



## Licensing Committee Agenda

Wyre Borough Council  
Date of Publication: 18 June 2018  
Please ask for : Carole Leary  
Democratic Services Officer  
Tel: 01253 887444

**Licensing Committee meeting on Tuesday, 26 June 2018 at 6.30 pm  
in the Civic Centre, Poulton-le-Fylde**

**1. Membership of the Sub-Committee**

Councillor's Robinson, Pimbley and Barrowclough

**2. Appointment of Chairman**

**3. Declarations of Interest**

Members will disclose any pecuniary and any other significant interests they may have in relation to the matters under consideration.

**4. Application for a new Premises Licence - Stocks and Shilling, 53 Market Place, Poulton-le-Fylde, FY6 7AS (Pages 1 - 50)**

Report of the Service Director Health and Wellbeing, attached.

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Report of:	Meeting	Date	Item no.
Mark Broadhurst, Service Director Health and Wellbeing	Licensing Committee	26 June 2018	4

**Application for a new Premises Licence – Stocks and Shilling, 53 Market Place, Poulton-le-Fylde, FY6 7AS**

**1. Purpose of report**

1.1 To assist members to determine an application submitted under section 17 of the Licensing Act 2003 by Inns and Leisure Limited, for a new premises licence.

**2. Outcomes**

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

**3. Recommendation**

3.1 That Members consider the application submitted by Inns and Leisure along with the representations from interested parties and determine the application.

**4. Background**

4.1 On 11 May 2018, the Licensing Unit received an application from Inns & Leisure Ltd, for a new premises licence in respect of 23 Market Place, Poulton le Fylde, FY6 7BT (**Appendix 1**).

4.2 The applicant wishes to provide the following licensable activities:

Activity	Fri + Sat	Sun to Thurs
Sale of alcohol (on+off)	10:00 – 01:00	10:00 – 00:00
Recorded Music(indoors)	10:00 – 01:00	10:00 – 00:00
Late Night Refreshment	10:00 – 01:00	10:00 – 00:00
Open to the Public	10:00 – 01:30	10:00 – 00:30

- 4.3 The applicant also wishes to offer licensable activities from the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day; for an additional hour when British Summer Time commences; and an additional hour on the Sundays preceding each Bank Holiday Monday.
- 4.4 The premises in question was formally the Nat West Bank and an application seeking the required change of use and associated building alterations was submitted to the council's planning department in May. The planning application is not due to be determined until mid-July at the earliest.

## 5. Key issues and proposals

- 5.1 Section 18 (3) of the Licensing Act 2003, as amended, requires the Licensing Authority to hold a hearing to consider the application and any relevant representations, within twenty working days following the end of the statutory twenty-eight day consultation period, which ended on 8 June 2018.
- 5.2 The Police have been consulted and have agreed a number of additional conditions to be included on the operating schedule, if a licence is granted (**Appendix 2**).
- 5.3 Environmental Health have been consulted and agreed additional conditions with the applicant, to mitigate against nuisance if a licence is granted (**Appendix 3**).
- 5.4 There have been no responses from any of the other Responsible Authorities.
- 5.5 The application has been advertised in accordance with the Regulations and at the end of the consultation period there were four outstanding representations received from interested parties (**Appendix 4**).
- 5.6 The objectors have alluded to concerns over public safety, given the premises proximity to the public highway, and the potential for additional noise and disorderly behaviour from patrons leaving the venue.
- 5.7 To assist all parties to the hearing, **Appendix 5** is a comprehensive list of the agreed conditions that would form Annex 2 to the Licence, if a licence is granted.
- 5.8 A location plan is provided at **Appendix 6**.
- 5.9 When considering the application Members should take into account the Council's own Statement of Licensing Policy. The

following paragraphs are particularly relevant to this application are and are reproduced in **Appendix 7**.

6.1 Planning

7. General approach to licensing

18. Need for licensed premises

19. Cumulative impact of a concentration of licensed premises

Wyre Key Message 25

**5.10** Members are also directed to the Statutory Guidance issued under section 182 of the Licensing Act 2003 and in particular the following sections: 9.1, 9.3, 9.4, 9.31 and 9.37 to 9.44 inclusive, which are reproduced at **Appendix 8**.

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

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

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

It may take any of the following steps:

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

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

**Other risks/implications: checklist**

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the

report. There are no significant implications arising directly from this report, for those issues marked with an x.

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

risks/implications	✓ / x
asset management	x
climate change	x
data protection	x

report author	telephone no.	email	date
Niky Barrett	887236	Nicola.Barrett@wyre.gov.uk	11 June 2018

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

### **List of appendices**

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



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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

**I/We** Inns & Leisure 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			
Stocks and Shilling (former Nat West Bank) 23 Market Place			
<b>Post town</b>	Poulton-le-Flyde	<b>Postcode</b>	FY6 7BT
<b>Telephone number at premises (if any)</b>			
<b>Non-domestic rateable value of premises</b>		£ Not Known	

**Part 2 - Applicant details**

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

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

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

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

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

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



<b>Nationality</b>			
Current residential address if different from premises address			
Post town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

**SECOND INDIVIDUAL APPLICANT (if applicable)**

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

**(B) OTHER APPLICANTS**

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

Name Inns & Leisure Limited
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<b>Address</b> 20-24 Leicester Road, Preston Lancashire PR1 1PP
<b>Registered number (where applicable)</b> 00963982
<b>Description of applicant (for example, partnership, company, unincorporated association etc.)</b> Private Limited Company
<b>Telephone number (if any)</b>
<b>E-mail address (optional)</b>

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
0	9	06 2 0 18

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

DD	MM	YYYY

<p>Please give a general description of the premises (please read guidance note 1)</p> <p><b>Public House and Restaurant</b></p> <p>Licensable activities are sought between the hours of 10:00 and 24:00 Sunday to Thursday and 10:00 and 01:00 Friday and Saturday.</p> <p>Plan numbered (1) is deposited with the application.</p>
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If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

