



Licensing Committee Agenda

Wyre Borough Council
Date of Publication: 18 March 2024
Please ask for: George Ratcliffe
Assistant Democratic Services Officer
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**Licensing Committee meeting on Tuesday, 26 March 2024 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. Confirmation of minutes

(Pages 3 - 14)

To confirm as a correct record the minutes of the meeting of the Licensing Committee held on Monday 4 December 2023 and Tuesday 20 February 2024.

**4. Application for a new Premises Licence - The Wobble Inn, 131
Victoria Road West, Thornton Cleveleys, Lancashire, FY5 3LA**

(Pages 15 - 68)

Report of the Corporate Director Environment.

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Licensing Sub-Committee Minutes

The minutes of the Licensing Committee meeting of Wyre Borough Council held on Monday, 4 December 2023 at the Council Chamber - Civic Centre, Poulton-le-Fylde.

Licensing Committee members present:

Councillors Birch, Ellison and Moliner

Officers present:

George Ratcliffe, Assistant Democratic Services Officer

Patrick Cantley, Senior Licensing Officer

Carmel White, Solicitor

No members of the public or press attended the meeting.

3 Declarations of Interest

None.

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

The Corporate Director Environment submitted a report to provide members of the Licensing Sub-Committee with information to assist them at a hearing 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 in respect of Corkscrew Wine Bar, 57a Victoria Road West, Cleveleys, FY5 1AJ.

The representor did not attend the meeting. The Senior Licensing Officer informed the Sub-Committee of the latest communications with the representor and confirmed that the representation had not been withdrawn. Members considered that it was not necessary to adjourn in the public interest and voted to hold the hearing in the representor's absence.

The Senior Licensing Officer introduced the report. He explained that the application as submitted was for the applicant 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.

The matter was before the Sub-Committee due to a representation which was concerned that the possible effect of granting the licence would undermine the licensing objective 'prevention of public nuisance' in this location.

The applicant addressed the members. He explained that he had owned the family business next door for two years and had never experienced any problems. He highlighted that his current business catered for families and Corkscrew Wine Bar would continue this theme. He confirmed that he had followed all the Environmental Health guidelines.

The applicant then answered a question from a member of the Sub-Committee.

The applicant and the Senior Licensing Officer left the chamber and the Sub-Committee considered the application in private.

In reaching their decision, the Sub-Committee had regard to:

- 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;
- the Statutory Revised Guidance issued under section 182 of the Licensing Act 2003 in August 2023, in particular the following sections: 1.16, 9.3, 9.4, 9.12, 9.26-9.30, 9.37-9.40, 9.42-9.44 and 10.8-10.10;
- the representation;
- Licensing Act 2003, and;
- Human Rights Act 1998 and Equality Act 2010

After the Sub-Committee had deliberated and reached a decision, the applicant and the Senior Licensing Officer returned to the chamber and the Chair delivered the decision and the reasons for it as below. The rights of appeal were explained to the applicant and that he would be sent a written notification of the decision.

Decision

The Sub-Committee resolved that the Application be granted subject to the conditions set out below.

Reasons for the Decision

The Sub-Committee had regard to the nature of the proposal, namely a

premises licence for the supply of alcohol, including off sales, between 9am and 11pm on any day closing to the public at 11.30pm but with non-standard hours on New Year's Eve only for the supply of alcohol, including off sales, between 9am and 1am, closing to the public at 1.30am.

The Sub-Committee gave careful consideration to the issues raised by the Representor. It noted that the main objection was the impact on the high street in the daytime and that the Representor acknowledged that this main objection was related to land use rather than to the licensing objectives. Other concerns raised were:

- possible noise to residential premises above
- anti-social behaviour from outside drinking in this particular location

The Sub-Committee considered the general concern of the Representor regarding possible noise and disturbance affecting residential premises. Mr Dunning confirmed that the Applicant's intention was to play background music only and the Sub-Committee noted that the Application did not seek licensing of regulated musical entertainment. He commented that the Applicant had agreed to an acoustic ceiling. The Sub-Committee noted that the Environmental Protection had proposed conditions regarding the prevention of public nuisance and that those conditions had been agreed by the Applicant. It noted that there was no representation on this issue from any other source. The Sub-Committee had regard to all the mediated conditions agreed with Environmental Protection, particularly conditions 5, 8, 9, 10 and 11 and to those proposed by the Applicant and considered that they would promote the licensing objective and would satisfactorily address the issue raised.

The Sub-Committee had careful regard to the terms of the Application and the location of the premises in relation to other licensed premises in the town centre. The Sub-Committee considered the conditions which the Applicant had agreed with Environmental Protection be imposed upon a licence, if granted, in relation to this locational issue. It noted all the proposed conditions, particularly condition 4 and 7 of the mediated conditions and all those conditions proposed by the Applicant for the prevention of crime and disorder and public nuisance. The Sub-Committee noted further that there was no objection to the Application from any Responsible Authority (subject to the mediated conditions) nor from any other person and that no other evidence or examples had been provided. In all the circumstances it considered that the conditions would appropriately promote the licensing objective.

The Sub-Committee considered carefully all the conditions that had been proposed and subsequently agreed by the Applicant to promote the four licensing objectives. It was of the view that the granting the Application with these conditions would support the licensing objectives. In all the circumstances the Sub-Committee was of the view that granting the Application with these conditions would be proportionate and appropriate in the circumstances of this case.

Therefore, the Sub-Committee resolved that the Application should be granted subject to the conditions set out below and subject also to the mandatory conditions required to be contained as a matter of law.

The conditions consistent with operating schedule are laid out in sequence below

a) General – all four licensing objectives (b, c, d and e)

1. 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

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

3. 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.

4. 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.

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

6. 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.

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

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

9. 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.

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

11. 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.

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

13. 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

14. 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.

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

16. 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.

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

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

d) The prevention of public nuisance

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

20. 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.

21. 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.

22. 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

23. 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

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

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

26. 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.

27. 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.

28. 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.

Following mediation between the Applicant and Environmental Protection, following conditions as agreed by the Applicant are to be added:

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

2. 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.

