

## Licensing Committee Minutes

The minutes of the Licensing Committee meeting of Wyre Borough Council held on Thursday, 25 May 2017 at the Council Chamber, Civic Centre, Poulton-le-Fylde.

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

Councillors Marge Anderton, Michael Barrowclough, Colette Birch, Simon Bridge, Sue Catterall, Terry Lees, Patsy Ormrod, Julie Robinson, Ann Turner, Matthew Vincent, Lynn Walmsley and Val Wilson

### **Apologies:**

Councillor(s) Sue Pimbley and Christine Smith

### **Other councillors present: None**

### **Officers present:**

Christa Ferguson, Licensing Manager  
Mary Grimshaw, Senior Solicitor and Deputy Monitoring Officer  
Neil Greenwood, Head of Environmental Health and Community Safety  
Carole Leary, Democratic Services Officer

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

Mr Wallace (Applicant), Ms N McNeill (Barrister) and Mr Edwards (Solicitor) for Item 6 only.

Three Members of the Public were present for Item 6 only, Alderman Fox, Mrs Andrews and Mrs Mackie.

Mr F and Mr R (for Item 9 only).

No Members of the Press were present.

**Item 07 of the Agenda – Application for a new premises licence for 3 day event – “Fleetwood Celebration” – this Licensing Application was withdrawn from the Licensing Agenda by the Event Director – James Hodgkinson on Monday 22 May.**

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## **1 Election of Chairman**

**Resolved** that Councillor Bridge be appointed Chairman of the Licensing Committee for the municipal year 2017/18

## 2 Election of Vice Chairman

**Resolved** that Councillor Robinson be appointed Vice-Chairman of the Licensing Committee for the municipal year 2017/18.

## 3 Declarations of Interest

Councillor Robinson declared a Significant Interest in Licensing application Item 6 – Application for a new premises licence for Valiants, Lancaster Road, Out Rawcliffe, as she originally grew up in Out Rawcliffe and her parents live there, but neither she or they had either verbally or written in as objectors to the application. She did not consider that this interest gave rise to a perception of a conflict of interest or was likely to prejudice her judgment. The parties present at the meeting raised no objection and she remained in the meeting during the discussion and voted on the item and the parties present at the meeting raised no objection.

## 4 Confirmation of minutes

The minutes of the Licensing Committee meeting held on 23 February 2017, were confirmed as a correct record.

## 5 Application for a new premises licence for Valiants, Lancaster Road, Out Rawcliffe

The Service Director Health and Wellbeing submitted a report to provide members of the Licensing Committee with information to assist them at a hearing to determine an application for a new premises licence under the Licensing Act 2003, for Valiants, Lancaster Road, Out Rawcliffe, PR3 6BL. The application was limited to **two dates, in 2017**.

Present at the meeting were: - The applicant – Mr Wallace. The Applicant's legal representatives- Ms McNeill (Counsel) and his Solicitor - Mr Edwards. Three members of the public were also present to speak as objectors to the application.

It was confirmed that everyone present had received the Agenda and documentation upon which the Applicant intended to rely.

Ms McNeill then addressed the committee and outlined the application in more detail, explaining the reasons for the new premises licence. She informed the committee that the applicant had tried to meet the concerns of the local residents and the conditions had been agreed with the Police and the Environmental Health Officer. This application was then withdrawn and a revised application was submitted for just two events to take place during 2017.

As the report described, the application had been correctly advertised on the premises and in the newspaper, as required and during the 28 day representation period, four representations were received from residents stating a number of concerns. The Committee asked that two new conditions

were added to those already agreed which are outlined below and which were accepted by the Applicant.

Three members of the public spoke of their concerns and objections to the application and committee members listened and then asked questions of all present.

Members then retired to consider the application in closed session. The Licensing Committee then reconvened and the Chairman announced the Committee's decision.

