

Licensing Committee Minutes

The minutes of the Licensing Committee meeting of Wyre Borough Council held on Thursday, 12 October 2017 at the Council Chamber, Civic Centre, Poulton-le-Fylde.

Licensing Committee members present:

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

Apologies:

Councillor(s) Christine Smith

Officers present:

Niky Barrett, Licensing Manager
Mary Grimshaw, Senior Solicitor and Deputy Monitoring Officer
Roy Saunders, Democratic Services and Scrutiny Manager

Others present:

For item 4 only: Mr K Langhorn (applicant), Ms S Smallshaw and Mr J Howarth (representing the applicant); Mrs J Preston and Ms E Stoddard (objectors).

For item 6 only: Police Constable Pritchard and Police Constable Evans (Lancashire Police).

For item 7 only: Mr A. N. (applicant and Mr G.M. (representing the applicant)

No Members of the public or press were present.

25 Confirmation of minutes

The minutes of the meetings held on 31 August 2017 and 27 September 2017 were confirmed as a correct record.

26 Declarations of Interest

None.

Application for the variation of the Premises Licence in respect of Déjà vu, 2B Vicarage Road, Poulton-le-Fylde, FY6 7BE

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 under Section 34 of the Licensing Act 2003 for a variation of a Premises Licence.

The Application was for: a variation of the Premises Licence in respect of Déjà vu, 2B Vicarage Road, Poulton-le-Fylde, Lancashire, FY6 7BE. The applicant was seeking to extend the permitted hours for the sale of alcohol and the provision of regulated entertainment on Friday and Saturday nights until 03:00 and to remain open to the public until 03:30. An extension of opening hours on Christmas Eve, New Year's Eve and Bank Holiday Sundays and Mondays was also sought. The full application was submitted as Appendix 1 of the report.

The Licensing Manager introduced the report. She informed the Committee that the applicant had indicated his willingness to accept additional conditions requiring that additional door staff be provided and that functions specifically aimed at young people aged 18 (for example birthday parties) would not be allowed to take place on the premises, as referred to in Appendix 4 of the report.

The applicant Mr Langhorn was present and was accompanied by Ms S Smallshaw and Mr J Howarth. Mr Langhorn said that he was aware that the Club had had a bad reputation when operated under a different name by the previous owner. He stressed that he had no connection with the previous owner and that a completely new management structure was now in place. The premises had been completely refurbished and he had indicated his willingness to consult and co-operate with residents living nearby. He pointed out that the Club had opened late on a number of occasions under Temporary Event Licences without any problems occurring. He responded to questions from members of the Committee about the running of the premises and his future plans.

Ms Stoddard addressed the Committee on concerns about the impact of the requested extension in opening hours, expressed by her mother and father, who lived very close to the Déjà vu Club and which were referred to in their letter of objection submitted as Appendix 3 of the report.

Mr Langhorn indicated that, in addition to the new conditions referred to in Appendix 4 of the report, he would be happy to provide lighting at the rear and side of the Club and to ensure that CCTV cameras covered the fire escape and the alley-way adjacent to the premises, where problems had been experienced under the previous owner.

The applicants, objectors and the Licensing Manager left the room to enable the Committee Members to consider the application in closed session. The Licensing Committee then reconvened and the Chairman announced the Committee's decision.

RESOLVED that the application submitted by Karl Langhorn to vary the Premises Licence in respect of Déjà Vu, 2B Vicarage Road , Poulton – le Fylde, to extend opening hours, on the basis set out in Appendix 1 of the report and referred to above, be approved, subject to the following additional conditions and the removal of one condition set out below:

Additional Condition

1. Functions which specifically target young people aged 18 years (or example birthday parties) will not be allowed to take place on the premises.
2. A minimum of 3 members of door staff registered with the SIA will be on duty from 22.00hrs for the first 100 customers and increase by 1 for every 100 or part thereof.
3. The door supervisors shall encourage customers not to be outside the premises for more than ten minutes at any one time and shall actively discourage customers from entering Prudy Hill or otherwise disturb local residents.
4. The external lighting to the side and rear of the premises shall be illuminated whenever the premises is open during the hours of darkness.

Removal of the following condition

5. The following condition numbered 3 above under Annex 3 is removed:
A minimum number of 3 members of door staff registered with the SIA will be on duty from 22:00 hours for the first 100 customers and thereafter one for every 100 or part thereof to a maximum of 7 door staff, save for those occasions where the venue has been pre-booked for a private party. On such occasions, the requirement of door staff will be the subject of a full risk assessment.