3. 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.

4. 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.

5. 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.

6. 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.
7. 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.
8. In the outside area, all customers consuming alcohol shall be seated.
9. There shall be no amplified sound including but not limited to music or voices emitted to the external licensed area.
10. 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.
11. The designated premises supervisor or the personal licence holder for the premises who is supervising the sale or supply of alcohol at that time, shall not permit customers to congregate and consume alcohol sold or supplied by that premises in a public place within the immediate vicinity of the premises and in an area not so licensed for consumption to the annoyance or obstruction of others and shall prevent the removal of alcohol if it is intended for such a purpose.
12. 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.
13. No nuisance shall be caused by noise coming from the premises or vibration transmitted through the structure of the premises.
14. There shall be no emission from the premises of any offensive smells, which are likely to cause a nuisance.
15. 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.
16. Frequent collection of glasses and bottles will be undertaken to ensure that empty containers do not accumulate in or around licensed premises.
17. 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.

18. 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).

19. 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.

In addition to the above all mandatory conditions required by law are to be added to the licence granted.

5 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 had determined that the report submitted under agenda item 5 of the agenda was "Not for Publication" because it contained "exempt information", as defined in Schedule 12A of the Local Government Act 1972.

The Committee passed the following resolution "That the public and press be excluded from the meeting whilst agenda item 5 was being considered, as 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 exemption outweighed the public interest in disclosing the information."

6 Complaint relating to conduct whilst using licensed Hackney Carriage. Failure to report conviction or associated incident to the Licensing Authority.

The Chair introduced the Sub-Committee and the officers attending the meeting.

The driver's legal representative and complainant introduced themselves. The Sub-Committee agreed to the admission of further written information from the driver. The Chair ensured that the driver and witness had received all necessary information and paperwork for the hearing.

The Senior Licensing Officer introduced the report. He explained that the driver was before members because a complaint had been received. The complainant outlined his complaints and answered questions from the driver's legal representative and a member of the Sub-Committee.

The legal representative spoke on behalf of the driver. The representative

highlighted that the driver was of good character, having no criminal or driving convictions against him. He explained that he had been a licenced driver since 2010 and had previously received no formal complaints made against him. He clarified that a driver improvement course was offered as an alternative to a prosecution.

The driver and legal representative answered questions from members of the Sub-Committee and Senior Licensing Officer.

The complainant and driver and his legal representative were each then invited to sum up their cases.

The driver, legal representative, witness and the Senior Licensing Officer left the chamber to allow the Sub-Committee to discuss the matter in private session.

In reaching its decision, the Sub-Committee had regard to:

1. The Hackney Carriage and Private Hire Licensing Policy including its Convictions and Other Relevant Matters Policy for Wyre Council
2. The Local Government (Miscellaneous Provisions) Act 1976
3. All information presented within the report and at the hearing, including the character references in support of the driver.

The Sub-Committee then reconvened and the Chair announced the decision. The Chair outlined the rights of appeal and said that a letter would be sent setting out the full reasons for the decision.

Decision

The Sub-Committee resolved to suspend the driver's Wyre Dual Driver's Licence for a period of three months.

Summary Reasons for decision

It was not disputed that the driver had been involved in a collision that resulted in an injury to a cyclist whilst driving privately and had accepted attendance on a driver improvement course. The Sub-Committee found that the course was in lieu of a prosecution for driving without due care and attention. The Sub-Committee found that the matter should have been reported by the driver to the Licensing Authority pursuant to the Convictions and Other Relevant Matters Policy but was not. The matter came to light only by chance as a result of a telephone discussion overheard by the complainant on the journey. The driver was not a newly licensed driver and should have been well aware of the requirement to report.

The Sub-Committee found the complainant to be impartial and their evidence to be persuasive. It accepted the complainant's account of the driver's use of the mobile phone in the course of the journey, which was at times through less well lit roads. It found that although the phone was in a cradle, the extent of the driver's use was excessive and of such an extent that the complainant

was reasonable in having felt unsafe due to the drivers use of the phone and in breach of the driver's duty to the travelling public.

The Sub-Committee took into account all the mitigating factors in this case but considered that its findings were of sufficient seriousness to warrant suspension.

The meeting started at 6.02 pm and finished at 8.30 pm.

Date of Publication: 15 December 2023

Licensing Committee Minutes

The minutes of the Licensing Committee meeting of Wyre Borough Council held on Tuesday, 20 February 2024 at the Council Chamber - Civic Centre, Poulton-le-Fylde.

Licensing Committee members present:

Councillors Birch, Baxter, Leigh, Minto, Nicholls, Rushforth, Swatton and Swift

Absent- apologies received:

Councillors Ellison, Moliner, Smith and B Stephenson

Officers present:

George Ratcliffe, Assistant Democratic Services Officer

Patrick Cantley, Senior Licensing Officer

Mary Grimshaw, Legal Services Manager and Monitoring Officer

No members of the public or press attended the meeting.

7 Declarations of Interest

None.

8 Confirmation of minutes

The minutes of the meeting of the Licensing Committee held on Tuesday 21 November 2023 and Wednesday 22 November 2023 were confirmed as a correct record by those who were in attendance.

The minutes of the meeting held on Monday 4 December 2023 were deferred to the next meeting.

9 Review of Discretionary Licensing Fees and Charges 2024/25

The Corporate Director Environment submitted a report to the committee to provide members with information to assist them in setting the levels of discretionary fees and charges for licences, permits, registrations and consents, which would be effective from 1 April 2024 for various licensing activities.

The Senior Licensing Officer introduced the report. He clarified whether the members in attendance had had an opportunity to review the report prior to

the meeting. He invited questions from members.

There were questions from the committee regarding:

- the increases in animal welfare and who was required to have a licence;
- animal welfare licensing time and motion studies;
- renewal costs for animal welfare;
- licensing of dogs;
- the licensing fees and chargers with 0% adjustment;
- charging higher fees;
- breeding of dogs;
- unlicensed operators;
- Animal Welfare Act 2006;
- dog wardens.

