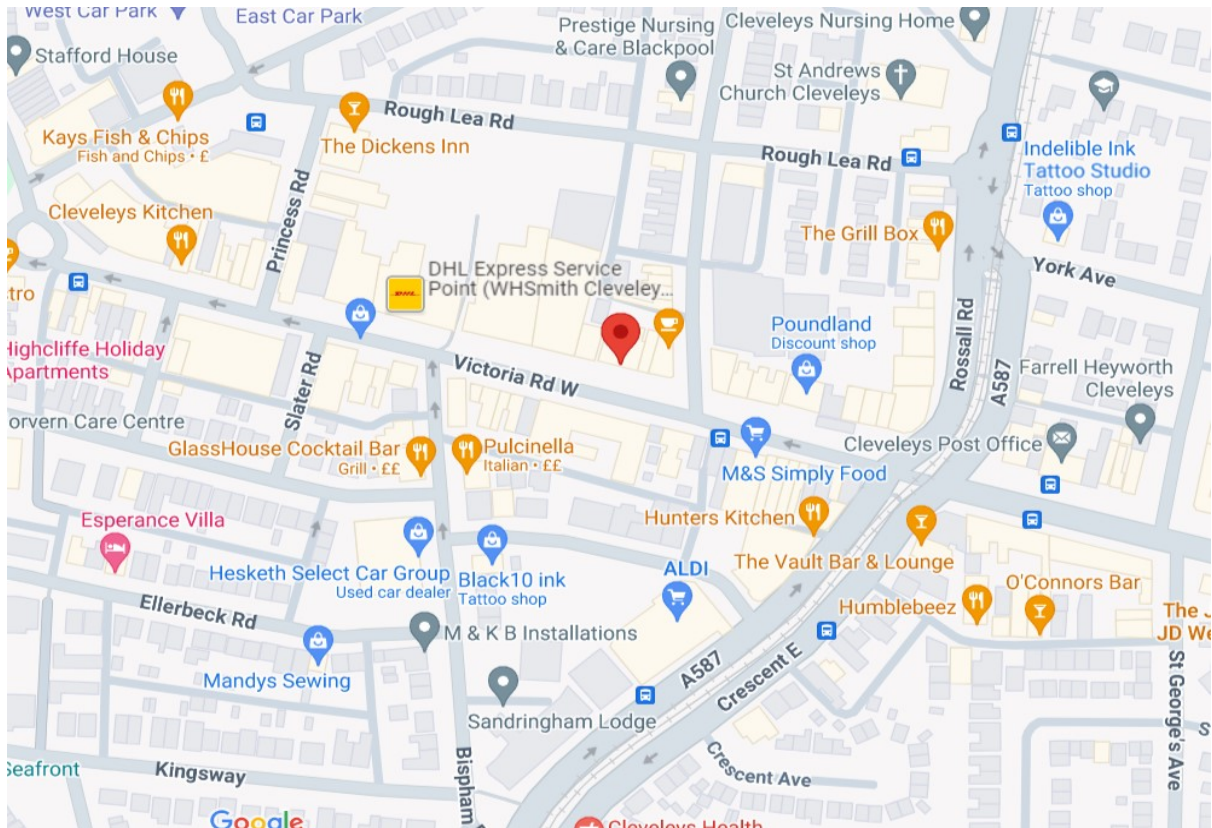




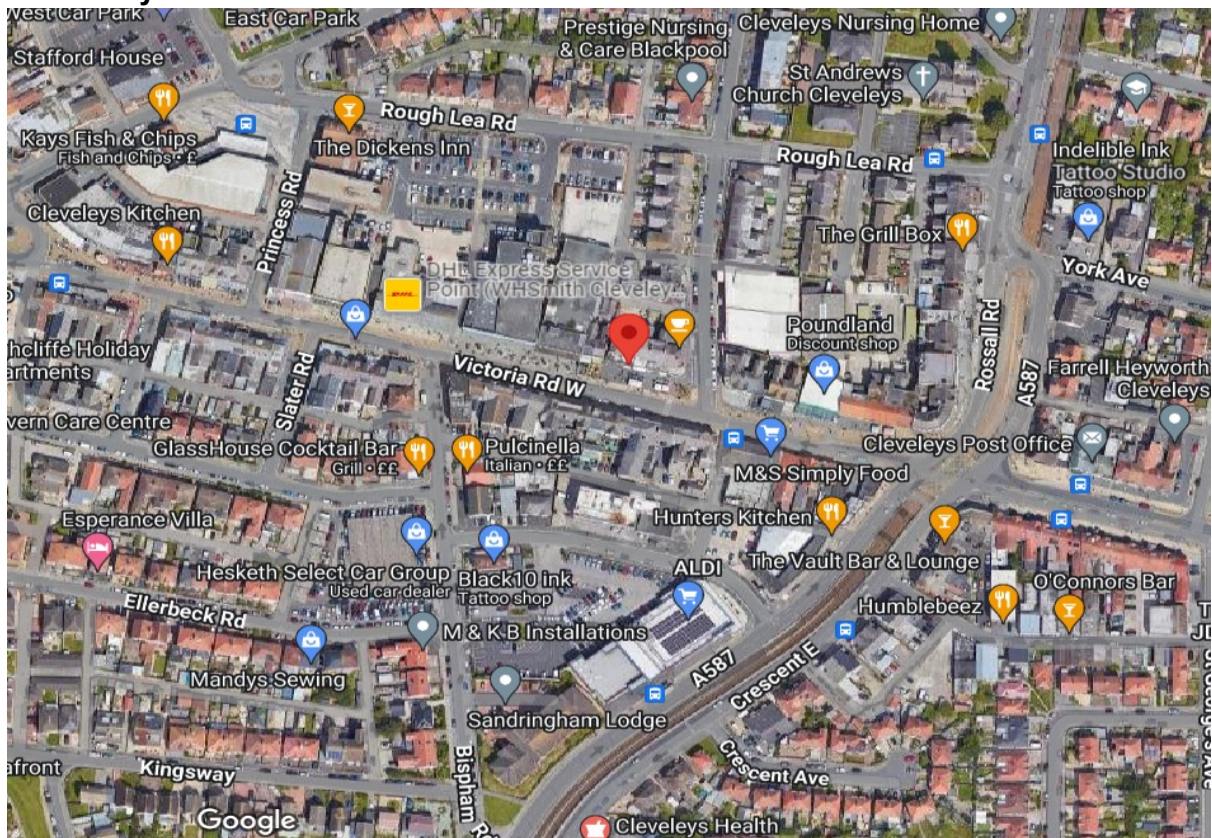
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## Appendix 2 – Location of premises