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

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

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g)  
(if ticking yes, fill in box H)

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

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

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

**A**

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

**B**

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

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<b><u>Please give further details</u></b> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 5)
Wed			<b><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></b> (please read guidance note 6)
Thur			
Fri			
Sat			
Sun			

**D**

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

E

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



F

Recorded music Standard days and timings (please read guidance note 7)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finis h			
Mon	10:00	24:00	<b>Please give further details here</b> (please read guidance note 4)		
Tue	10:00	24:00			
Wed	10:00	24:00	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 5)		
Thur	10:00	24:00			
Fri	10:00	01:00	<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat	10:00	01:00	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		
Sun	10:00	24:00	On the day that British Summer Time commences, one additional hour to dis-apply its effect.		
			An additional hour on the evenings preceding a Bank Holiday.		

**G**

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

# H

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

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)</b>	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon	23:00	24:00			
Tue	23:00	24:00	<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 5)		
Wed	23:00	24:00			
Thur	23:00	24:00	<b><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></b> (please read guidance note 6)  From the end of permitted hours on New Year’s Eve to the start of permitted hours on New Year’s Day.  On the day that British Summer Time commences, one additional hour to dis-apply its effect.  An additional hour on the evenings preceding a Bank Holiday.		
Fri	23:00	01:00			
Sat	23:00	01:00			
Sun	23:00	24:00			

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Mon	10:00	24:00			
Tue	10:00	24:00			
Wed	10:00	24:00			
Thur	10:00	24:00			
Fri	10:00	01:00			
Sat	10:00	01:00			
Sun	10:00	24:00	<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
			From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		
			On the day that British Summer Time commences, one additional hour to dis-apply its effect.		
			An additional hour on the evenings preceding a Bank Holiday.		

**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 Raymond Paul Fisher	
<b>Date of birth</b>	TBC
<b>Address</b>	
Lancashire	
<b>Postcode</b>	
Personal licence number (if known) PA0559	

Issuing licensing authority (if known)  
South Lakeland District Council

K

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

N/A

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b>State any seasonal variations</b> (please read guidance note 5)
Day	Start	Finish	
Mon	10:00	00:30	<p><b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 6)</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>On the day that British Summer Time commences, one additional hour to dis-apply its effect.</p> <p>An additional hour on the evenings preceding a Bank Holiday.</p>
Tue	10:00	00:30	
Wed	10:00	00:30	
Thur	10:00	00:30	
Fri	10:00	01:30	
Sat	10:00	01:30	
Sun	10:00	00:30	

**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)**

Please see attached operation schedule and policies

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

Please see attached operation schedule and policies

**c) Public safety**

Please see attached operation schedule and policies

**d) The prevention of public nuisance**

Please see attached operation schedule and policies

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

**Checklist:**

**Please tick to indicate agreement**

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

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

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

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

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

<b>Declaration</b>	[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)
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	<p>and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</p> <p>The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licesable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)</p>
Signature	Kuit Steinart Levy LLP
Date	11 May 2018
Capacity	Solicitor and authorized agent

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

Signature	
Date	
Capacity	

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

### 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

## **OPERATING SCHEDULE**

Staff shall be trained in the requirements of the Licensing Act 2003 with regard to the Licensing Objectives.

### **A) The Prevention of Crime and Disorder**

1. A CCTV system shall be maintained and operated at the premises with cameras positioned both internally and externally.
2. Recorded CCTV images will be maintained and stored for a period of twenty-eight days and shall be produced to the Police or Licensing Authority upon request.
3. CCTV will be in operation at any time a person is in the premises. Where CCTV is recorded onto a hard drive system, any DVDs subsequently produced will be in a format so it can be played back on a standard PC or DVD player.
4. The DPS of the premises must be trained in the use of any such CCTV equipment, and be able to produce CCTV images to an officer from a responsible authority upon request.
5. Whenever the premises trades beyond midnight SIA registered door staff shall be employed at the premises at a ratio of 1:100 customers. At all other times, door staff shall be employed in accordance with a risk assessment, to be carried out by the DPS. When employed, door staff will wear high visibility armbands.
6. When employed, a register of those door staff employed shall be maintained at the premises and shall include:
  - (i) the number of door staff on duty;
  - (ii) the identity of each member of door staff;
  - (iii) the times the door staff are on duty.
7. Open containers of alcohol shall not be removed from the premises, save for consumption in any delineated external area.
8. Staff will be trained in the laws relating to under age sales, and that training shall be documented and repeated at 6 monthly intervals.
9. A till check system will be utilised in lieu of a refusals book at the premises. Till check enables up to date statistics for the number of times ID has been checked and the number of instances of service refusal. These can be made available to an officer of a responsible authority upon request.

### **B) Public Safety**

1. A first aid box will be available at the premises at all times.
2. Regular safety checks shall be carried out by staff.
3. Management shall liaise with the Fire Authority as necessary to ensure compliance with all necessary fire regulations.
4. The premises shall maintain an Incident Log and public liability insurance.

### **C) The Prevention of Public Nuisance**

1. Noise from amplified music or voices shall not be such as to cause a noise nuisance to occupants of nearby premises.
2. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
3. The exterior of the building shall be cleared of litter at regular intervals.
4. Notices will be positioned at the exits to the building requesting customers to leave in a quiet manner.
5. Doors and windows at the premises are to remain closed after 11pm, save for access and egress.
6. A Dispersal and Smoking Policy will be implemented and adhered to (see attached).
7. The emptying of bins into skips, and refuse collections will not take place between 11pm and 8am.