**RESOLVED** that

A new premises licence for Valiants, Lancaster Road, Out Rawcliffe, PR3 6BL, be granted on the basis set out in the decision below. The committee noted that conditions had been requested by the Police and agreed by the applicant, in addition to those volunteered on the application. Members also determined that two additional conditions should be applied to the licence, those being:-

1. Temporary toilet facilities will be located in the covered area of the premises as marked on the plan of the premises at Annex 4. and
2. Mobile catering facilities will be located in the covered area of the premises as marked on the plan of the premises at Annex 4

**Reasons for Decision taken:-**

- The Committee noted the objections from local residents but were satisfied that a grant of a new premises licence subject to the conditions, would not undermine the Licensing Objectives. The Committee were satisfied that the residents' concerns had been addressed in the conditions which the Committee noted were extensive. The Committee noted that there were no objections from the police or other Responsible Authority.
- The Committee was satisfied that a number of the neighbours' concerns fell outside the Licensing regime and related to planning or highway matters and therefore were not considered as part of this application.
- The Committee considered the representations from local residents and in particular the concerns regarding future problems relating to noise. The Committee noted the rural setting of the premises but considered that the conditions were adequate to prevent Public Nuisance occurring.
- The Committee acknowledged Mr Wallace's considerable experience in the licensing business. It was noted that he had worked with the experts and had accepted the conditions requested by the police and environmental health officers and the two additional conditions at the hearing and had tried to meet the concerns of the local residents.

- The Committee advised the residents that if there were any problems in the future then the review procedure would be the correct approach to deal with these issues.

In reaching its decision, the Committee had regard to:

1. The Licensing Act 2003 (the Act)
2. The Guidance published by the Secretary of State under s182 of the Act
3. The Council's Licensing Policy

The Licensable Permitted Activities granted are as follows:

**Saturdays, only, from 18:00 to 01:00:-**

Plays : indoors

Films : indoors

Indoor sporting events - indoors

Live music – indoors

Recorded music – indoors

Performance of dance – indoors

Anything of a similar description – indoors

Late night refreshment – indoors **23:00 to 01:00**

Supply of alcohol – on the premises

Hours open to the public – **18:00 to 01:30**

**Conditions from the Application Schedule**

Some conditions may apply to one or more of the objectives

1. The number of events will be limited to TWO per calendar year (for the avoidance of doubt opening on consecutive days counts as one event). Notification of the date(s) of an event will be given to the licensing authority and to the police (by email) at least 4 weeks before the event is due to take place.
2. CCTV must comply with the following:
  - a) Appropriate signage alerting customers to CCTV recording must be displayed in conspicuous positions on the premises.
  - b) The CCTV system must be maintained and operated to the reasonable satisfaction of Lancashire Constabulary. All public areas of the premises must be covered by the system. The system will incorporate a camera covering each of the main entrance doors and each camera must be capable of providing an image which is regarded as identification standard in all lighting conditions.
  - c) The system must record during all hours the premises are open to the public.
  - d) Recordings must display the correct date and time.