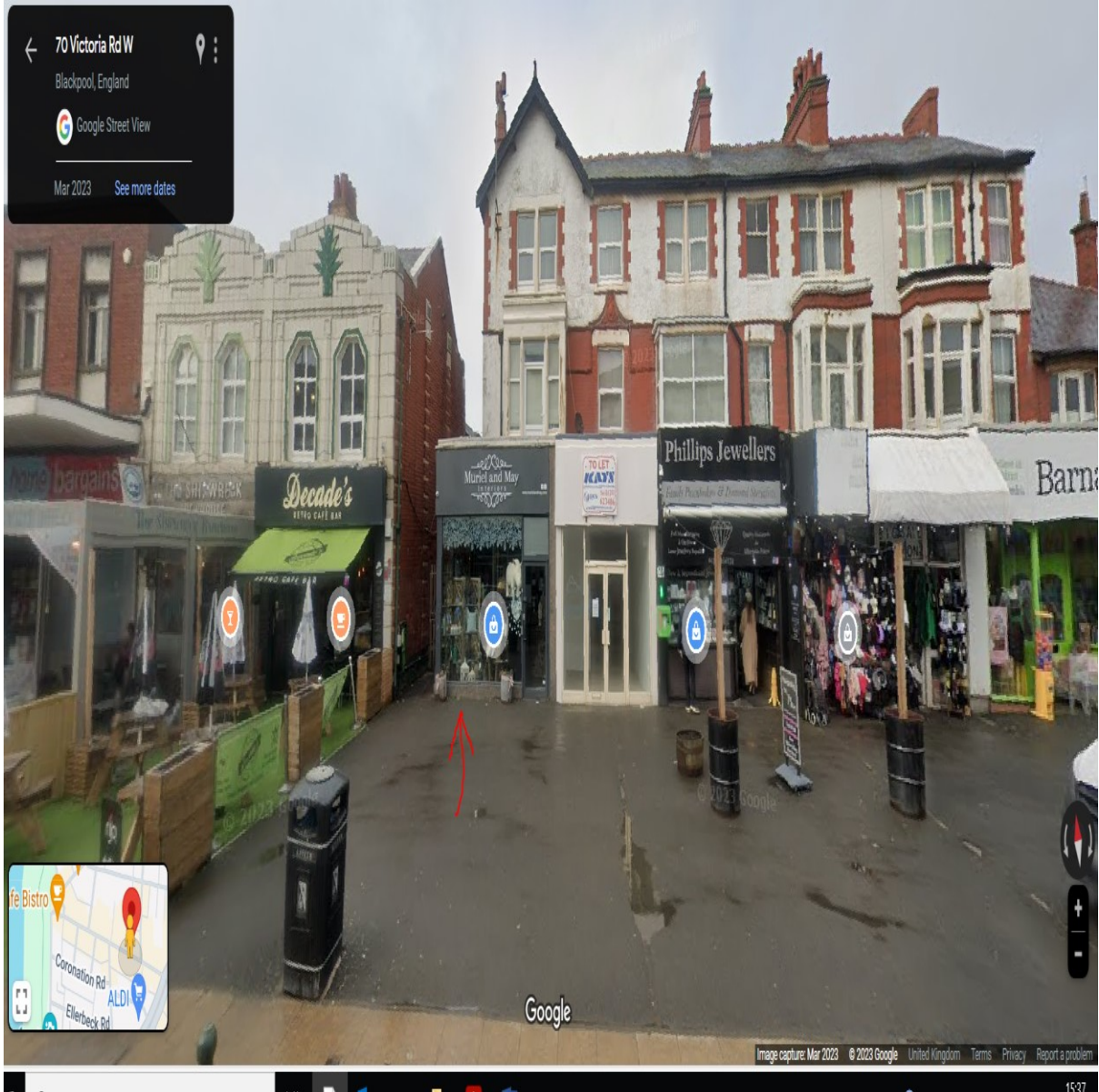
### Location of Premises indicated by red marker pin



### Terrain layer



# Street View



## Appendix 3 – Mediated measures agreed between Environmental Health and the Applicant

**From:** Clayton, Nick <Nick.Clayton@wyre.gov.uk>  
**Sent:** 31 October 2023 15:42  
**To:** Licensing <Licensing@wyre.gov.uk>  
**Cc:** Premises Licence <premiseslicence@innpacked.com>  
**Subject:** Premises License application for 57a Victoria Road West

Good Afternoon,

Good Morning,

Following talks with the Edith at Premises Licence, conditions for the prevention of public nuisance have been agreed (see attached word document for conditions and email below) for the new premises licence at 57a Victoria Road West. As such I have no objection to this premises licence application, provided the agreed conditions are required as part of the licence going forward.

Kind regards

Nick Clayton

### **Attachment –**

Arrangements shall be put in place to ensure that waste collection contractors do not collect refuse between 19:00 and 07:00.

No person shall be allowed to leave the licensed area whilst in the possession of any open drinking vessel or open glass bottle, whether empty or containing any beverage.

The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and ensure that there is no public nuisance.

Signage requesting customers to be respectful of others when entering or leaving the premises shall be installed in a prominent position by the premises' exit.