### **D) The Protection of Children From Harm**

1. A "Challenge 21" Policy shall be implemented in full and appropriate identification sought from any person who appears to be under the age of 21. The only acceptable forms of identification shall be photographic driving licences, passports, HM forces cards, or a form of identification with the "PASS" hologram.
2. Staff training will include the Challenge 21 Policy and its operation. In particular, staff shall be trained to take such action as is necessary to prevent the sale of alcohol to persons over the age of 18 where those customers are engaged in the distribution of alcohol to persons under the age of 18. The training must be given to a new member of staff before they commence employment and all staff must receive refresher training every 6 months.
3. Notices advising what forms of ID are acceptable must be displayed.
4. Notices must be displayed in prominent positions indicating that the Challenge 21 policy is in force.

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## **DISPERSAL POLICY**

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1. Staff Members (including door personnel when employed) will advise patrons to leave the premises quickly and quietly out of respect for our neighbours.
2. Notices will be displayed requesting our customers to leave quietly and in an orderly manner out of consideration to neighbours and their attention will be drawn to these notices by members of staff.
3. A notice will be provided where it can easily be read by patrons indicating that drinks cannot be taken outside the licensed area of the premises. (This does not apply in the case of consumption in any delineated external drinking area)
4. We will actively discourage our customers from assembling outside the premises at the end of the evening.

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## SMOKING POLICY

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1. The roof terrace used by customers wishing to smoke shall be clearly covered by the CCTV system which will be installed at the premises.
2. The outside area shall be monitored by staff or door staff regularly at all times it is in use.
3. The area will be cleaned regularly.
4. Suitable receptacles shall be provided for smokers to dispose of cigarette butts.
5. Signs will be displayed in the area requesting customers keep noise to a minimum.
6. Patrons who disregard signage and verbal instructions regarding noise will be asked to move inside and/or leave the premises.



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

INNS + LEISURE LTD  
*[name of applicant]*

concerning the supply of alcohol at

STOCKS + SHILLING,  
23, MARKET PLACE,  
POLILTON - LE - RYLDE,  
FY6 - 7BT

*[name and address of premises to which application relates]*

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

PA0559

*[insert personal licence number, if any]*

Personal licence issuing authority

S.L.D.C. South Lakeland District Council

*[insert name and address and telephone number of personal licence issuing authority, if any]*