Agreed:

1. That the proposed fees and charges set out in Appendix 1 were approved and implemented from 1 April 2024.
2. That the Senior Licensing Officer made arrangements and placed a public notice in the press in respect of the proposed fees for licensed vehicles and private hire operators, in accordance with s.70 of the Local Government (Miscellaneous Provisions) Act 1976.

The meeting started at 6.01 pm and finished at 6.42 pm.

Date of Publication: 23 February 2024



Report of:	Meeting	Date
Mark Billington, Corporate Director Environment	Licensing Committee	26 th March 2024

<p>Application for a new Premises Licence – The Wobble Inn, 131 Victoria Road West, Thornton Cleveleys, Lancashire, FY5 3LA.</p>

1. Purpose of report

1.1 To assist Members to determine an application submitted under section 17 of the Licensing Act 2003 by WOBBLINN REAL ALE HOUSE LIMITED a new premises licence.

2. Council priorities

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

3. Recommendations

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 8th February 2024, an application was received from WOBBLINN REAL ALE HOUSE LIMITED for a new premises licence in respect of 131 Victoria Road West, Thornton-Cleveleys, Lancashire, FY5 3LA. A copy of the application is attached at **Appendix 1**. The premises is situated 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 12:00 and 23:00 hours Monday to Saturday, between 12:00 and 22:30 hours Sunday and with additional non-standard timings sought for Christmas and New Years Eve between 12:00 hours and 01:00 hours of the following day.
- Opening hours between 12:00 and 23:30 hours Monday to Saturday and 12:00 to 23:00 Sunday. Members please note there is no non standard timing listed in this section for Christmas and New Years Eve. This is at odds with the sale of alcohol activity and needs to be addressed this evening as part of the determination process.
- 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** and **Appendix 4** which contain written measures agreed between the applicant, Nick Clayton of Environmental Health at Wyre Borough Council and Lancashire Constabulary. Members should 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 were 2 outstanding representations 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 7th March 2024.

5. Key issues and proposals

- 5.1** The intended premises is a former retail unit (previously a solicitors office) situated at 131 Victoria Road West, Cleveleys.
- 5.2** Two representations have been received against this application and brought to the attention of the applicant. The representations express concern that the possible effect of granting the licence would undermine the licensing objectives 'Prevention of public nuisance' and 'Prevention of crime and disorder'. A copy of the representations and associated correspondence is contained at **Appendix 5** of this report.
- 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
- Listed at **Appendix 6**.
- 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 7**.
- 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.

Financial, Legal and Climate Change implications	
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 this licence. However, there is potential to mitigate some impacts through the use of locally sourced, low carbon, reuseable and low/no packaged products, and by following correct recycling procedures.

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.

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

risks/implications	✓ / x
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
Patrick Cantley	01253 887281	Patrick.cantley@wyre.gov.uk	14 th March 2024

List of background papers:		
name of document	date	where available for inspection
Licensing Act 2003	14 th March 2024	Licensing Act 2003 (legislation.gov.uk)
S.182 Guidance	14 th March 2024	Revised Guidance issued under section 182 of the Licensing Act 2003 (publishing.service.gov.uk)
Wyre Council – Statement of licensing policy 2021 - 2026	14 th March 2024	https://www.wyre.gov.uk/downloads/file/1020/licensing-act-policy-2021-2026

List of appendices –

Appendix 1 – Application and notices

Appendix 2 – Location of premises

Appendix 3 – Mediation efforts between Environmental Health and Applicant.

Appendix 4 – Mediation efforts between Lancashire Police and Applicant

Appendix 5 – Relevant representations from other persons and associated correspondence

Appendix 6 – Extract from the Statement of Licensing Policy 2021-2026

Appendix 7 – 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 **WOBBLINN REAL ALE HOUSE LIMITED**

(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 Wobble Inn, 131 VICTORIA ROAD WEST, THORNTON-CLEVELEYS, LANCASHIRE, FY5 3LA			
Post town		Postcode	
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£13500	

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 | YES |
| 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; - YES

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		Other Title (for example, Rev)	
Surname		First names	
Date of birth		I am 18 years old or over Please tick yes - Yes	
Nationality			
Current residential address if different from premises address			
Post town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			
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)			

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SECOND INDIVIDUAL APPLICANT (if applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		Please tick yes	
Nationality					
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	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

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

Name: WOBBLINN REAL ALE HOUSE LIMITED
Address 54 Park Lane, Kidderminster, England, DY11 6TE
Registered number (where applicable) 15426770

Description of applicant (for example, partnership, company, unincorporated association etc.) Private Limited Company
Telephone number (if any) 01277415799
E-mail address (optional) info@absolutelicencesolutions.com

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) Real Ale House

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

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

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

- | | |
|--|----------------------------|
| Provision of regulated entertainment (please read guidance note 2) | Please tick all that apply |
| a) plays (if ticking yes, fill in box A) | |
| b) films (if ticking yes, fill in box B) | |
| c) indoor sporting events (if ticking yes, fill in box C) | |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | |
| e) live music (if ticking yes, fill in box E) | |

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

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

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

In all cases complete boxes K, L and M

A

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

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Wed					
Thur			<u>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</u> (please read guidance note 6)		
Fri					
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			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Tue			
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 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors	
					Outdoors	
Day	Start	Finish	Both			
Mon			<u>Please give further details here</u> (please read guidance note 4)			
Tue						
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)			
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 6)			
Sat						
Sun						

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Thur					
Fri			<u>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</u> (please read guidance note 6)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Thur					
Fri			<u>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</u> (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	
Day	Start	Finish		Outdoors	
				Both	
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur					
Fri			<u>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</u> (please read guidance note 6)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) 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	
Mon				Outdoors	
				Both	
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

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	
					Outdoors	
					Both	
Day	Start	Finish				
Mon			<u>Please give further details here</u> (please read guidance note 4)			
Tue			<u>Please give further details here</u> (please read guidance note 4)			
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)			
Thur			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)			
Fri			<u>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</u> (please read guidance note 6)			
Sat						
Sun						

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	
				Off the premises	
				Both	x
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	12:00	23:00			
Tue	12:00	23:00			
Wed	12:00	23:00			
Thur	12:00	23:00			
Fri	12:00	23:00			
Sat	12:00	23:00			
Sun	12:00	22:30			
			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 6)		
			On Christmas and New Years Eve until 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):

Name Julie Bayliss	
Date of birth 	
	
Postcode	
Personal licence number (if known) Intend to apply for	
Issuing licensing authority (if known) Intend to apply for	

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).