*Prevention of Public Nuisance*

1. *Any outside area which is used for the consumption of alcohol shall cease to be so used at 22.00 hours. Signs shall be displayed in prominent positions warning customers that they will not be permitted to drink in the external areas after these times*
2. *Any outside seating area is to be clearly defined and separated from the public footpath. A fixed or removable barrier must enclose the outside seating area.*
3. *All tables and chairs in the outside area shall be stacked, secured and covered promptly and in any event no more than 30 minutes after the time at which patrons are no longer permitted to consume drinks in the area.*
4. *In the outside area, all customers consuming alcohol shall be seated.*
5. *There shall be no amplified sound including but not limited to music or voices emitted to the external licensed area.*
6. *The volume of amplified sound including but not limited to music and voices shall, at all times, be under the control of the Licence Holder or Management and the controlling mechanism shall be operated from a part of the premises inaccessible to the public.*
7. *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.*
8. *Management at the premises will routinely assess the noise emanating from the premises and take steps to reduce the level of noise where it is considered likely to cause a disturbance to residents living in the vicinity. A written record shall be made of those assessments in a log book kept for that purpose and shall include, the time and date of the checks, the person making them and the results including any remedial action.*
9. *No nuisance shall be caused by noise coming from the premises or vibration transmitted through the structure of the premises.*
10. *There shall be no emission from the premises of any offensive smells, which are likely to cause a nuisance.*
11. *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.*
12. *Frequent collection of glasses and bottles will be undertaken to ensure that empty containers do not accumulate in or around licensed premises.*
13. *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.*
14. *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).*
15. *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.*

---

**From:** Premises Licence <[premiseslicence@innpacked.com](mailto:premiseslicence@innpacked.com)>  
**Sent:** 31 October 2023 14:43  
**To:** Clayton, Nick <[Nick.Clayton@wyre.gov.uk](mailto:Nick.Clayton@wyre.gov.uk)>  
**Cc:** Cantley,Patrick <[Patrick.Cantley@wyre.gov.uk](mailto:Patrick.Cantley@wyre.gov.uk)>  
**Subject:** RE: Draft Conditions for the prevention of public nuisance

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Good afternoon Nick,  
Thank you for your email, we are happy to accept the conditions that you have proposed.  
*Kind regards,*



**Edith Lake**  
Licensing Consultant.

*DD: 08000 786056*

**Web** [www.innpacked.com](http://www.innpacked.com)

**Email** [edith@innpacked.com](mailto:edith@innpacked.com)

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**From:** Clayton, Nick <[Nick.Clayton@wyre.gov.uk](mailto:Nick.Clayton@wyre.gov.uk)>

**Sent:** Monday, October 30, 2023 1:12 PM

**To:** Premises Licence <[premiseslicence@innpacked.com](mailto:premiseslicence@innpacked.com)>

**Subject:** Draft Conditions for the prevention of public nuisance

Good Afternoon,

I have been asked to review your recent Premises licence application and determine if conditions are required for the prevention of Public Nuisance, normally I would have liked to speak to you to discuss the application, however your contact details were not available to do this. Therefore please can you look through the proposed Prevention of Public Nuisance conditions (see attached) and let me know if you agree to the proposed conditions. If you agree with them, then I will contact licencing to let them know that we have reached an agreement and as such I have no opposition to the granting of the premises licence.

Alternatively, if you would disagree with a condition or wish to propose different wording for a specific condition, please let me know so that I can consider your request in the hopes we can reach an agreement before the 9<sup>th</sup> November 2023 deadline.

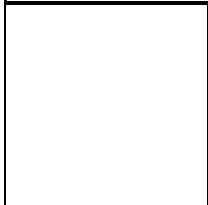
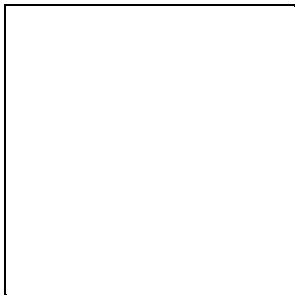
I look forward to hearing from you.

Kind regards,

Nick Clayton

**Nick Clayton**

Environmental Health Officer

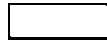


Pollution Control

01253 887404

[Nick.Clayton@wyre.gov.uk](mailto:Nick.Clayton@wyre.gov.uk)

[www.wyre.gov.uk](http://www.wyre.gov.uk)[www.wyre.gov.uk](http://www.wyre.gov.uk)



**Wyre Council** ,

Poulton-le-Fylde FY6 7PU

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## Appendix 4 – Relevant Representation from other person and associated correspondence

**From:** The Shipwreck <>  
**Sent:** 06 November 2023 11:21  
**To:** Cantley,Patrick <Patrick.Cantley@wyre.gov.uk>  
**Subject:** Re: Corkscrew Wine Bar 57 Victoria Road West Cleveleys Representation

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Hi Patrick

I'd still like to keep my objections.. My main objection is a planning issue which I acknowledge is nothing to do with licensing but I still believe that the council should check in on the outside drinking issue.