Signed

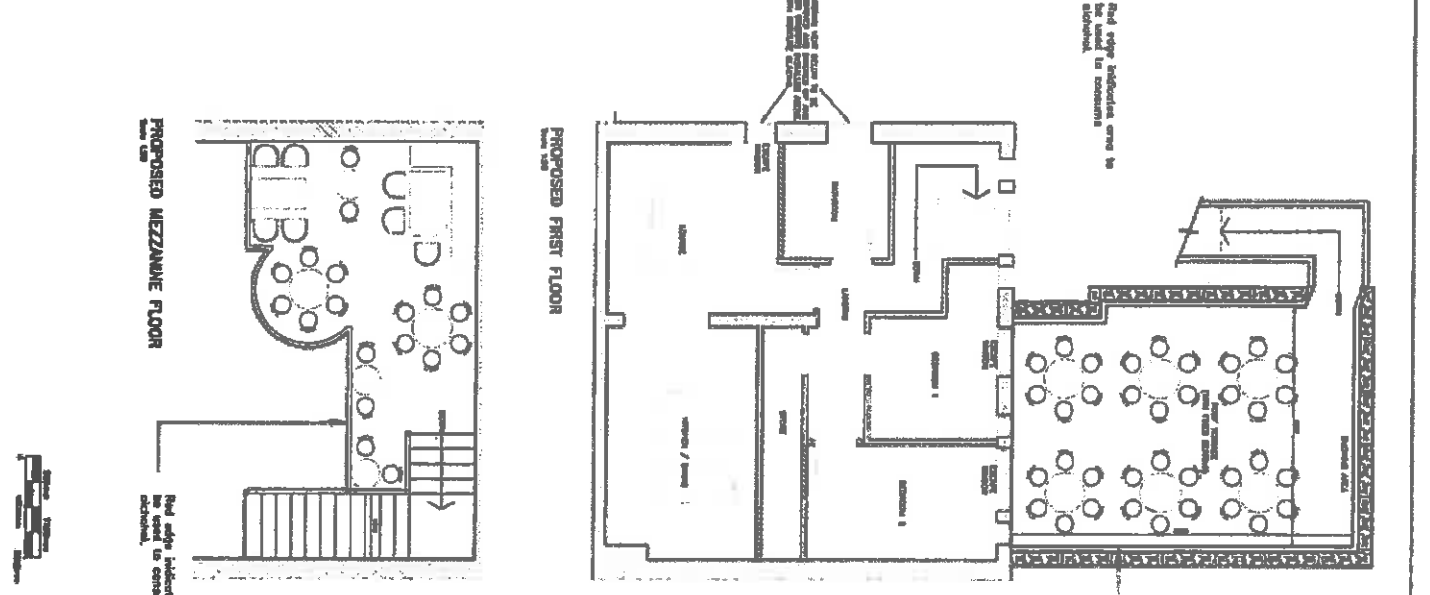
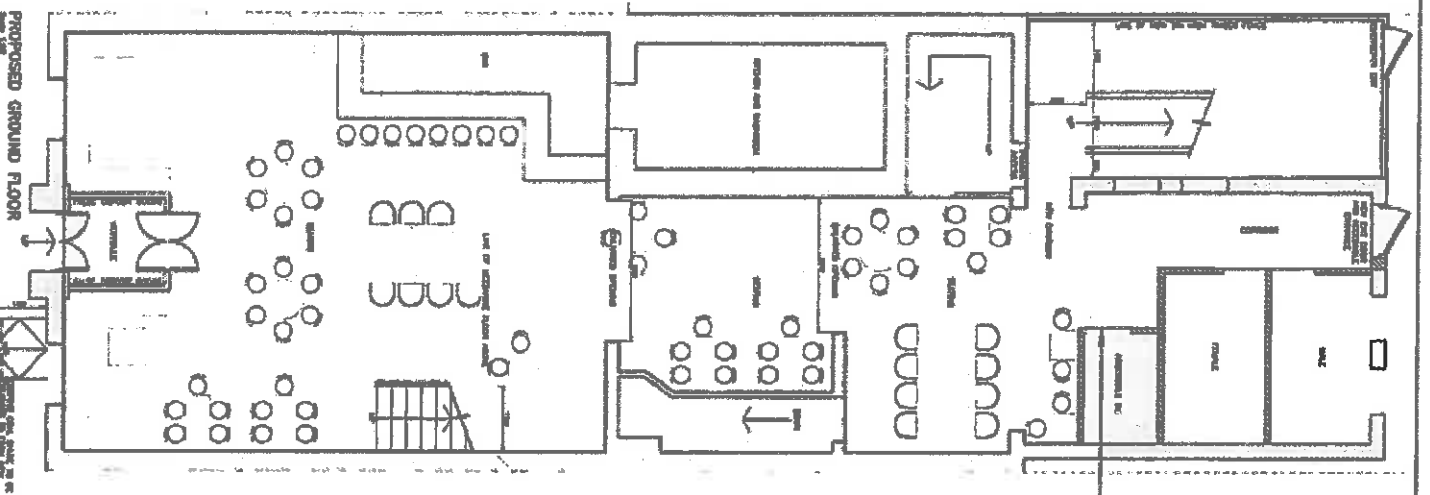
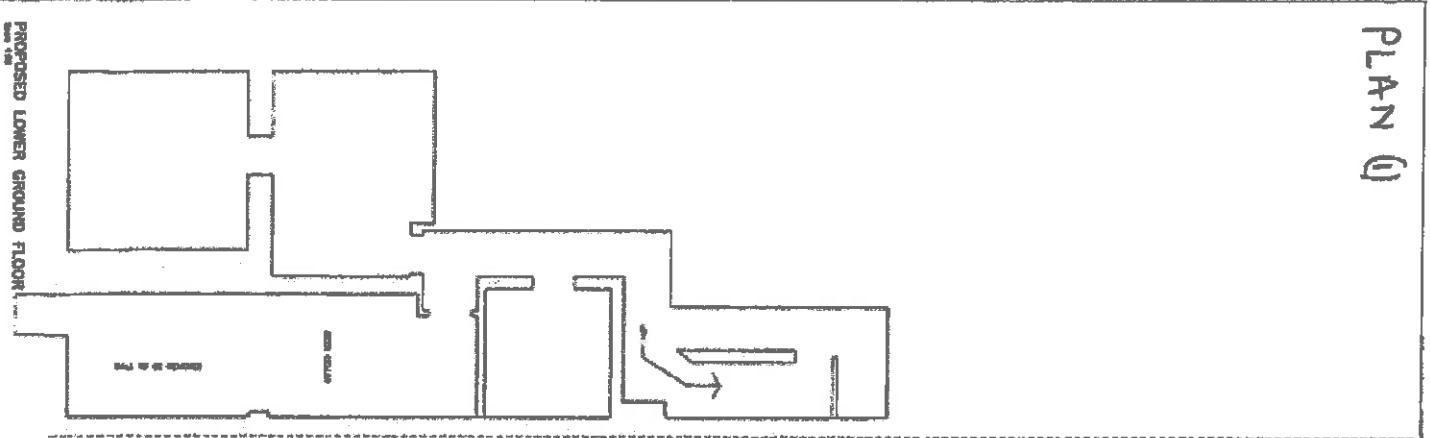
Name (please print)

RAYMOND PAUL FISHER

Date

10-5-2018

PLAN (1)



1. Symbols used in this plan are defined in Schedule 1 of the Building Regulations 2010.
2. All dimensions are to be verified on site by the contractor.
3. All dimensions are to be verified on site by the contractor.
4. All dimensions are to be verified on site by the contractor.

Red edge indicates areas to be used to construct the structure.

Red edge indicates areas to be used to construct the structure.

NO.	REVISION	DATE	BY	CHKD BY
1	Issue for construction	15/01/2024	MD	MD
2	Issue for construction	15/01/2024	MD	MD
3	Issue for construction	15/01/2024	MD	MD
4	Issue for construction	15/01/2024	MD	MD
5	Issue for construction	15/01/2024	MD	MD

**T&S Design Services**  
 100, Market Street, Preston, Lancashire, PR1 2EP  
 Tel: 01773 534416  
 Fax: 01773 534417  
 Email: info@tandsdesign.co.uk

**INNS AND LESLIE LTD**  
 100, Market Street, Preston, Lancashire, PR1 2EP  
 Tel: 01773 534416  
 Fax: 01773 534417  
 Email: info@innsandlesie.co.uk

