



Licensing Committee Agenda

Wyre Borough Council
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**Licensing Committee meeting on Thursday, 12 October 2017 at 6.00 pm
in the Council Chamber, Civic Centre, Poulton-le-Fylde**

1. Apologies

2. Declarations of Interest

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

3. Confirmation of minutes

(Pages 1 - 34)

To confirm as a correct record the minutes of the meeting of the Licensing Committee held on 31 August 2017 and 27 September 2017.

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

(Pages 35 - 72)

Report of the Service Director Health and Wellbeing

5. Exclusion of Public and Press

In accordance with Paragraph 11 of the Access to Information Rules in Part 4 of the Council's Constitution, the Chief Executive has determined that the reports submitted under items 6 and 7 of this agenda are "Not for Publication" because they contain "exempt information", as defined in Schedule 12A of the Local Government Act 1972.

If the Committee agrees that the public and press should be excluded for those items, it will need to pass the following resolution:-

"That the public and press be excluded from the meeting whilst agenda items 6 and 7 are being considered, because they refer to exempt information as defined in category 1 (information relating to any individual) of Part 1 of Schedule 12(a) of the Local Government Act, 1972, as amended by the Local Government (Access to Information) Variation Order 2006 and, that the public interest in maintaining the

exemptions outweighs the public interest in disclosing the information.”

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

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| 6. | Review of Premises Licence - Yum Yum's, 15A Brook Street, Fleetwood, FY7 7PZ | (Pages 73 - 106) |
| | Report of the Service Director Health and Wellbeing | |
| 7. | Application for a Wyre dual driver licence following enforcement action | (Pages 107 - 132) |
| | Report of the Service Director Health and Wellbeing | |



Licensing Committee Minutes

The minutes of the Licensing Committee meeting of Wyre Borough Council held on Thursday, 31 August 2017 at the Council Chamber, Civic Centre, Poulton-le-Fylde.

Licensing Committee members present:

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

Councillor Pimbley left the meeting at the conclusion of Item 6 (New applicant for a Wyre Dual driver licence with a spent conviction) and did not return to the meeting.

Councillor Matthew Vincent left the meeting during the consideration of Item 7 (Application for the variation of the Premises Licence – The Cube, 2 Breck Road, Poulton-le-Fylde, Lancashire, FY6 7AA) and did not return to the meeting.

Apologies:

Councillor(s) Sue Catterall, Christine Smith and Lynn Walmsley

Officers present:

Nikki Barrett, Licensing Manager
Carmel White, Solicitor
Carole Leary, Democratic Services Officer

Non-members present: Wyre Council Officers:- N Greenwood, Head of Environmental Health and Community Safety, M Seddon, Environmental Health Officer – Area Lead and D Parry – Taxi Licensing Officer.

Members of the public present:

Mr G for Item 5 only.
Mr W and supporter for Item 6 only.
Mr Mellor (Applicant), accompanied by Ms Mellor and represented by Mr Rassas for Item 7 only.
Three Members of the Public were present for Item 7 only, Mr Griffiths, Mr Preston and Mr Jordin (all local residents).
Mr Woosnam (Solicitor for the Applicant) and Mr Hughes (Director of Licensee company) for Item 8 only.

No Members of the Press were present.

13 Declarations of Interest

Councillor Ormrod declared an Other Significant Interest on Item 08 – Temporary Event Notice for The Glasshouse, 6 Bispham Road, Cleveleys, Lancashire, FY5 1DG – as she has an association with the applicants/owners who would be affected by the decision made on this item, such that it may give rise to a perception of a conflict of interest and left the room before the item was being discussed and had no involvement in the decision making. As it was the last item on the agenda Councillor Ormrod did not return to the meeting.

14 Confirmation of minutes

The minutes of the Licensing Committee meeting held on 3 August 2017, were confirmed as a correct record.

15 Exclusion of the Public and Press

RESOLVED that the public and press be excluded from the meeting whilst agenda items 5 & 6 were being considered, because they refer to exempt information as defined in category 1 (information relating to any individual) of Part 1 of Schedule 12(a) of the Local Government Act, 1972, as amended by the Local Government (Access to Information) Variation Order 2006 and, that the public interest in maintaining the exemptions outweighed the public interest in disclosing the information.

16 New applicant for a Wyre dual driver licence with spent and current convictions

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

Mr G was present at the meeting, but he was not legally represented.