- e) Digital recordings must be held for a minimum period of 28 days. The system must as a minimum record images of the head and shoulders of all persons entering the premises.
  - f) A staff member who is conversant with the operation of the CCTV system must be on the premises at all times the premises is open to the public. This staff member must be able to show CCTV footage to the Police, responsible authorities or an authorised person immediately and provide footage in a viewable format within 48 hours of request, with minimum delay. A written CCTV log will be kept by the CCTV operative recording all serious incidents. The log will be retained for a minimum period of 12 months. The CCTV operative will have radio contact with door supervisors and management at all times
  - g) The licence holder must notify the Police Licensing Unit on any occasion when the CCTV is to be inoperative for a period in excess of one working day and shall provide a certificate from a competent person stating the reason for the system being inoperative and the measures which have been taken to satisfy the conditions of this licence.
  - h) Maintenance checks by a suitably qualified CCTV engineer of the CCTV system must be made / reviewed before each event to ensure that the system is in good working order and is operating in compliance with the conditions of this licence and made available for inspection.
3. Only plastic glasses will be used on the ground floor. All glass bottles must be decanted into such vessels prior to being given to customers
  4. Only plastic glasses or glasses which are made of toughened glass (when available) shall be used in the VIP areas. All glass bottles must be decanted into such vessels prior to being given to customers
  5. Only persons who are 18 years of age and over shall be able to sell or supply alcohol.
  6. Customers presenting for admission:
    - a) Will be required to provide proof that they are over 18 years of age. At the discretion of the management a limited number of customers (six) under the age of 18 may be admitted to an event. Such customers will not be permitted to remain on the ground floor; will not be supplied with alcohol; and must be accompanied by a responsible adult at all times
    - b) If requested must agree to be searched. If they refuse to be searched they will not be admitted.  
Clearly visible notices, in a form prescribed by the Council, shall be displayed advising those attending that it is a condition of entry that customers agree to be searched.
    - c) If requested must agree to take a breathalyser if requested to do so. If they refuse to be breathalysed or give a reading in excess of 80 they will not be admitted
    - d) If requested must walk through a 'knife-arch' or searched by 'wand'

and any weapons will be immediately confiscated and dealt with in a suitable manner

7. A documented Challenge 25 scheme will be operated at the premises. The Challenge 25 scheme shall be actively promoted and advertised at the point of ticket sale and at the premises and will ensure that any customer purchasing alcohol, who appears to be under 25 years of age, shall be asked to provide acceptable identification to prove that they are 18 years of age or over.
8. The Proof of Age Standards Scheme (PASS) will be actively promoted at the premises by the display of Challenge 25 posters bearing the PASS logo
9. A PASS accredited holographic proof of age card will be the main identification document accepted at the premises as proof of age. A PASS card must be accepted as proof of age if a customer possesses one. Where a customer does not possess a PASS accredited proof of age card, only the following alternative forms of alternative identification will be acceptable:-
  - (a) Passport;
  - (b) Photo driving licence;
  - (c) Any other form of identification agreed with the Police Licensing Unit.
10. Customers shall be allowed 30 minutes drinking up time after the last sale of alcohol for consumption on the premises.
11. A management risk assessment will be made / reviewed before each event and made available for inspection with regard to the number of door supervisors to be employed. There shall be provided at the premises door supervisors who are registered with the Security Industry Authority to control the entry of persons to the premises and for the keeping of order in the premises when they are used for a licensable activity. A minimum of 2 SIA registered door staff for the first 100 customers followed by an extra one member of door staff for each additional 100 customers or part thereof. This should include not less than 1 female door supervisor registered with the Security Industry Authority
12. A Health and Safety Risk Assessment will be made / reviewed before each event and made available for inspection
13. A Fire Risk Assessment will be made / reviewed before each event and made available for inspection
14. The electrical installation (including emergency lighting) will be inspected / reviewed by a competent person before each event and made available for inspection to ensure that it is in a safe condition and paperwork provided to prove this is the case (i.e. condition report/ periodic inspection report).

15. A maximum of 1500 people (including staff) will be allowed on the premises at any one time (1200 downstairs + 300 upstairs).
16. The management will use its best endeavours to ensure that transport from the venue to suitable locations is available to all customers.
17. Signposting to the venue will be erected
18. An appropriate 'chill out' area should be identified and clearly marked and away from main event. This area will be monitored at all times when it is being utilised
19. No food will be served in the licensed area. For the avoidance of doubt food may be served from facilities outside the licensed area
20. Adequate exit signage will be maintained
21. Suitable and sufficient means of giving warning in case of fire will be provided (this may consist of voice activated evacuation [MC]), loudhailers and be staff managed with radios
22. Emergency cut offs for music and immediate switch on of conventional lighting on evacuation.
23. Robust staff training in evacuation procedures will be provided
24. The single glazed windows overlooking the venue in the V.I.P. area, will be adapted to ensure they are shatter proof in the event of damage
25. The metal railings to the V.I.P. area will be strengthened to prevent them from coming loose/ giving way under pressure.
26. The lighting levels of the enclosed corridor leading to the CCTV control room will be improved to provide suitable and sufficient lighting to the traffic route
27. Adequate procedure will be put in place to control pests. This will include minimizing pest entry points around the building including gaps under doors. All hand contact and drink service areas will be thoroughly cleaned and disinfected prior to events taking place.
28. The DPS (or another Personal Licence Holder in exigent circumstances) together with a minimum of two other Personal Licence Holders will be present during each event
29. An accredited drug dog will be on-site and utilised when premises is open to the public
30. Where there is reasonable suspicion that drugs are being carried, the