**PROPOSED FLOOR PLANS**

**CHANGE OF USE INTO PUBLIC HOUSE AT 23 MARKET PLACE, POLITON-LE-FYLDE, LANCSHIRE, P18 7BT**

NS 4416



Wyre Council Licensing Service			
<b>Notification of Mediation Agreement</b>			
<b>Premises Details</b>			
Name of Premises:	Stocks and Shilling		
Premises Address:	23 Market Place, Poulton-le-Fylde		
Post Code:	FY6 7BT		
<b>Responsible Authority</b>			
Service / Department	Lancashire Constabulary		
Officer (Print Name)	PC 4107 Emma Pritchard		
Signature			
<b>Proposed changes to Application Operational Schedule</b>			<b>Mark one</b>
Adequate changes proposed during the representation period. No representation made.			X
Some changes proposed. Representation will follow for remaining concerns.			
Some changes made after representation submitted. Continue to hearing.			
Full and adequate proposals made after representation. Representation withdrawn.			
<b>Applicant's consent to amend Licence Application</b>			
I the undersigned am the applicant and hereby authorize Blackpool Licensing Service to amend my application as detailed below. I understand that these amendments may be included as conditions on the Premises Licence should one be issued.			
Applicant's Name (Please print clearly)	[Signature] on behalf of Inns & Leisure Ltd)		
Applicant's Usual Signature	[Signature], kuits Solicitors		
Date of signing	8	6	2018
<b>Amendments</b>			
1	<b>The following conditions to be added to the operating schedule:</b>		
1	At least one personal licence holder will be contactable while the supply or sale of alcohol is being undertaken (whose identity will be known to all other staff engaged in the supply or sale of alcohol) except in the case of emergency.		
2	Another member of staff shall be nominated to act for the DPS in their absence whose identity is known by all staff when such absence occurs.		
3	An authorisation, signed and dated by the Designated Premises Supervisor, shall be kept at the premises showing all persons authorised by them to make sales of alcohol at the premises.		
4	Risk assessments carried out by or on behalf of the licence holder which relate to a licensing objective will be available for inspection by an authorised officer.		

- 5 The premises shall have a documented drugs prevention policy on which all members of staff shall be trained
- 6 Security/staff arrangements will be sufficient to discourage the sale and consumption of drugs and shall ensure such arrangements include regular checks of toilet areas at least every 30minutes.
- 7 Clearly visible notices shall be displayed advising those attending that:  
a) It is a condition of entry that customers agree to be searched and  
b) Police will be informed if anyone is found in possession of controlled substances or weapons.
- 8 Records of incidents involving the use, and/or detection of drugs shall be maintained and those records shall be available for inspection. Confiscated and found drugs shall be transferred to the police in accordance with procedures agreed with Lancashire Constabulary.
- 9 No person in possession of a drink in a sealed or unsealed container will be allowed to enter the premises except for the purposes of delivery.
- 10 Appropriate measures will be taken to ensure staff prevent the removal of bottles or glasses from the curtilage and grounds of the licensed premises.
- 11 All drinking vessels used at the premises will be made of toughened glass (where that is available) or polycarbonate material.
- 12 Frequent collection of glasses and bottles will be undertaken to ensure that empty containers do not accumulate in or around the licensed premises.
- 13 No entertainment of an adult or sexual nature will take place on the premises.
- 14 A Challenge 25 proof of age policy shall be implemented and adhered to. Any person who looks or appears to be under the age of 25 shall be asked to provide identification that they are over the age of 18. The following are the only forms of identification acceptable:
- A recognised proof of age scheme accredited under the British Retail Consortiums Proof of Age Standards Scheme (PASS).
  - Photo driving licence.
  - Passport.
  - Official ID card issued by HM Forces or European Union bearing a photograph and date of birth of the holder.
- If no suitable identification is provided the sale of alcohol to them will be refused. Suitable signage will be displayed to specify the Challenge 25 policy is in place.
- 15 All staff to have received suitable training in relation to the proof of age scheme. Refresher training on underage sales to be provided to all staff every three months. Records to evidence this will be made available to an authorised officer upon request.
- 16 Persons under the age of 18 shall only be admitted onto the premises in the company of an adult. Except for pre-arranged private functions and ticketed events, children under 18 shall vacate the premises by 21:00. Unaccompanied children shall not be on the premises.
- 17 Functions which specifically target young people aged 17-18 years (for example birthday parties) will not be allowed to take place on the premises.
- 18 CCTV must be installed internally and externally at the premises and must comply with the following:

- i. Appropriate signage alerting customers to CCTV recording must be displayed in conspicuous positions on the premises.
- ii. The CCTV system must be installed, maintained and operated to the reasonable satisfaction of Lancashire Constabulary. All public areas of the premises must be covered by the system. The system will incorporate a camera covering each of the main entrance doors and each camera must be capable of providing an image which is regarded as identification standard in all lighting conditions.
- iii. The system must record all hours the premises are open to the public.
- iv. Recordings must display the correct date and time.
- v. Digital recordings must be held for a minimum period of 21 days. The system must as a minimum record images of the head and shoulders of all persons entering the premises.
- vi. A staff member who is conversant with the operation of the CCTV system will be on the premises at all times the premises are open to the public. This staff member will be able to show police recent data or footage with the absolute minimum of delay when requested
- vii. The licence holder must notify the Police Licensing Unit on any occasion when the CCTV is to be inoperative for a period in excess of one working day and shall provide a certificate from a competent person stating the reason for the system being inoperative and the measures which have been taken to satisfy the conditions of this licence.
- viii. Bi-annually documented maintenance checks by a suitably qualified CCTV engineer must be made of the CCTV system to ensure that the system is in good working order and is operating in compliance with the conditions of this licence.

- 19 All internal lobbied doors to any entrance/exit point, fire exit doors and external windows shall be closed after 22:00 hours except in the event of an emergency and save for the purposes of access and egress.
- 20 2 SIA door staff will be on duty from 20:00hours every Friday and Saturday, Sunday before Bank Holiday, Christmas Eve, Boxing Day and New Year's Eve. At all other times the licence holder will determine an appropriate number of door staff, having regard to a risk assessment maintained by the premises licence holder. The document must be available for inspection if required.
- 21 A signing in sheet to be completed by all members of door staff on duty at the premises to include the times of their tour of duty, SIA badge number, full name printed, signature and date of birth of each individual door supervisor. A quantity of blank incident report forms to be kept with this file at all times, and all records shall be produced for inspection on the request of a police officer or authorised person.
- 22 On Friday and Saturday after 22:00hrs when the roof terrace is open to the public an SIA registered member of staff shall make frequent checks of intervals no less than every 30 mins.  
At all other times that this area is open to the public frequent checks should be made by staff of intervals no less than every 30 mins.
- 23 An incident book will be maintained in which shall be recorded:-
- i. All incidents of crime and disorder
  - ii. Refused sales to suspected under-age and drunken persons
  - iii. A record of any person asked to leave the premises or removed from the premises
  - iv. Details of occasions on which the police are called to the premises
  - v. A record of persons searched on suspicion that drugs are being carried and the reason for such suspicion
- The book will be available for inspection by a police officer.