Mr G spoke to the committee, explaining the circumstances of his spent and current convictions (March 2014 being the latest) as referred to in the report with regard to his past conduct.

Members asked questions of Mr G, and he provided explanations of the incidents then and up to the present date.

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

RESOLVED that Mr G not be granted a Wyre dual driver licence under Section 51 and Section 59 of the Local Government (Miscellaneous Provisions) Act 1976.

The reasons for decision were:-

- The nature and number of previous convictions
- Age at commission of offences and failure to respond and change behaviour
- Time since the third restoration of driving licence
- Unpersuasive account of circumstances of some offences and lack of awareness concerning others
- Pertinent provisions of the Council's Taxi Licensing and Enforcement Policy and Practice including in relation to the seriousness of certain driving offences
- The duty to protect the public with a view to ensuring overall safety

Having carefully considered all the information and representations before it, therefore, the Licensing Committee was not satisfied that Mr G was a fit and proper person to hold a Dual Drivers Licence for Wyre Council.

Mr G was informed that a decision letter would be sent to him and of his right of appeal.

17 New applicant for a Wyre dual driver licence with a spent conviction

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

Mr W was present at the meeting, supported by a friend, but he was not legally represented.

Mr W spoke to the Committee, explaining the circumstances of his spent convictions (November 1996 being the last) as referred to in the report with regard to his past conduct.

Members asked questions of Mr W, and he provided explanations of the incidents then and up to the present date.

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

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

The reasons for the decision were:

The Committee noted the convictions, but had regard to the fact that the last conviction was more than 20 years old. It accepted Mr W's explanation and assurance that such conduct was in the past and considered Mr W to be a fit and proper person to hold a three year Wyre Council dual driver's licence.

18 Application for the variation of the Premises Licence -The Cube, 2 Breck Road, Poulton le Fylde, Lancashire, FY6 7AA

The Service Director Health and Wellbeing submitted a report to provide members of the Licensing Committee with information to assist them at a hearing to determine an application for the variation of a premises licence under the provisions of the Licensing Act 2003.

The Application was for: Variation of the Premises Licence in respect of The Cube to extend the closing time from 3.00 am to 3.30 am and extend alcohol sales and other licensed activities from 2.30 am till 3.00 am (i) on Friday and Saturday nights and (ii) on Maundy Thursday,; Thursday to Friday of all Bank Holidays: throughout the whole of December as more particularly set out in the form of application.

Mr Mellor was present at the meeting represented by Mr Rassas and accompanied by Ms Mellor, General Manager. Mr Preston, Mr Griffiths and Mr Jordin were also present to make representations to the Committee.

Apologies had been received from Mr Hutchinson and Councillor Berry but no further communications had been received from other written representors. The Committee considered it was appropriate to proceed to consider the application including all representations.

On behalf of the Applicant a letter from each of three taxi firms was produced and a copy provided to Mr Preston, Mr Griffiths and Mr Jordin. In the absence of objection, the Committee agreed they could be submitted.

Mr Rassas spoke to the Committee, explaining the circumstances of his client's recent application for the variation of the Premises Licence for their business; The Cube, 2 Breck Road, Poulton-Le-Fylde, Lancashire, FY6 7AA and the family run business ideas for the future.

The Committee also heard oral evidence from Mr Preston, Mr Griffiths and Mr Jordin, each outlining his concerns about the application and the detrimental impact that they considered that the variation if granted would have by reason of disturbance of their residential amenity and their wider concerns. The Committee was informed of disturbance from use of the beer garden after 9pm.

Mr Rassas responded to the oral representations made and disputed that the outside areas were used as claimed.

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

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

RESOLVED that

In all the circumstances therefore, the Committee resolved that the application for variation should be granted subject to the conditions set out herein:-

ANNEX 1 - Mandatory Conditions

- 1.1 No supply of alcohol may be made under this licence
 - a. at a time when there is no designated premises supervisor in respect of it or,
 - b. at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- 1.2 Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

Mandatory conditions where Door Supervisors are provided All individuals who carry out security activities must be licensed by the Security Industry Authority (SIA).