The shipwreck has seating for 24 most of which is under cover.

If you look at Decades they have seating for around 30, You basically multiplying that by 3 units and the space in between so realistically between Decades and the 2 units next door you're potentially looking at outside seating alone for over 100 people (not including the shipwreck.) That's over 124 just seating.Let alone standing . You are going to have antisocial behaviour issues on warm sunny days . You're going to have elderly shoppers terrified. You only have to look at what happened at The Shipwreck during COVID tier 2

Thanks for your consideration  
Paul

On Mon, Nov 6, 2023 at 10:37 AM Cantley,Patrick <[Patrick.Cantley@wyre.gov.uk](mailto:Patrick.Cantley@wyre.gov.uk)> wrote:

Good morning Paul,

Further to our most recent correspondence please see attached from the agent representing the applicant.

Thanks,

Patrick

**Attachment -**

*Dear Mr Sampson,*

*I am writing to you in response to your objection to the premises licence being granted at 57a Victoria Road West, Cleveleys, FY5 1NL. Having taken your concerns into account regarding noise, we have had extensive talks with the licensing officer and the environmental protection officer and have agreed conditions to protect the residential apartments above the premises. We thank you for raising your concerns as it enabled us to fully risk assess our operating schedule with the relevant authority and ensure that our responsibilities under the licensing*

*act have been fully considered and appropriate measures put in place (please see below for additional agreed conditions).*

**Prevention of Public Nuisance**

1. *Any outside area which is used for the consumption of alcohol shall cease to be so used at 22.00 hours. Signs shall be displayed in prominent positions warning customers that they will not be permitted to drink in the external areas after these times*
2. *Any outside seating area is to be clearly defined and separated from the public footpath. A fixed or removable barrier must enclose the outside seating area.*
3. *All tables and chairs in the outside area shall be stacked, secured and covered promptly and in any event no more than 30 minutes after the time at which patrons are no longer permitted to consume drinks in the area.*
4. *In the outside area, all customers consuming alcohol shall be seated.*
5. *There shall be no amplified sound including but not limited to music or voices emitted to the external licensed area.*
6. *The volume of amplified sound including but not limited to music and voices shall, at all times, be under the control of the Licence Holder or Management and the controlling mechanism shall be operated from a part of the premises inaccessible to the public.*
7. *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.*
8. *Management at the premises will routinely assess the noise emanating from the premises and take steps to reduce the level of noise where it is considered likely to cause a disturbance to residents living in the vicinity. A written record shall be made of those assessments in a log book kept for that purpose and shall include, the time and date of the checks, the person making them and the results including any remedial action.*
9. *No nuisance shall be caused by noise coming from the premises or vibration transmitted through the structure of the premises.*
10. *There shall be no emission from the premises of any offensive smells, which are likely to cause a nuisance.*
11. *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.*
12. *Frequent collection of glasses and bottles will be undertaken to ensure that empty containers do not accumulate in or around licensed premises.*
13. *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.*
14. *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).*
15. *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.*

*With the above information considered, would you be willing to withdraw your representation against the application, or would you rather attend a hearing?*

*I am available to answer any questions you may still have regarding this application as would the licensing officer. It is my understanding that the licensing officer has already attempted to contact you, to no avail. If I can be of any assistance, please do not hesitate to contact me directly, my contact details are below.*

*Kind regards,*

*Edith Lake  
Licensing Consultant at Innpacked Ltd  
08000 786 056  
edith@innpacked.com*

**From:** The Shipwreck <>  
**Sent:** 01 November 2023 17:10  
**To:** Cantley,Patrick <[Patrick.Cantley@wyre.gov.uk](mailto:Patrick.Cantley@wyre.gov.uk)>  
**Subject:** Re: Corkscrew Wine Bar 57 Victoria Road West Cleveleys Representation

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Im happy to just leave my concerns as they are . I neither want to remove or move forward.

Do i have to do anything else

On Wed, Nov 1, 2023 at 4:50 PM Cantley,Patrick <[Patrick.Cantley@wyre.gov.uk](mailto:Patrick.Cantley@wyre.gov.uk)> wrote:

Hi Paul,

No problem.