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

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**From:** Clayton, Nick  
**Sent:** 07 June 2018 15:21  
**To:** Licensing & Health and Safety  
**Subject:** New Premises Licence application for 23 Market Place, Poulton, FY6 7BT  
**Attachments:** stocks and shilling floor plan.pdf; Application Stocks and Shilling.pdf

Good Afternoon

Thank you for consulting me on the New Licence application for 23 Market Place, Poulton, FY6 7BT (Stocks and Shilling). After discussing my concerns at length with Felicity Tulloch and her clients, please see the email below for the agreed upon conditions for the stocks and shilling.

Kind regards

Nick Clayton

**Nick Clayton**  
Graduate Environmental Health Officer  
01253 887404  
Room 129

**From:** Felicity Tulloch  
**Sent:** 07 June 2018 12:47  
**To:** Clayton, Nick <  
**Subject:** RE: Stocks & Shilling, 23 Market Place, Poulton (INN17/1)

Dear Nick,

Many thanks for your email. I can confirm that my clients are happy to agree to the inclusion of the 15 conditions set out below.

I would be grateful if you could notify the Licensing Authority that the concerns you originally had in respect of the application are now satisfied.

Many thanks,

Felicity

**From:** Clayton, Nick [mailto:  
**Sent:** 06 June 2018 15:48  
**To:** Felicity Tulloch  
**Subject:** RE: Stocks & Shilling, 23 Market Place, Poulton (INN17/1)

Dear Felicity,

Thanks for the detailed copy of the plan, I have included the conditions as requested down below.

1. The licence holder or the Designated Premises Supervisor who is supervising the sale or supply of alcohol at that time shall not permit customers to congregate and consume alcohol sold or

supplied by that premises in a public place within the immediate vicinity of the premises and in an area not so licensed for consumption to the annoyance or obstruction of others and shall prevent the removal of alcohol if it is intended for such a purpose.

2. The outdoor area as shown in Yellow on the approved Licensing Plan shall cease to be used for the consumption of alcohol and food at 22.00 hours. All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency or for the purpose of access and egress.
3. No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the premises.
4. Noise from regulated entertainment at the licensed premises shall not exceed the background noise level when measured as an LAeq,5min in any one third octave band at the boundary with any noise sensitive premises.
5. Live or recorded music which is directed through speakers will be subject to a noise-limiting device set to a level agreed in writing by Wyre Council's Environmental Health Officer and thereafter retained at that level.
6. No artificial light from or on the licensed premises and any other light under the control of the premises shall be provided where that light causes a nuisance to any sensitive premises.
7. The premises licence holder or his representative shall ensure that staff departing late at night when the business has ceased trading conduct themselves in such a manner to avoid disturbance to any sensitive premises.
8. The premises licence holder or his representative will arrange for litter and cigarette debris dropped in the vicinity of the licensed premises to be collected and removed at the end of operating hours each night.
9. Refuse, including bottles, shall not be disposed of in any external area of the licensed premises between 20.00 and 09.00.
10. There shall be placed at all exits from the licensed premises in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the surrounding area quietly. (Note, this may also include a reference to vehicles).
11. The premises licence holder or his representative shall conduct regular assessments of the noise coming from the licensed premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record shall be made of those assessments in a log book kept for that purpose and shall include, the time and date of the checks, the person making them and the results, including any remedial action.
12. There shall be no emission from the premises of any offensive smells which are likely to cause a nuisance to any sensitive premises.
13. Where there are any offensive smells created on the premises which are causing a nuisance to any sensitive premises, provision shall be made for such smells to be vented from the premises so that they do not cause such a nuisance.
14. 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.
15. Where the premises provide food to the public for consumption on or off the premises there shall be provided at or near the exits, sufficient waste bins to enable the disposal of waste food, food containers, wrappings, etc.

If you have any questions or quires please let me know before Friday.

Kind regards

---

**From:** Cllr McKay, Lesley  
**Sent:** 27 May 2018 19:26  
**To:** Licensing & Health and Safety  
**Cc:** Cllr Henderson, David  
**Subject:** 23 Market Place, Poulton le Fylde

Dear Sir/Madam,

I am emailing to formally make an objection to the premises license application at the above address, 23 Market Place, Poulton Le Fylde.

I believe we have long since reached saturation point for licensed premises in Poulton le Fylde and this premises license application is not necessary and would certainly be of significant detriment to the local surrounding area.

Granting a premises license in this location would see the location of licensed premises in Poulton Le Fylde creep ever closer to the main Market Square and town centre. This would have a terrible impact on local trade and the potential for new traders (retail etc) in the town centre. As a Poulton Councilor I do not want to see anymore retail outlets being converted to licensed premises/restaurants. Enough is enough.

My main concern, however, is the geographical location of the premises. The building opens out onto the main road. There are already problems in this area given the newly implemented road layout. Motorists are constantly switching lanes in confusion and having to slam their brakes on for the pedestrian crossing due to the design of the new layout. The idea of having residents walking out of a licensed premises directly onto this road fills me with dread. I understand that The Bull is located on this road, but it was a well established venue prior to the implementation of the new road layout and has porched areas around the exits. The above licensed premises would open out directly onto the road.