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	12:00	23:30	<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 6)
Tue	12:00	23:30	
Wed	12:00	23:30	
Thur	12:00	23:30	
Fri	12:00	23:30	
Sat	12:00	23:30	
Sun	12:00	23:00	

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)

CCTV, TRAINING, CHALLENGE 25, INCIDENT LOG, LIMITED CAPACITY

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

There shall be CCTV in operation at the premises and;

- a) a member of staff who is conversant with the operation of the CCTV system shall be on the premises at all times.
- b) if the premises are not open, and subject to the tests set out by virtue of the Data Protection Act, within 24 hours of a request for access to the CCTV system from either the police or licensing authority, this staff member must be able to show a Police, HMRC or authorised council officer recent data or footage with the absolute minimum of delay when requested.
- c) CCTV shall record continuously and be retained for not less than 31 days.

All staff responsible for selling alcohol shall receive regular training in the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the Premises Licence. Written records of staff training in the Licensing Act 2003 shall be retained and made available to police and authorised officers of the Licensing Authority on request. Staff shall receive refresher training in the Licensing Act 2003 at intervals of no more than 6 months. Signed and dated records shall be kept of all staff training and such records kept available for inspection at the premises for a period of at least one calendar year from the last date of entry

No customers will be admitted, or permitted to leave when carrying open or sealed bottles or glasses.

The consumption of alcohol is restricted to the areas identified on the plan attached to the operating schedule.

The maximum occupancy of the licensed premises is restricted at any one time to:
80

- c) **Public safety**

Public Safety

Escape routes and exits, including external exits, shall be maintained to ensure that they are not obstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified.

Where chairs and tables are provided, internal and external gangways are to be kept unobstructed.

Doors at exits shall be regularly checked to ensure that they function satisfactorily.

All fire doors shall be maintained as effectively self-closing and not held open other than by approved devices.

A daily incident log shall be kept at the premises for a period of at least 12 months from the date of last entry, which will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received
- (d) any incidents of disorder
- (e) any faults in the CCTV repaired within 24hrs
- (f) any visit by a relevant authority or emergency service.
- (g) any lost property found or handed to staff at the premises.
- (h) any other relevant incidents to be recorded.

d) The prevention of public nuisance

Public Nuisance

The premises license holder shall take all necessary steps to ensure that noise or vibration is not noticeable at the façade of any noise sensitive premises.

The placing of bottles into receptacles outside the premises shall take place at times that will minimise disturbance to nearby properties and only between the hours of 09:00-19:00.

Any request by an authorised officer of the Council in relation to reducing noise levels shall be complied with.

Adequate and suitable (lidded) receptacles shall be provided to receive and store refuse from the premises.

Receptacles for refuse storage shall be maintained in a clean condition.

Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents and leave the premises and the area quietly.

All music noise and amplified music or speech emitted from the premises shall not be audible inside noise sensitive premises between 23:00 hrs and 07:00 hrs. Deliveries and collections (including refuse collections) should not take place before 7 am or after 7pm.

No music shall be played in any external areas.

e) The protection of children from harm

Protection of children from harm

Children under the age of 16 require to be accompanied by adults after 6pm in the evening.

A “Challenge 25” age verification policy shall be operated at the Premises during the permitted hours for the sale of alcohol and staff shall be trained in respect of the policy. Staff shall ask for proof of age from anyone they suspect of being less than 25 years of age. The only acceptable forms of identification shall be a photo style driving licence, a passport, a photo identification card bearing the PASS logo in a hologram format, military ID or recognised national photographic identity cards from member countries of the European Union.

Posters shall be displayed in prominent positions around the premises advising customers of the Challenge 25 policy in force at the premises.

A record shall be maintained recording every occasion when the sale of alcohol has been refused. The record shall;

- a) give the date and time of the occasion; a brief description of the customer and the name of the member of staff who refused to sell the alcohol.
- b) be kept at the Premises and available for inspection by authorised officers of the Licensing Authority and the Police at all times the Premises are open.

Checklist:

Please tick to indicate agreement


- I have made or enclosed payment of the fee. – y
- I have enclosed the plan of the premises. – y
- I have sent copies of this application and the plan to responsible authorities and others where applicable. – y
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. – y
- I understand that I must now advertise my application. – y
- I understand that if I do not comply with the above requirements my application will be rejected. - y
- [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.**

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). 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)
Signature	
Date	07/02/2024
Capacity	Authorised Agent

For joint applications, signature of 2nd applicant or 2nd 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)			
ABSOLUTE LICENCE SOLUTIONS LTD, 1 Western Avenue			
Post town	BRENTWOOD	Postcode	CM14 4XR
Telephone number (if any)	01277415799		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) INFO@ABSOLUTELICENCESOLUTIONS.COM			

Notes for Guidance

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

- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and

- any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
 10. Please list here steps you will take to promote all four licensing objectives together.
 11. The application form must be signed.
 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
 14. This is the address which we shall use to correspond with you about this application.

15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies

having the right of abode in the UK [please see note below about which sections of the passport to copy].

- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:

- (i) working e.g. employment contract, wage slips, letter from the employer,
- (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
- (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
- (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Appendix 1 continued – DPS consent and plans
DPS Consent

Consent of individual to being specified as premises supervisor

I, **Julie Bayliss**



hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for:

NEW PREMISES LICENCE APPLICATION

by: **WOBBLINN REAL ALE HOUSE LIMITED**

relating to a premises licence for:

The Wobble Inn, 131 VICTORIA ROAD WEST, THORNTON-CLEVELEYS, LANCASHIRE, FY5 3LA

and any premises licence to be granted or varied in respect of this application made by **WOBBLINN REAL ALE HOUSE LIMITED**

concerning the supply of alcohol at:

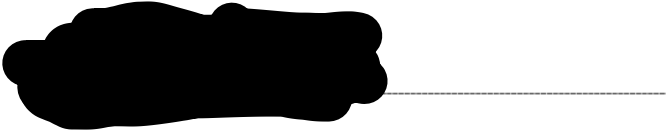
The Wobble Inn, 131 VICTORIA ROAD WEST, THORNTON-CLEVELEYS, LANCASHIRE, FY5 3LA

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: INTEND TO APPLY FOR

ISSUING AUTHORITY: INTEND TO APPLY FOR

Signed



Name (please print)

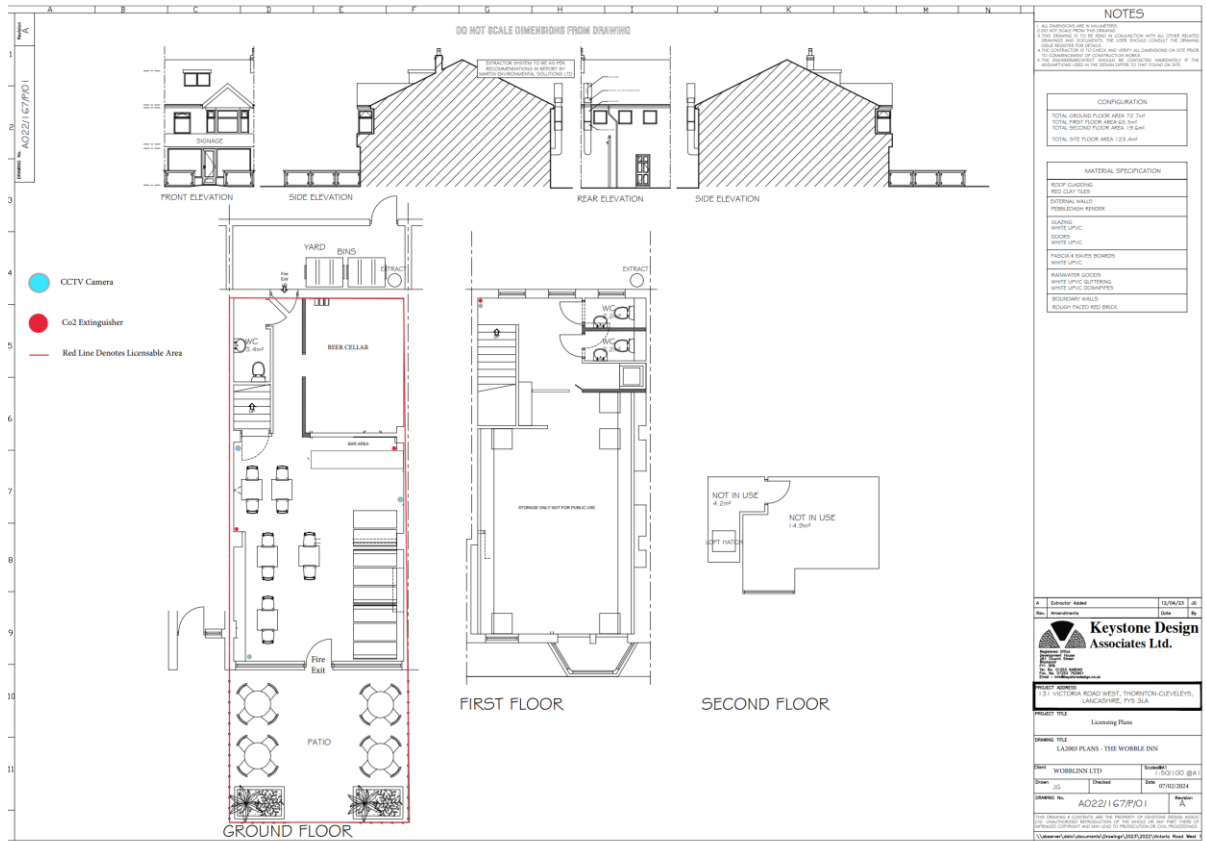
Julie bayliss

Date

Feb 8, 2024

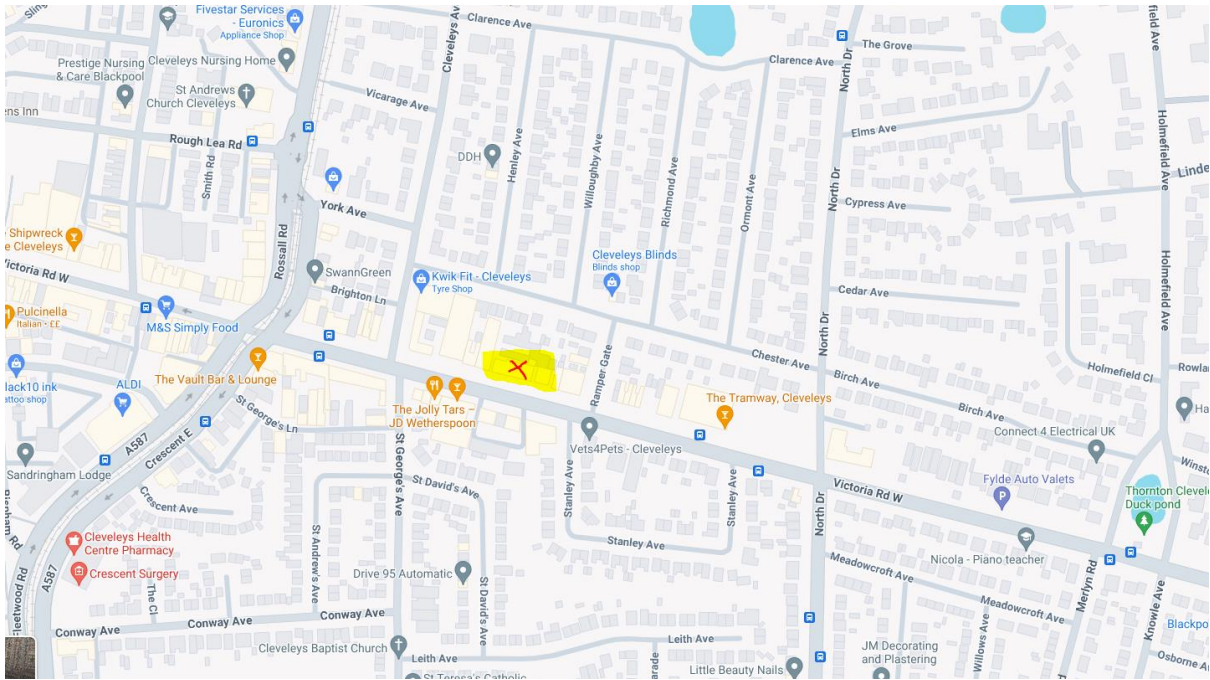
Personal licence application with Wyre Borough Council for processing.