outer clothing, pockets and bags of those entering the venue are searched by a trained staff member of the same sex.

31. Confiscated and found drugs shall be stored, disposed, transferred in a suitable way
32. At all times the premises is open to the public regular toilet checks will be conducted in all operational toilet areas and documented accordingly. These checks will be conducted at regular intervals. The CCTV coverage of the toilet areas will be monitored at all times
33. There must be appropriate First Aid trained persons on duty.
34. Transport arrangements for the safe dispersal of customers away from the venue due to the remote location off the premises must be in place.
35. A no re-admittance policy will be adhered to.
36. Frequent collection of litter and frequent collection of glasses shall be undertaken.
37. A zero tolerance policy shall be adopted towards any illegal behaviour (including but not limited to drugs)
38. There shall be non-alcoholic drinks (including but not limited to drinking water) available at all times that the premises are open to the public
39. There shall be no drinks promotions which would contravene the British Beer and Pub Association Standards for the Management of Responsible Drinks Promotions or which may encourage binge drinking
40. A sealed & locked skip/container will be available for the storage of empty bottles so as to prevent unauthorised access to those bottles.
41. A designated person shall patrol the venue to ensure that measures identified within the risk assessments are implemented
42. A dispersal policy, which is agreed by the police is be implemented at all times.
43. The noise level from the premises whilst being used for public entertainments purposes shall not exceed background noise level as measured at the nearest residential receptor
44. 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.

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

**Conditions requested by the Police Licensing Officer PS Helen Parkinson and agreed by the applicant, to be added to the Operating Schedule:**

- 1) Confiscated and found drugs shall be stored, disposed, transferred in accordance with procedures agreed with the Lancashire Constabulary.
- 2) An incident book will be maintained, in which shall be recorded :
  - (i) All incidents of crime and disorder
  - (ii) Refused sales to suspected under age I drunken persons
  - (iii) A record of any person refused admission or asked to leave the premises
  - (iv) Details of occasions upon which the Police are called to the premises
  - (v) The use or discovery of drugs

That book shall be available for inspection by a Police Officer or authorised person

- 3) All bar staff and door staff to have received suitable training in relation to the proof of age scheme to be applied upon the premises. Training must be within 6 months of each event. Records to evidence this will be made available to an authorised officer upon request.
- 4) All bar staff and door staff to have received suitable training in relation to levels of drunkenness. Training must be within 6 months of each event. Records to evidence this will be made available to an authorised officer upon request
- 5) A record shall be kept on the premises of every person employed at the premises as a door supervisor. The record is to contain the following details:
  - (i) Name and address
  - (ii) Date of birth
  - (iii) SIA licence number
  - (iv) Time duty commenced and time duty terminated

Said records are to be made available for inspection upon demand by a Police officer or any authorised officer.