Speaking frankly, we do not need another licensed premises in Poulton. We need to take control back of our town before all our retail outlets and opportunities for future traders are lost forever.

I am away on holiday from tomorrow until 7th June but am more than happy to answer any questions this email may have raised.

Kind regards,

Cllr Lesley McKay  
Tithebarn Ward

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**From:**  
**Sent:** 27 May 2018 11:31  
**To:** Licensing & Health and Safety  
**Subject:** Stocks and Shilling licence application, Market Place, Poulton le Fylde

I would like to express my objection to this application. I believe that the centre of Poulton is at saturation point with regard to licensed premises, and Poulton is losing its identity as a safe and family oriented market town.

I would welcome the opportunity to expand my concerns formally. I believe that there is a standard form that I need to complete, so would be grateful if you would send this to me as soon as possible. Thank you

Mrs Helen Lever

Sent from my iPad  
Email secured by Check Point

**From:** Licensing & Health and Safety  
**Sent:** 17 May 2018 09:03  
**To:** Barrett, Niky <Nicola.Barrett@wyre.gov.uk>  
**Subject:** FW: Application for Licensed Premises

**From:** Jane Mather  
**Sent:** 16 May 2018 19:23  
**To:** Licensing & Health and Safety <[Licensing@wyre.gov.uk](mailto:Licensing@wyre.gov.uk)>  
**Subject:** Application for Licensed Premises

The application for a licensed premises has been circulated on the social media page for Poulton Residents. To say that residents are outraged by the prospect of yet ANOTHER licensed premises in our small town is not an understatement.

Within less than a square mile I have worked out we have 12 bars now in Poulton, and that does not include restaurants with licenses.

Recently residents have had to deal with unacceptable levels of noise in the early hours on weekends as people spill out of the bars on the confined Breck Road area where two new bars have recently opened. Surely there has to be some legislation regarding the number of licensed premises within a small area like the centre of Poulton.

Our lovely, little town is soon going to become a sea of new homes and bars. I for one am disappointed that Wyre Borough Council are even considering this application and hope that residents are given an opportunity to appeal against this.

How about approaching businesses to take over these empty premises... Marks and Spencer, Next, M&Co or the like? We are short of shops, NOT bars.

I look forward to your response.

Jane Mather



**From:** Steve Hardman  
**Sent:** 18 May 2018 09:04  
**To:** Licensing & Health and Safety <[Licensing@wyre.gov.uk](mailto:Licensing@wyre.gov.uk)>  
**Subject:** New premises licence

Good morning

As a local resident I have to express my concern at yet another application for a licensed premises in Poulton where the old Nat West Bank used to be.

Breck Road has seen a significant increase in disorder, noise nuisance and anti social behaviour and we appear to be granting further licences which go towards fuelling this increase, placing more demand on the already struggling police to try and deal with the volume of the night time economy in Poulton.

I would like to oppose any further application and ask wyre to consider a saturation policy for Poulton for both alcohol and late night refreshment licences.

Kind regards

Steve Hardman

## DRAFT ANNEX 2

- 1 At least one personal licence holder will be contactable while the supply or sale of alcohol is being undertaken (whose identity will be known to all other staff engaged in the supply or sale of alcohol) except in the case of emergency.
- 2 Another member of staff shall be nominated to act for the DPS in their absence whose identity is known by all staff when such absence occurs.
- 3 An authorisation, signed and dated by the Designated Premises Supervisor, shall be kept at the premises showing all persons authorised by them to make sales of alcohol at the premises.
- 4 Risk assessments carried out by or on behalf of the licence holder which relate to a licensing objective will be available for inspection by an authorised officer.
- 5 The premises shall have a documented drugs prevention policy on which all members of staff shall be trained
- 6 Security/staff arrangements will be sufficient to discourage the sale and consumption of drugs and shall ensure such arrangements include regular checks of toilet areas at least every 30minutes.
- 7 Clearly visible notices shall be displayed advising those attending that:
  - a) It is a condition of entry that customers agree to be searched and
  - b) Police will be informed if anyone is found in possession of controlled substances or weapons.
- 8 Records of incidents involving the use, and/or detection of drugs shall be maintained and those records shall be available for inspection. Confiscated and found drugs shall be transferred to the police in accordance with procedures agreed with Lancashire Constabulary.
- 9 No person in possession of a drink in a sealed or unsealed container will be allowed to enter the premises except for the purposes of delivery.
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  - A recognised proof of age scheme accredited under the British Retail Consortiums Proof of Age Standards Scheme (PASS).
  - Photo driving licence.
  - Passport.
  - Official ID card issued by HM Forces or European Union bearing a photograph and date of birth of the holder.

If no suitable identification is provided the sale of alcohol to them will be refused. Suitable signage will be displayed to specify the Challenge 25 policy is in place.