Plans

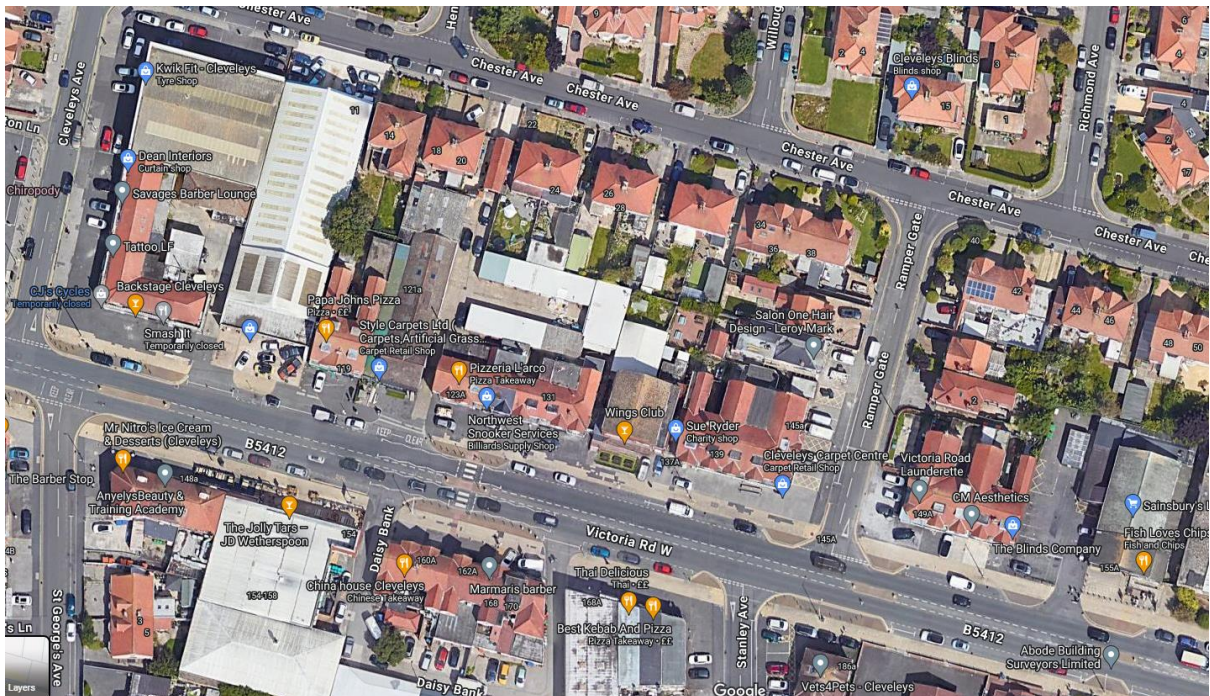


Appendix 2 – Location of premises

Location of Premises indicated by red marker pin



Terrain layer



Street View



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

Good Morning,

Following discussion with the applicant for the premises licence application for The Wobble Inn, at 131 Victoria Road West. An agreement on the prevention of public nuisance conditions has now been reached (please see the attached document).

As such, I do not wish to raise a representative against this application, provided that the agreed conditions are required as part of the premises licence.

Should you wish to discuss this further, please contact me, and I will be happy to answer any questions.

Kind regards

Nick

From: O Daly <info@absolutelicencesolutions.com>

Sent: 19 February 2024 09:08

To: Clayton, Nick <Nick.Clayton@wyre.gov.uk>

Subject: Re: The Wobble Inn 131 Victoria Road West Proposed PPN conditions

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Never disclose your user details or password to anyone.

Good Morning Nick,

I can confirm that the amended conditions are accepted

Kind Regards,

Oisin Daly

Director

Tel: 01277415799

Absolute Licence Solutions Ltd

Co. No. 12211951

This email, including any attachments, is confidential and may be legally privileged or otherwise protected from disclosure. It is intended solely for the person to whom it is addressed. Access and/or use by others is unauthorised and may be unlawful. If you receive this message in error please notify the sender and delete/destroy all copies of the message and any attachments immediately. Do not copy or otherwise disclose the contents to any other person.

On Feb 15 2024, at 3:49 pm, Clayton, Nick <Nick.Clayton@wyre.gov.uk> wrote:

Good Afternoon Oisin,

Thank you for sending the proposed premise licence plan for the Wobble Inn application.

I have now reviewed and drafted the proposed prevention of public nuisance conditions; I have included the conditions you have put forward, but i suggest that two of the conditions you have requested be removed and replaced with alternative conditions/wording. The two conditions refer to adequate and suitable receptacles for waste and all music noise and amplified music or speech not taking place between 23:00hrs and 7:00hrs. I have highlighted the conditions in red and ask that you consider them along with the other additional conditions I propose.

Therefore, please review the proposed Prevention of Public Nuisance conditions (see attached) and let me know if you agree. If you agree with them, I will contact licencing to let them know that we have reached an agreement, and as such, I have no opposition to granting the premises licence.