- 6) Customers presenting for admission:
  - a) Will be required to provide proof that they are over 18 years of age. At the discretion of the management a limited number of customers (not more than six) under the age of 18, but not younger than 15, may be admitted to the event. Such customers will not be permitted to remain on the ground floor; will not be supplied with alcohol; and must be accompanied by a responsible adult at all times
  - b) Must agree to be searched. Each customer will be subject to a search and any bag in their possession. If a customer refuses to be searched they will not be admitted. Clear visible notices, in the form prescribed by the Council, shall be displayed advising those attending that it is a condition of entry that customers agree to be searched.
  - c) Must walk through a 'knife-arch' and any weapons will be immediately confiscated and dealt with following procedures agreed with Lancashire Constabulary.
- 7) Promotional material will advertise the fact that persons will be age checked and all persons and bags will be searched prior to entry

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

6. Customers presenting for admission:

- a) Will be required to provide proof that they are over 18 years of age. At the discretion of the management a limited number of customers (six) under the age of 18 may be admitted to an event. Such customers will not be permitted to remain on the ground floor; will not be supplied with alcohol; and must be accompanied by a responsible adult at all times
- b) If requested must agree to be searched. If they refuse to be searched they will not be admitted.
- c) Clearly visible notices, in the form prescribed by the Council, shall be displayed advising those attending that it is a condition of entry that customers agree to be searched.
- d) If requested must agree to take a breathalyser if requested to do so. If they refuse to be breathalysed or give a reading in excess of 80 they will not be admitted.
- e) If requested must walk through a 'knife-arch' or searched by 'wand' and any weapons will be immediately confiscated and dealt with in a suitable manner.

31. Confiscated and found drugs shall be on-site and utilised when premises is open to the public.

The following two Conditions to be added:

1. Temporary toilet facilities will be located in the covered area of the premises as marked on the plan of the premises at Annex 4.and
2. Mobile catering facilities will be located in the covered area of the premises as marked on the plan of the premises at Annex 4.

## **6 EXCLUSION OF THE PUBLIC AND PRESS**

**RESOLVED** that the public and press be excluded from the meeting whilst agenda item 9 was being considered, because it refers to exempt information as defined in category 1 (information relating to any individual) of Part 1 of Schedule 12(a) of the Local Government Act, 1972, as amended by the Local Government (Access to Information) Variation Order 2006 and, that the public interest in maintaining the exemptions outweighs the public interest in disclosing the information.

## **7 Application for a new personal licence-Police objection**

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

The Police Licensing Officer had been called away during the previous agenda item, however PS Helen Parkinson had passed a hand written statement to the Licensing Manager and requested that it be handed out to members and Mr F and Mr R at the hearing.

Mr F was present at the meeting, along with Mr R as support, but he was not legally represented.

All parties were allowed time to read PS Parkinson's submission.

Mr F spoke to the committee, explaining the circumstances of his conviction (February 2015) as referred to in the report with regard to his past conduct.

Members asked questions of Mr F, and he provided an explanation of the incident and also what he had done and achieved from when he was last before committee in November 2015, up to the present date.

The report noted that Mr F had not received any further convictions during this time and Mr F confirmed this.

Members retired to consider the application in closed session. The Licensing Committee then reconvened and the Chairman announced the Committee's decision.

**RESOLVED** that Mr F be granted a Personal Licence without any further conditions.

### **Reasons for Decision taken:-**

The Committee were satisfied that Mr F had matured since the last application in December 2015 and were impressed with his progress and level of commitment shown to date. In addition, the Committee were encouraged by his maintained sobriety and absence of further offending and his continued attendance at SMART.

The Committee noted the seriousness of the offences and the concerns from the police that Mr F had only just finished his suspended sentence three months ago and that there was a risk that once the suspended sentence was finished his previous behaviour could come to light.

Nevertheless, the Committee were encouraged by the fact that he had not come to the police's attention since his sentence and that he had been working in and around alcohol at the Hilton Hotel in his current role without any issues. The Committee therefore considered that with the continued support from his employers together with his own continued resolve that it was unlikely he would reoffend.

The Committee considered that he had turned his life around and by granting the licence, it would help to focus his mind further and drive him on in his career.

For these reasons, the Committee concluded that the granting of the application would not undermine the crime and disorder objective.

The meeting started at 6.07 pm and finished at 8.37 pm.

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