- 15 All staff to have received suitable training in relation to the proof of age scheme. Refresher training on underage sales to be provided to all staff every three months. Records to evidence this will be made available to an authorised officer upon request.
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- 17 Functions which specifically target young people aged 17-18 years (for example birthday parties) will not be allowed to take place on the premises.
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  - i. Appropriate signage alerting customers to CCTV recording must be displayed in conspicuous positions on the premises.
  - ii. The CCTV system must be installed, maintained and operated to the reasonable satisfaction of Lancashire Constabulary. All public areas of the premises must be covered by the system. The system will incorporate a camera covering each of the main entrance doors and each camera must be capable of providing an image which is regarded as identification standard in all lighting conditions.
  - iii. The system must record all hours the premises are open to the public.
  - iv. Recordings must display the correct date and time.
  - v. Digital recordings must be held for a minimum period of 21 days. The system must as a minimum record images of the head and shoulders of all persons entering the premises.
  - vi. A staff member who is conversant with the operation of the CCTV system will be on the premises at all times the premises are open to the public. This staff member will be able to show police recent data or footage with the absolute minimum of delay when requested
  - vii. The licence holder must notify the Police Licensing Unit on any occasion when the CCTV is to be inoperative for a period in excess of one working day and shall provide a certificate from a competent person stating the reason for the system being inoperative and the measures which have been taken to satisfy the conditions of this licence.
  - viii. Bi-annually documented maintenance checks by a suitably qualified CCTV engineer must be made of the CCTV system to ensure that the system is in good working order and is operating in compliance with the conditions of this licence.
- 19 All internal lobbied doors to any entrance/exit point, fire exit doors and external windows shall be closed after 22:00 hours except in the event of an emergency and save for the purposes of access and egress.
- 20 2 SIA door staff will be on duty from 20:00hours every Friday and Saturday, Sunday before Bank Holiday, Christmas Eve, Boxing Day and New Year's Eve. At all other times the licence holder will determine an appropriate number of door staff, having regard to a risk assessment maintained by the premises licence holder. The document must be available for inspection if required.
- 21 A signing in sheet to be completed by all members of door staff on duty at the premises to include the times of their tour of duty, SIA badge number, full name printed, signature and date of birth of each individual door supervisor. A quantity of blank incident report forms to be kept with this file at all times, and all records shall be produced for inspection on the request of a police officer or authorised person.
- 22 On Friday and Saturday after 22:00hrs when the roof terrace is open to the public an SIA registered member of staff shall make frequent checks of intervals no less than every 30 mins.  
At all other times that this area is open to the public frequent checks should be made by staff of intervals no less than every 30 mins.

- 23 An incident book will be maintained in which shall be recorded:-
- i. All incidents of crime and disorder
  - ii. Refused sales to suspected under-age and drunken persons
  - iii. A record of any person asked to leave the premises or removed from the premises
  - iv. Details of occasions on which the police are called to the premises
  - v. A record of persons searched on suspicion that drugs are being carried and the reason for such suspicion
- The book will be available for inspection by a police officer.
- 24 The licence holder or the Designated Premises Supervisor 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.
- 25 The outdoor area as shown in Yellow on the approved Licensing Plan shall cease to be used for the consumption of alcohol and food at 22.00 hours. All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency or for the purpose of access and egress.
- 26 No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the premises.
- 27 Noise from regulated entertainment at the licensed premises shall not exceed the background noise level when measured as an LAeq, 5min in any one third octave band at the boundary with any noise sensitive premises.
- 28 Live or recorded music which is directed through speakers will be subject to a noise-limiting device set to a level agreed in writing by Wyre Council's Environmental Health Officer and thereafter retained at that level.
- 29 No artificial light from or on the licensed premises and any other light under the control of the premises shall be provided where that light causes a nuisance to any sensitive premises.
- 30 The premises licence holder or his representative shall ensure that staff departing late at night when the business has ceased trading conduct themselves in such a manner to avoid disturbance to any sensitive premises.
- 31 The premises licence holder or his representative will arrange for litter and cigarette debris dropped in the vicinity of the licensed premises to be collected and removed at regular intervals and at the end of operating hours each night.
- 32 Refuse, including bottles, shall not be disposed of in any external area of the licensed premises between 20.00 and 09.00.
- 33 There shall be placed at all exits from the licensed premises in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the surrounding area quietly. (Note, this may also include a reference to vehicles).
- 34 The premises licence holder or his representative shall conduct regular assessments of the noise coming from the licensed premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record shall be made of those assessments in a log book kept for that purpose and shall include, the time and date of the checks, the person making them and the results, including any remedial action.
- 35 There shall be no emission from the premises of any offensive smells which are likely to cause a nuisance to any sensitive premises.

- 36 Where there are any offensive smells created on the premises which are causing a nuisance to any sensitive premises, provision shall be made for such smells to be vented from the premises so that they do not cause such a nuisance.
- 37 There shall be provided at the premises containers for the storage and disposal of waste foods and other refuse from the premises. Those containers shall be constructed, maintained and located so that access to them by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.
- 38 Where the premises provide food to the public for consumption on or off the premises there shall be provided at or near the exits, sufficient waste bins to enable the disposal of waste food, food containers, wrappings, etc.
- 39 The premises licence holder will implement the following Dispersal Policy and Smoking Policy and ensure they are adhered to.

#### Dispersal Policy

1. Staff members, including door personnel when employed, will advise patrons to leave the premises quickly and quietly out of respect for our neighbours.
2. Notices will be displayed requesting customers leave quietly and in an orderly manner out of consideration to neighbours and their attention will be drawn to these notices by members of staff.
3. A notice will be provided where it can easily be read by patrons indicating that drinks cannot be taken outside the licensed area of the premises. (This does not apply in the case of consumption in any delineated external drinking area).
4. We will actively discourage our customers from assembling outside the premises at the end of the evening.

#### Smoking Policy

1. The roof terrace used by customers wishing to smoke shall be clearly covered by the CCTV system installed at the premises.
2. The outside area shall be monitored by staff or door staff regularly at all times it is in use.
3. The area will be cleaned regularly.
4. Suitable receptacles shall be provided for smokers to dispose of cigarette butts.
5. Signs will be displayed in the area requesting customers keep noise to a minimum.
6. Patrons who disregard signage and verbal instructions regarding noise will be asked to move inside and/or leave the premises.



## 6.1 Planning

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

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

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

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

### Key message 01

Licence applications should normally be from premises where

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

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

## 7. General approach to licensing

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

Extracts from the S.182 Guidance (April 2018)

## 9. Determining applications

### General

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

### Where representations are made

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

### Relevant, vexatious and frivolous representations

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

### Hearings

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

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

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

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

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

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

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

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

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

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

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

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