Reasons for the Decision

The Committee was satisfied that the measures so far taken by Mr Langhorn to improve the operation of the premises, his willingness to provide additional door staff, to install lighting at the side and rear of the premises and to ensure adequate CCTV coverage was in operation at all times were sufficient to address any concerns that the extension of opening hours might cause public nuisance or undermine the Licensing Objectives.

In reaching its decision, the Committee also had regard to:

- (i) Licensing Act 2003 (“Act”)
- (ii) Guidance published by the Secretary of State under s182 of the Act (“s182 Guidance”)

- (iii) Human Rights Act 1998
- (iv) The Council's Licensing Policy

28 Exclusion of Public and Press

RESOLVED that the public and press be excluded from the meeting whilst agenda items 6 (review of a premises licence) and 7 (an application for a dual drivers licence following enforcement action) were being considered, because it was likely that their presence would involve the disclosure of exempt information as defined in category 1 (information relating to any individual) of Part 1 of Schedule 12(a) of the Local Government Act, 1972, as amended by the Local Government (Access to Information) Variation Order 2006 and, that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

The Committee also agreed that the press and public be excluded whilst agenda item 6 was considered under regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005 (Statutory Instrument No. 44, because it was considered that the public interest in the hearing being held in public was outweighed by the public interest in excluding them, because of the nature of the allegations being made.

29 Review of Premises Licence - Yum Yum's, 15A Brook Street, Fleetwood, FY7 7PZ

The Service Director Health and Wellbeing submitted a report to provide members of the Licensing Committee with information to assist them to consider an application, submitted under section 51 of the Licensing Act 2003 by Lancashire Constabulary, for a review of Premises Licence PL(NA)0046, in respect of Yum Yum's, 15a Brook Street, Fleetwood, FY7 7PZ.

The Committee was informed that the Licence Holder, Mr S.M, had been given notice of the hearing and had been sent copies of the documents to be considered, but he was not present or represented. The Committee agreed, in view of the nature of the representations made by the police, to proceed with the hearing in the absence of the licence holder.

The Licensing Manager introduced the report. She informed the Committee that the Yum Yum's had not been trading since the police had visited the premises on 30 June 2017.

PC Pritchard and PC Evans presented the application for a review submitted by Lancashire Constabulary. They referred to the complaints they had received and the progress of investigations which had so far taken place and which were continuing on various criminal activities alleged to have taken place at the premises.

The police officers and the Licensing Manager responded to questions from members of the Committee.

The police officers and the Licensing Manager left the room whilst the Committee Members considered the review application. The Licensing Committee then reconvened and the Chairman announced the Committee's decision.

RESOLVED that the Premises Licence in respect of the premises known as Yum Yum's, 15a Brook Street, Fleetwood, FY7 &PZ - Licence No. PL(NA) 0046 be revoked.

Reasons for the Decision

The Committee, having considered all the information submitted to it concluded, given the seriousness of the offences allegedly committed by the Licence holder that the licensing objectives were being undermined through the premises being used to further crimes and revocation of the Licence was appropriate and proportionate.

The Committee rejected possible alternative action, such as, modifying the licensing conditions or suspending the licence, because they were considered to be insufficient to ensure that the licensing objectives were upheld.

In reaching its decision, the Committee also had regard to:

- (i) The Licensing Act 2003 ("Act")
- (ii) Guidance published by the Secretary of State under s182 of the Act ("s182 Guidance")
- (iii) The Human Rights Act 1998
- (iv) The Council's Licensing Policy 2016 – 2021.

30 Application for a Wyre dual driver licence following enforcement action

The Service Director Health and Wellbeing submitted a report to provide members of the Licensing Committee with information to assist them at a hearing. Additional letters of support for the applicant which had been received after the agenda had been compiled were also submitted to the Committee.

The Licensing Manager introduced the report.

The applicant, Mr N, was present at the meeting and was accompanied by his accountant Mr M, but he was not legally represented.

Mr N and Mr M spoke to the committee to explain the circumstances which had led to the failure to submit an application to renew Mr N's licence.

Mr N and Mr M responded to questions from members of the Committee.

Mr N, Mr M and the Licensing Manager then left the room whilst the Committee Members considered the application. The Licensing Committee then reconvened and the Chairman announced the Committee's decision.

RESOLVED that Mr N be granted a three year Wyre dual driver's licence without any further conditions.

Reasons for the Decision

The Committee accepted that Mr N's failure to renew his licence had been a genuine mistake, noted the arrangements he and his accountant had put in place to prevent a recurrence, acknowledged his lengthy previously good record as a driver and the numerous testimonials submitted by his customers and concluded him to be a fit and proper person to hold a three year Wyre Council dual driver's licence.

The meeting started at 6.00 pm and finished at 7.15 pm.

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