Are you aware of the attached measures formally agreed between the applicant and our Environmental Health Team? If not please feel free to review and digest.

At this time your representation is the only formal representation in respect of this application because the other respondent has confirmed their withdrawal.

Please can you consider the proposed application and agreed measures before confirming how you would like to proceed.

Thanks,

Patrick

**Attachment -**

Arrangements shall be put in place to ensure that waste collection contractors do not collect refuse between 19:00 and 07:00.

No person shall be allowed to leave the licensed area whilst in the possession of any open drinking vessel or open glass bottle, whether empty or containing any beverage.

The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and ensure that there is no public nuisance.

Signage requesting customers to be respectful of others when entering or leaving the premises shall be installed in a prominent position by the premises' exit.

#### *Prevention of Public Nuisance*

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9. *No nuisance shall be caused by noise coming from the premises or vibration transmitted through the structure of the premises.*
10. *There shall be no emission from the premises of any offensive smells, which are likely to cause a nuisance.*
11. *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.*
12. *Frequent collection of glasses and bottles will be undertaken to ensure that empty containers do not accumulate in or around licensed premises.*
13. *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.*

14. *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).*
15. *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.*

**From:** The Shipwreck <>

**Sent:** 31 October 2023 14:35

**To:** Cantley,Patrick <[Patrick.Cantley@wyre.gov.uk](mailto:Patrick.Cantley@wyre.gov.uk)>

**Subject:** Re: Corkscrew Wine Bar 57 Victoria Road West Cleveleys Representation

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Thanks for the reply Patrick

I mostly wanted the council to be aware that the licence will mainly be for outdoor use and maybe that's an issue or not.

The planning thing is obviously a completely separate issue from your perspective.

Regards

Paul

.

On Mon, Oct 30, 2023 at 11:12 AM Cantley,Patrick <[Patrick.Cantley@wyre.gov.uk](mailto:Patrick.Cantley@wyre.gov.uk)> wrote:

Morning Paul,

Thanks for your email. Your concerns relating to potential noise nuisance associated with the premises are relevant and have been accepted as such. I will pass on your comments to the agent handling this application for their consideration.

Please note this application is made under the Licensing Act 2003 and concerns / observations relating to the planning status of premises and overall planning framework cannot be considered (applications can be granted without appropriate planning permission in place). Please also note business models cannot be considered either. However, if you have concerns relating to the potential for crime and disorder at the premises please feel free to outline them and I will also pass those on to the agent for their consideration.

If there are any written measures you feel the applicant could commit to that would mitigate your concerns I would be more than happy to liaise with the agent to see whether mutual agreement can be reached.

Kind regards,

Patrick

**From:** The Shipwreck < >

**Sent:** 21 October 2023 11:13

**To:** Licensing <[Licensing@wyre.gov.uk](mailto:Licensing@wyre.gov.uk)>; The Shipwreck < >

**Subject:** Corkscrew Wine Bar 57 Victoria Road West Cleveleys Representation

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I've no particular objection regarding the alcohol licence as it might be a good thing for the high street in the evening . The only risk is that if there was more of a social hub in the evening it that might manifest itself with a noise issue and unlike Decades and The Shipwreck the wine bar will be directly below residential.

However I am concerned about issuing an alcohol licence on an A1 Retail Unit on a protected high street without applying for change of use planning permission. This is important, there has to be a level playing field and due diligence should be observed . The proposal is for a Public Bar with outside trading. The premises only closed as a retail unit a few weeks ago . The protection order exists to protect the look and feel of a retail high street and as such the protection order only allows for 1 A3 establishment in every 3 retail . It took several months for The shipwreck to successfully apply for a property that had been empty for 3 years and it took 2 appeals to be allowed to operate. The classification system and Protection order exists for a reason and the process should be observed otherwise anyone can just grab an empty shop and stick a bar in it and that wont be good for Cleveleys in the long term.