Mandatory Licensing Conditions (October 2014)

- 1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
 3.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
 4. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Licensing Act 2003 (Mandatory Licensing Conditions) Order May 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) "permitted price" is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

ANNEX 2

Conditions Consistent with the operating schedule

Prevention of Crime and Disorder

- 1 CCTV will be installed internally and externally at the premises and will comply with the following:
 - The CCTV system shall be installed, maintained and operated to the reasonable satisfaction of Lancashire Constabulary. All public areas of the premises, where practical, are to be covered by the system.
 - The system will display on any recording the correct time and date of the recording.
 - The system will make recordings during all hours the premises are open to the public.
 - VCR tapes or digital recording shall be held for a minimum of 31 days and 28 days respectively, after the recording is made and will be made

available to the Police or any authorised persons acting for a Responsible Authority for inspection upon request.

- The system will as minimum, record images of the head and shoulders of all persons entering the premises.

- 2 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.
- 3 The Licence Holder or Designated Premises Supervisor shall notify the Police Licensing Unit on any occasion when the CCTV or radio system is to be inoperative for a period of one working day and shall provide a certificate from a competent person stating reason for the system being operative and the measures which have been taken to satisfy the licence conditions.
- 4 Appropriate signage alerting customers to CCTV recording shall be displayed in conspicuous positions on the premises.
- 5 Bi-Annual documented maintenance checks of the CCTV system including the recording system will be undertaken by the Designated Premises Supervisor to ensure that the system is in good working order and fit for purpose.
- 6 The Licence holder is to support and rigorously enforce the Challenge 25 proof of age policy.

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:

- i. UK photo driving licence
- ii. Passport
- iii. Proof of Age Standards Scheme Card
- iv. Armed forces ID card

All staff involved in the sale of alcohol shall receive suitable training in relation to the proof of age scheme to be applied upon the premises. All such staff to receive regular refresher training at intervals of at least 3 months. Records to evidence this will be made available to officers on request.

- 7 All members of staff shall receive suitable training with regard to serving drunks and conflict management and are to receive regular refresher training at intervals of a maximum of 3 months. Records to evidence this will be made available to authorised officers upon request.
- 8 An incident book will be maintained in which there will be recorded:
 - o All incidents of crime and disorder
 - o Refused sales to suspected under-age and drunken persons.

- o A record of any person asked to leave the premises.
- o Details of occasions on which the police are called to the premises.
- o 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 or authorised person on demand.

- 9 Security arrangements are sufficient to discourage the sale and consumption of drugs and shall ensure such arrangements include regular checks of toilet areas.
- 10 Records of incidents involving the use and / or detection of drugs shall be maintained and those records shall be available for inspection.
- 11 Confiscated and found drugs shall be stored, disposed, transferred in accordance with procedures agreed with the Lancashire Constabulary.
- 12 Personal licence holder shall be on the premises after 21:00 hours when intoxicating liquor is being sold or supplied to customers, except in the case of an emergency. They must be contactable at all other times.
- 13 All children under 12 years of age will be accompanied by an adult at all times the premises is open to the public. Any unaccompanied children (between ages of 12 - 17) may be permitted in the restaurant area for food and a soft drink and must be served by waitress service only until 18:00 hours.
- 14 No children under 18 will be allowed on the premises after 21:00 hours except for children attending a private function. All children attending a private function must be accompanied at all times and leave the premises by midnight and remain in the specified function area.
- 15 Functions which specifically target young people aged 17-18 years (for example birthday parties) will not be allowed to take place on the premises, except when public events are organised and supervised by Educational Establishments.
- 16 No entertainment of an adult or sexual nature will take place on the premises.
- 17 1 x SIA door staff from 21:30 hours every Friday and Saturday, Sundays prior to Bank Holiday, Maundy Thursday, Christmas Eve and New Year's Eve, with an additional 1 x SIA door staff from 22:00 hours from the first 100 customers. There must then be an additional 1 x SIA door staff for every part thereof 150 customers.
- 18 At all other times the licence holder will determine an appropriate number of door staff, having regard to a written risk assessment maintained by the premises licence holder. This document must be kept in such a place so that it can be inspected by Police if required.

19. At least two door staff must remain at the entrance until all customers have left the premises and the doors to the premises are closed, except in case of emergencies.

With regard to door supervisors the Designated Premises Supervisor will maintain a daily record comprising of the following;

- (i) Start and finish time of each door supervisor
- (ii) A record of the door staff SIA licence numbers
- (iii) The door staff's printed names and signatures in a legible form recorded at the beginning and the end of each tour of duty.
- (iv) The record will be kept securely on the premises for at least 6 months and shall be produced on request to the police or other authorized person.