Alternatively, if you 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 and reach an agreement before the deadline of the 7th of March.

Kind regards

Nick Clayton

Email Signature

Nick Clayton
Environmental Health Officer



Environmental Health & Community Safety
01253 887404
Nick.Clayton@wyre.gov.uk
www.wyre.gov.uk



Wyre Council ,
Poulton-le-Fylde FY6 7PU

[Read our email disclaimer here](#)

The Wobble Inn prevention of public nuisance

The premises licence holder shall take all necessary steps to ensure that noise or vibration is not noticeable at the facade of any noise-sensitive premises.

The placing of bottles into receptacles outside the premises shall take place at times that will minimise disturbance to nearby properties and only between the hours of 09:00-19:00.

Any request by an authorised officer of the council in relation to reducing noise levels shall be complied with.

Adequate and suitable (lidded) receptacles shall be provided to receive and store refuse from the premises. (Remove and replace with condition 10)

Receptacles for the refuse storage shall be maintained in a clean condition.

Prominent, clear notices shall be displayed at all exits, requesting customers to respect the needs of local residents and leave the premises and the area quietly.

All music noise and amplified music or speech emitted from the premises shall not be audible inside noise sensitive premises between 23:00hrs and 07:00hrs. (Remove and replaced with conditions 7)

Deliveries and Collections (including refuse collections) should not take place before 7 am or after 7 pm.

No music shall be played in any external areas.

1) Any outside area that is used for the consumption of alcohol shall cease to be 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) 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.

3) In the outside area, all customers consuming alcohol shall be seated.

4) The Licensee shall ensure that staff departing at night when the business has ceased trading conduct themselves in such a manner to avoid disturbance to nearby residents.

5) All internal doors to any entrance/exit point, fire exit doors and external windows shall be closed during hours of any regulated entertainment except in the event of an emergency, save for the purposes of access and egress.

6) The volume of amplified sound used in connection with any regulated entertainment shall, at all times, be under the control of the Licence Holder or Management, and the controlling mechanism shall be operated from a part of the premises inaccessible to the public.

7) Noise generated from any regulated entertainment in the form of live or recorded music, mechanical ventilation, amplified speech, or refrigeration plant shall not be audible at premises within close proximity so as to cause a public nuisance.

8) 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

9) 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.

10) There shall be provided at the premises containers for the storage and disposal of waste foods and other refuse from the premises. Those containers shall be constructed, maintained and located so that access to them by vermin and unauthorised persons is prevented. Arrangements shall be made for the regular lawful disposal of their contents.

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

12) The outside area will be checked by a competent person at regular intervals: a. Customers are behaving in an acceptable way, b. It is not used for the consumption of alcohol after 22.00hrs

Appendix 4 – Mediated measures agreed between Lancashire Police and the Applicant

This email is from an external email address

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Hello all,

Please see the attached signed Mediation form in respect of the Wobble Inn. Also attached is a Word copy.

Kind regards,

Guy

PC 515 Guy HARRISON

West Licensing Department

Bispham Police Station

Red Bank Road

Blackpool

FY2 0HJ

Wyre Licensing Service	
Notification of Mediation Agreement	
Premises Details	
Name of Premises:	Wobble Inn
Premises Address:	131 Victoria Road West, Thornton Cleveleys
Post Code:	FY5 3LA
Responsible Authority	
Service / Department	Lancashire Constabulary
Officer (Print Name)	PC 515 Guy HARRISON

Signature			
Proposed changes to Application Operational Schedule			Mark one
Adequate changes proposed during the representation period. No representation made.			X
Some changes proposed. Representation will follow for remaining concerns.			
Some changes made after representation submitted. Continue to hearing.			
Full and adequate proposals made after representation. Representation withdrawn.			
Applicant's consent to amend Licence Application			
I the undersigned am the applicant and hereby authorize Wyre Licensing Service to amend my application as detailed below. I understand that these amendments may be included as conditions on the Premises Licence should one be issued.			
Applicant's Name (Please <u>print</u> clearly)			
Applicant's Usual Signature			
Date of signing			2024
Amendments			
1	<p>The following conditions to be added to the operating schedule:</p> <p>1) Any outside area which is used for the consumption of alcohol shall cease to be so used at 21:00hrs.</p> <p>2) The outside area of the venue will be checked by a competent person at intervals of a minimum of 30 minutes.</p> <p>3) All tables and chairs in the outside area shall either be fixed to the floor or be stacked, secured and covered no more than 30 minutes after the time at which patrons are no longer permitted to consume drinks in the area.</p>		

- 4) Children under the age of 18 shall only be admitted onto the premises in the company of an adult and shall vacate the premises by 20:00 each night.

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

None

This page is intentionally left blank

Appendix 5 – Relevant Representation from other persons and associated correspondence

Good afternoon Jane,

Thank you for your email. Your concerns in respect of public nuisance from the outside area are noted and can be accepted as relevant. Please note anything highlighted in red cannot be accepted as relevant in this instance and could not be relied upon if this matter progresses to a hearing before the Licensing Committee of Wyre Council.

What can and cannot be accepted as relevant under the framework is wide ranging and so I cannot list every single eventuality. However, in general terms a representation is relevant only 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 instance, whilst I note your points regarding courses studied the salient point is concerns relating to nuisance associated with a licensable activity in the outside area of the premises. Points relating to other adult parties must be made by that individual in typical circumstances unless that person specifically requests (sight required of written authority to represent in such instances) a representative make the representation to the licensing authority on their behalf. Need, number and cumulative impact of licensed premises can often cause confusion. However, at this time there is no evidence identifying cumulative impact within the Borough and so number is not a matter for the licensing authority in discharging its licensing functions at this time.