Finally I think there may be a different force at play here which we should at least acknowledge

I suspect the real purpose of the licence is for a **Daytime outdoor land grab** for the existing Decades . Decades could easily trade as a wine bar in the evening, traditionally a wine bar has a night time appeal and I can tell you that both decades and the Shipwreck struggle for customers in an evening as it is and Decades almost always close early. In reality this is a daytime businesses model and your effectively going to have 3 bars next door to each other with open air drinking on the high street which is fine and manageable now but I'm not sure if it might start to affect the core demographic which is elderly people using the high street to socialise and shop.. We have lovely customers but what if the increase in bars and outside drinking areas start to attract the wrong sort. Its a thin line and could backfire on the council.

I submit this without malice or prejudice

Thank you

Paul Samson

Owner

The Shipwreck Cleveleys

## **Appendix 5 – Extracts from Statement of Licensing Policy 2021-2026**

### **9.3 Conditions imposed at a hearing**

If, after receiving relevant representations, the licensing authority believes it appropriate to do so, it will consider attaching conditions to licences. However, only those which relate specifically to the representations received and are considered appropriate to promote the licensing objectives will be imposed. The authority will not impose disproportionate and over burdensome conditions where there is no need for them. Any conditions considered appropriate will be tailored to the individual style and characteristics of the premises or event. In addition, licence conditions will not seek to replicate offences which are set out in the Licensing Act 2003. For example, a condition that states that a licence holder shall not permit drunkenness and disorderly behaviour or serve alcohol to under 18s is unnecessary as this is already a criminal offence under the Act. Conditions may, however, be attached to a licence which require measures to be taken to meet one or more of the licensing objectives to address a particular problem specific to those premises, even if such measures may also be a general requirement of another regulatory regime.

### **13.3 Prevention of public nuisance**

Licensed premises have a significant potential to impact adversely on communities through public nuisances, which can arise from their operation. The licensing authority recognises the need to prevent public nuisance to residents, visitors and other businesses, whilst balancing the rights of licensed premises to develop their business potential. In considering what constitutes a public nuisance the Licensing Authority will make a judgement as to whether the effect of the licensable activities on those living or working in the surrounding area is unreasonable. It is accepted that such disturbance could affect small numbers of people and does not need to cause a major disturbance to the whole community. Issues which could be considered as public nuisance are mainly noise, light pollution and litter.

#### **13.3.1 Disturbance by patrons leaving the premises**

Whilst it is accepted that once patrons have left the curtilage of a licensed premises, there are limits on what the premises or its staff are able to do to address any associated noise and disturbance, those managing the premises should nevertheless put in place appropriate measures to minimise such nuisance and disturbance. Management, staff and door supervisors are encouraged to be proactive in assisting customers to leave the premises in an orderly manner, to reduce the nuisance to neighbours arising from noise or poor behaviour, especially after midnight. Residents are particularly impacted by late night venues and premises should look at procedures and staff training to minimise nuisance and disorder in the locality. Where a review is brought as a result of late night disturbance being caused to local residents, the Licensing Authority will consider the need to reduce licensable hours in order to promote the prevention of public nuisance objective.

#### **Key message 17**

**Operators of any premises licensed under the Act should consider placing notices at exits to ask patrons to respect neighbours. Door supervisors employed at premises must encourage patrons leaving the curtilage of the premises to do so in an orderly manner.**

#### **13.3.3 Noise Nuisance**

Conditions relating to noise nuisance will normally concern the measures necessary to control the levels of noise emanating from the premises. Any conditions necessary to promote the licensing objectives will be tailored to the style and characteristic of particular premises and may include restrictions which ensure that the volume of amplified sound used in connection with entertainment, is under the control of the licensee or management and that the controlling mechanism is operated from a part of the premises inaccessible to the public. Where applications lead to representations about noise, all appropriate conditions will normally be focused on the most sensitive periods. For example music is more problematical when it is played from late evening until the early hours of the morning when nearby residents are attempting to get to sleep. Outdoor areas used for consumption of food or drink or for smoking may lead to noise issues for nearby residents. Wherever possible designated areas that are away from nearby residents should be used for smoking.