CD5 No person in possession of a drink in a sealed or unsealed container shall be allowed to enter the premises except for the purposes of delivery.

CD6 No drink shall be sold from a bar or by staff service or consumed in or on the premises other than in a container made from non-splintering plastic, paper or shatterproof glass.

CD7 No drink shall be removed from the premises in an unsealed container. Off sales shall not take place after 23:00hrs on Fridays, Saturdays and Sundays preceding bank Holidays.

The maximum numbers of persons permitted on the premises shall not exceed:-

Ground Floor 479 persons

First Floor 270 persons

Second floor 120 persons

CD22 The licence holder and/or the designated premises supervisor or a person nominated by them shall be a member of and regularly attend at the meetings of any Pub and Club watch scheme for the area within which the premises is located.

The licence holder shall maintain records of all checks and precautions relating to health and safety at work, fire safety and crime and disorder.

The licence holder will operate the following dispersal policy:-

The licence holder will seek to ensure that clients leave the licensed premises in an orderly manner and will apply the following measures:-

- a) a notice will be erected at each exit from the premises reminding patrons of the need to leave the vicinity in an orderly manner
- b) the door staff will, when appropriate remind patrons in the vicinity of the premises of any need to moderate their behaviour.

Any patrons who disregard the advice of the door staff (under b above) will be subsequently denied entry to the premises, until the licence holder is satisfied that they will conduct themselves in a satisfactory manner.

The licensee shall display at a suitable location on the premises, campaign material produced by Wyre Community Safety Partnership.

PCH16 The Premises Licence Holder and the Designated Premises Supervisor shall at all times comply with the Portman Group Code of Practice and with the requirements or recommendations of any Portman Group Retailer Alert Bulletin.

Public Safety

PS38 The premises shall be provided with adequate lavatory accommodation which shall at all times when the premises are in use be kept clean, ventilated, disinfected and supplied with hot and cold water, soap, toilet tissue, hand drying and sanitary towel disposal facilities as appropriate.

Prevention of Public Nuisance

PPN3 No deliveries, removal of bottles and refuse and other vehicle movements onto the premises will take place before 07:30hrs and after 20:00hrs.

PPN14 There shall be no emission from the premises of any offensive smells, which are likely to cause a nuisance.

PPN16 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.

Protection of children from harm

When children are admitted to the premises all entertainment provided must be suitable for them.

ANNEX 3

Conditions added by the Licensing Authority

PPN5 A dispersal policy, which is agreed by the Police is to be implemented at all times.

PPN8 No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the premises.

PPN9 All external doors and windows shall be kept closed when regulated

entertainment is being provided except in the event of an emergency.

PPN10 The L10 noise level from the premises, whilst being used for public entertainment purposes, shall not exceed the L90 in any 1/3 octave band between 40-160 Hz and the LAEQ shall not exceed the LA90 measured at the nearest noise sensitive property.

PPN11 The licence holder or his representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record shall be made of those assessments in a log book kept for that purpose and shall include the time and date of the checks, the person making them and the results including any remedial action.

PPN12 There shall be placed at all exits from the premises, in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the area quietly.

PPN19 No light from or on the premises and any other light under the control of the premises shall be provided where that light causes a nuisance to any nearby premises.

The outside area shall not be used after 21:00 and the Premises Licence Holder or their representative shall ensure that access to this area by anyone is prevented from 21:00.

ANNEX 4

Plan of the Premises

Plan references

- 1) March 2005 plan ref AV1/A 051100398
- 2) Feb 2001 plan ref AM1/D
- 3) March 2005 plan ref AL1/A

The Reasons for the Decisions were:

- The Committee considered all the information and the evidence before it. It had careful regard to all the representations opposing the application, but acknowledged that its role was to determine the application that was before it and on its own merits.
- The Committee considered the location of the premises and noted that there was no objection to the application from any responsible authority, nor evidence of complaints from them.
- The Committee carefully considered the amended conditions proposed by Lancashire Constabulary. It was of the view that the amendment to the conditions on a licence varied as proposed, would be appropriate and

promote the prevention of crime and disorder licensing objective, in particular, and also support all the licensing objectives.