Please note the attached as they are mediated agreements between Environmental Health at Wyre Council, Lancashire Police and the applicant. The mediated agreements contain written measures (also known as conditions) that would form part of licence if it is granted. Conditions must be complied with whilst the licence is being used to authorise licensable activities otherwise it is likely that criminal offences will have been committed. Police and Environmental Health are responsible authorities for the purpose of applications like this and so their mediation with the applicant is them saying that they are content for this application to progress on basis they applicant incorporates the agreed written measures. Additionally, I had noted a slight discrepancy in terms of timings for the outside area attached to the premises. I raised this discrepancy with all parties and the applicant has confirmed in writing that the terminal time for use of outside will align with the measures agreed with PC Harrison (21:00 hours).

Please can you take time to review the attached in full and feedback whether the additional measures sufficiently mitigate the concerns you have in respect of this application (would also be worth considering measures offered within original application and if you'd like to see those I will send over at a later point).

In the event your concerns cannot be mitigated this matter will need to be determined by our Licensing Committee at a public hearing. As part of this process I will also have to share your details and representation with the applicant to ensure correct procedural transparency.

Many thanks,

Patrick

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

From: Licensing <Licensing@wyre.gov.uk>

Sent: Friday, February 16, 2024 2:03 PM

To: Cantley, Patrick <Patrick.Cantley@wyre.gov.uk>
Subject: FW: 131 Victoria Rd application

FYI Re Wobble Inn

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

From: jane spencer <>
Sent: Friday, February 16, 2024 12:48 PM
To: Licensing <Licensing@wyre.gov.uk>
Subject: 131 Victoria Rd application

This email is from an external email address Do not click any links or open attachments unless you know the content is safe.
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Sent from my iPhone

Dear Licensing,

I would like to strongly oppose the licensing for the supply of alcohol Monday-Saturday until 2300 and Sunday until 22.30!!

We have several bars and takeaways on Victoria Rd West already and I feel anymore would have a detrimental effect on the area!

I live at xxx Victoria Rd West and my son's bedroom window overlooks the forecourt of 131. My son is 17 years old and at Blackpool 6th form! He is doing a mechanical engineering qualification and it is a very difficult subject! We go to bed at 9.30 so we do not want any noise of an alcohol establishment next door! The property of 131 is on 2 floors and with the added addition of forecourt drinking the noise will be intolerable! My son is just starting on the journey of the rest of his life and I do not want him to be kept awake with the noise of people drinking next door!

This is a residential area and many people live on this stretch of Victoria Rd West above the shops! My daughter lives in the other side of 131 in the upstairs flat and her 2 babies, 1 and 3 sleep in the front bedroom which again overlooks the proposed Wobble Inn.

There are few elderly people on both sides of this stretch of Victoria Rd West who do not know how to email, so I think it would be very unfair to open yet another drinking establishment!

Yours sincerely
Jane Spencer

Good afternoon Poppy,

Thank you for your email. Your concerns in respect of public nuisance from the outside area are noted and can be accepted as relevant. Please note anything highlighted in red cannot be accepted as relevant in this instance and could not be relied upon if this matter progresses to a hearing before the Licensing Committee of Wyre Council.

What can and cannot be accepted as relevant under the framework is wide ranging and so I cannot list every single eventuality. However, in general terms a representation is relevant only 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 instance, whilst I note your points regarding the time your children go to bed the salient point is concerns relating to nuisance associated with licensable activities (sale of alcohol) at the premises. Need, number and cumulative impact of licensed premises can often cause confusion.

However, at this time there is no evidence identifying cumulative impact within the Borough and so number is not a matter for the licensing authority in discharging its licensing functions at this time.

Please note the attached as they are mediated agreements between Environmental Health at Wyre Council, Lancashire Police and the applicant. The mediated agreements contain written measures (also known as conditions) that would form part of licence if it is granted. Conditions must be complied with whilst the licence is being used to authorise licensable activities otherwise it is likely that criminal offences will have been committed. Police and Environmental Health are responsible authorities for the purpose of applications like this and so their mediation with the applicant is them saying that they are content for this application to progress on basis they applicant incorporates the agreed written measures. Additionally, I had noted a slight discrepancy in terms of timings for the outside area attached to the premises. I raised this discrepancy with all parties and the applicant has confirmed in writing that the terminal time for use of outside will align with the measures agreed with PC Harrison (21:00 hours).

Please can you take time to review the attached in full and feedback whether the additional measures sufficiently mitigate the concerns you have in respect of this application (would also be worth considering measures offered within original application and if you'd like to see those I will send over at a later point).

In the event your concerns cannot be mitigated this matter will need to be determined by our Licensing Committee at a public hearing. As part of this process I will also have to share your details and representation with the applicant to ensure correct procedural transparency.

Many thanks,

Patrick

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

From: Poppy Spencer < >

Sent: Wednesday, February 28, 2024 9:21 PM

To: Licensing <Licensing@wyre.gov.uk>

Subject: REPRESENTATION/APPEAL

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To whom it may concern,

I would like to make a representation to appeal for the licensing of the WOBBLINN REAL ALE HOUSE LIMITED, 131 Victoria road west Thornton cleveleys - FY5 3LA, for the application to have a licence for the supply of alcohol untill 23.00.

I am currently living in xxx Victoria road west, where I live with my two young children, aged 1 and 3. Right now living in this property is the only option for us due to the cost of living and the prices of rented accommodation being at such an extremely high and unaffordable price. Before we moved here I thought that cleveleys was going to be a quiet and safe place for us but it seems like it's turning more and more into an area that is filled with night life, with more and more bars/clubs opening in the area. I am afraid of the detrimental impact that this licence will have on this area, this

particular one being right at my very door step. My two young children both go to bed for 7pm, my sons cot is against the wall which directly links to the Wobblinn real ale house where they will be serving alcohol untill 11pm at night. How is my baby going to sleep with music playing and people drinking and shouting at 11pm at night? How am I supposed to feel safe in my own home with people drinking, smoking and shouting outside my front window? How am I going to stop my children from being exposed to this every single night? I can't express to you the amount of fear that I have of this license being granted untill 11pm at night and the amount of stress and anxiety I will have not only for me, but for my children.

Please carefully consider this application before coming to a decision, one which is best for the area, and also the residents amongst it.

With regards

Poppy Spencer

Sent from my iPhone

Appendix 6 – 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 7 – 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.”