#### **Key message 18**

**Outside areas used by patrons should be monitored through the evening, with particular attention to hours after 22.00hrs. Door supervisors should monitor, limit numbers or corral customers in specific areas, where possible.**

#### **Key message 19**

**If an outside area falls within the licensed area applicants are expected to consider the following condition for inclusion in the operating schedule: 'Any outside area used for the consumption of alcohol will cease to be used by patrons after 22.00hrs'**

#### **17. Need for licensed premises**

Demand is a decision for planners and the commercial sector to consider and the licensing authority will not use its decision making powers, policy or practice, seek to restrict the number or type of licensed premises, based purely on the perception of market need for additional licensed premises.



## **Appendix 6 – Relevant extracts from Revised Guidance issued under section 182 of the Licensing Act 2003.**

### **Licence conditions – general principles**

*1.16 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions:*

- must be appropriate for the promotion of the licensing objectives;*
- must be precise and enforceable;*
- must be unambiguous and clear in what they intend to achieve;*
- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;*
  - must be tailored to the individual type, location and characteristics of the premises and events concerned;*
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;*
- should not replicate offences set out in the 2003 Act or other legislation;*
- should be proportionate, justifiable and be capable of being met;*
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and*
- should be written in a prescriptive format.*

### **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 (see paragraphs 9.4 to 9.10 below), 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 (see paragraphs 9.4 to 9.10 below). 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 businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson 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 Revised Guidance issued under section 182 of the Licensing Act 2003 I 69 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.*

### **Disclosure of personal details of persons making representations**

9.26 *Where a notice of a hearing is given to an applicant, the licensing authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made.*

9.27 *In exceptional circumstances, persons making representations to the licensing authority may be reluctant to do so because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant.*

9.28 *Where licensing authorities consider that the person has a genuine and well-founded fear of intimidation and may be deterred from making a representation on this basis, they may wish to consider alternative approaches.*

9.29 *For instance, they could advise the persons to provide the relevant responsible authority with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations if appropriate and justified.*

9.30 *The licensing authority may also decide to withhold some or all of the person's personal details from the applicant, giving only minimal details (such as street name or general location within a street). However, withholding such details should only be considered where the circumstances justify such action*

## **Hearings**

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.*

### **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.*

### **Imposed conditions**

*10.8 The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises. This provision also applies to minor variations.*

*10.9 It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.*

### **Proportionality**

*10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment might include requiring a premises licence holder to undertake right to work checks on all staff employed at the*

*licensed premises or requiring that a copy of any document checked as part of a right to work check is retained at the licensed premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.*

### **Licence conditions Live Music or recorded music**

*16.36 Any existing licence conditions (or conditions added on a determination of an application for a premises licence or club premises certificate) which relate to live music or recorded music remain in place, but are suspended between the hours of 08.00 and 23.00 on the same day where the following conditions are met:*

- at the time of the music entertainment, the premises are open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;*
- if the music is amplified, it takes place before an audience of no more than 500 people; and*
- the music takes place between 08.00 and 23.00 on the same day.*

*16.37 Whether a licence condition relates to live or recorded music will be a matter of fact in each case. In some instances, it will be obvious that a condition relates to music and will be suspended, for example “during performances of live music all doors and windows must remain closed”. In other instances, it might not be so obvious: for example, a condition stating “during performances of regulated entertainment all doors and windows must remain closed” would be suspended insofar as it relates to music between 08.00 and 23.00 on the same day to an audience of up to 500, but the condition would continue to apply if there was regulated entertainment after 23.00.*

*16.38 More general licence conditions (e.g. those relating to overall management of potential noise nuisance) that are not specifically related to the provision of entertainment (e.g. signage asking patrons to leave quietly) will continue to have effect.*

*16.39 Chapter 9 of this Guidance sets out how a licensing authority must determine applications for a new licence or to vary an existing premises licence. Licence conditions imposed, in accordance with paragraphs 9.41 to 9.43, for live or recorded music activities will only apply if the activity meets the criteria of having more than 500 people present, and/or the activities are taking place between 23.00 and 08.00. 16.40 These conditions will, in effect, be suspended between 08.00 and 23.00 if a performance of live music or the playing of recorded music takes place before an audience of 500 people or fewer, but will remain on the face of the licence for when these activities may take place under other circumstances.*

*16.41 Where a performance of live music or the playing of recorded music on relevant licensed premises is not licensable, it remains possible for anyone to apply for a review of a licence or certificate, if there are appropriate grounds to do so.”*

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