- The Committee had regard to the limited times and days for which extension was being sought and was of the view that the amended police requirements such as those regarding door staff, challenge 25, drugs use/detection and refresher training would be beneficial in promoting the licensing objectives generally, as well during any extended times and days, if the application were to be granted. The Committee was of the view that granting the application with these amended conditions, as agreed by the Applicant, would be proportionate and appropriate and the revised door staff provision could be of assistance in the immediate area surrounding the premises as referred to in the s182 Guidance.
- The Committee noted that whilst all parties, including the Applicant, were in agreement that the beer garden at the premises should not be used after 9pm; with a view to residential amenity, there were disputed allegations about its use in practice. The Committee therefore was of the view that it would be appropriate and proportionate in these particular circumstances, notwithstanding other legislative controls, to place a condition on the premises licence to such effect to facilitate licensing control and promote the prevention of public nuisance licensing objective.

The parties were informed that written Notice of the Determination would be sent to them and were informed of their Right of Appeal against the decision.

19 Temporary Event Notice for the Glasshouse, 6 Bispham Road, Cleveleys, Lancashire, FY5 1DG

The Service Director Health and Wellbeing submitted a report to provide members of the Licensing Committee with information to assist them to consider an Objection Notice from a Relevant Person and decide whether or not to serve a Counter Notice to the Temporary Event Organiser in accordance with Section 105 of the Licensing Act.

Mr Hughes, Director of Licensee company - The Glasshouse was present at the meeting and Mr Woosnam was there as legal representation, representing Mr Guy, the Applicant.

Mr Woosnam spoke to the Committee, explaining the circumstances of his client's recent application for a Temporary Event Notice in respect of Saturday 9 September 2017 at The Glasshouse, 6 Bispham Road, Cleveleys, FY5 1DG .. He explained that the application had been made in advance of a sound limiter being fitted because a late opportunity to engage a specific live music act had arisen. He explained that the Council's officer was to visit the premises the following week, prior to the proposed event, to set the level of a limiter that was in the process of being fitted at the premises.

Members asked various questions of Mr Woosnam.

N Greenwood, Wyre Council's Environmental Health and Community Safety Officer spoke to the Committee, in Mrs Clark's absence, explaining the circumstances of the objection, and the noise and behaviour issues.

Members and Mr Woosnam asked questions of the Environmental Health and Community Safety Officer.

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

RESOLVED that

The Committee decided on balance to grant the Temporary Event Notice (TEN) in respect of Saturday 9 September 2017 at The Glasshouse, 6 Bispham Road, Cleveleys, FY5 1DG subject to conditions as set out herein:

The condition(s) is/are:

Mandatory Conditions

1.1 No supply of alcohol may be made under this licence
a) at a time when there is no designated premises supervisor in respect of it or,
b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

1.2 Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

All individuals who carry out security activities must be licensed by the Security Industry Authority (SIA).

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a

- licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

4. The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1—

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) "permitted price" is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were

charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value

added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a

premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Prevention of crime and disorder

The Designated Premises Supervisor, when present, and all members of staff shall ensure that all lawful instructions and /or directions given by the Police are complied with.

There shall be provided at the premises door supervisors who are registered with the Security Industry Authority to such a number as the management of the premises consider are sufficient to control the entry of persons to the premises and for the keeping of order in the premises when they are used for a licensable activity.

No person in possession of a drink in a sealed or unsealed container shall be allowed to enter the premises except for the purposes of delivery.

No drink shall be sold from a bar or by staff service or consumed in or on the premises other than in a container made from non-splintering plastic, paper or shatterproof glass.

A CCTV camera shall be installed at the locations marked, "CCTV CAMERA" on the plan of the premises.

Where CCTV equipment is fitted, it shall be maintained in good working order in accordance with the manufacturer's instructions.

A written record shall be kept every time images are recorded by CCTV and shall include details of the recording medium used, the time and date recording commenced and finished. This record shall identify the person responsible for the recording and shall be signed by him/her. Where the recording is on a removable medium (i.e. videotape, compact disc, flash card etc.), a secure storage system to store those recording mediums shall be provided.

The images recorded by the CCTV system shall be retained in unedited form for a period of not less than 31 days.

There shall be in place for the premises a written policy to prevent the sale or supply of alcohol to persons under 18 years of age. That policy shall require any person who appears to be under the age of 21 years to produce a recognised proof of age card accredited under the Proof of Age Standards Scheme (PASS) or if a proof of age card is not available a photo driving licence or passport indicating that they are over 18 years of age.

There shall be displayed on the premises notice(s) to warn members of the public visiting the premises of the incidence of crime, which may affect them. The notice(s) shall be displayed in a position where it is clearly visible to members of the public.

There shall be displayed at the entrance to the premises a sign, which is clearly visible to members of the public visiting those premises containing details of the trading hours under the premises licence, the licensable activities permitted on those premises and any maximum occupancy level set for the premises.

Where the premises licence has restrictions relating to the admission of children, a sign detailing those restrictions shall be displayed at the entrance to the premises where it is clearly visible to members of the public visiting those premises.

There shall be in force for the premises a search policy for prospective customers which shall be developed in liaison with and to the satisfaction of the Lancashire Police Local Crime Reduction Officer.

There shall be displayed at the entrance to the premises a notice informing prospective customers of the search policy.

The Licence holder and/or the designated premises supervisor or a person nominated by them shall be a member of and regularly attend at the meetings of any Pub and Club watch scheme for the area within which the premises is located.

When a crime prevention survey has been carried out by the Police their recommendations are to be fully complied with by the Premises Licence Holder, prior to the opening/variation taking effect.

Public safety

The licensees shall provide to the police a drugs policy for the premises which shall as a minimum contain all of the best practises outlined in the guidance published by the Home Office and the London Drug Policy Forum 'Safer Clubbing'.

All disabled persons on the premises shall be made aware of the evacuation arrangements.

All parts of the premises shall at all times be kept free from defect and no changes, alterations of any kind to the surface finish or coverings including furniture and flooring on any part of the premises shall be made without the prior approval of the Council.

All exits and escape routes to those exits (including external escape routes) from the premises shall be provided with non-slip even surfaces and shall be maintained in good repair, correct working order and kept free from all obstructions when the public are on the premises. External escape routes shall also be kept free from ice and snow.

All doors or gates both inside and outside the premises which are on an escape route shall be fitted only with approved fasteners and shall at all times be properly maintained, free from obstruction and be capable of being opened easily and fully so that they do not restrict the public leaving the premises and shall open in the direction of the escape route.

Where a door on an escape route opens against the direction of exit travel, it shall be locked in the open position by a tamper-proof fastening when the public uses the premises and there shall be a clearly visible notice in capital letters which contains the following words, "THIS DOOR SHALL BE KEPT LOCKED IN THE OPEN POSITION WHEN THE PREMISES ARE OCCUPIED" displayed in a clearly visible position next to the door.

All exit doors and gates from premises or enclosure(s) surrounding it shall be capable of being opened by any person without the use of a key, card, code or other similar means and be kept free from all fastening devices when the premises are open to the public.

All exit routes and doors on such routes shall be checked on every occasion before the premises is used for purposes of a licensable activity and at regular occasions when the premises are open to the public to ensure that they are free from defect, obstruction, trip hazards and surfaces are not slippery. A record of such inspections, any defects discovered and the remedial action taken shall be made in writing in a logbook kept for that purpose. That logbook shall be made available for inspection on demand to

an Authorised Officer of the Council, a Fire Officer or a Police Constable.

The method of opening any exit door or gate from the premises or enclosure(s) surrounding it shall be clearly displayed immediately above or below the fastening in white block lettering on a green background in letters not less than 50 mm high.

Where a fire-resisting door is fitted within the premises and that door is required to be kept closed at all times then the door shall be clearly marked on both sides with a sign bearing the words "FIRE DOOR KEEP CLOSED" in block letters not less than 50mm high and clearly visible when the premises are open to the public.

Any chain, padlock or any other device used to lock an exit door when the premises are not in use shall be numbered and shall be removed and stored on a storage hook bearing the same number when the premises are open to the public.

The furniture or seating in premises shall be arranged so that it does not obstruct any exit, route to any exit or to any facility within the premises.

Before the premises are opened for the purposes authorised by the licence an inspection shall be carried out to ensure that the premises are safe for use. Details of the inspection, defects discovered and remedial action taken shall be recorded in writing in a logbook kept for that purpose. That logbook shall be made available for inspection on demand to an Authorised Officer of the Council, a Fire Officer or a Police Constable.

Where any furnishing or fitting in the premises including wall, floor and ceiling linings, requires further periodic treatment to maintain the surface spread of flame qualities, they shall be treated in accordance with the manufacturer's specifications. When such treatment is carried out, a written record shall be made in the log book kept for that purpose and a certificate showing the treatment has been carried out shall be obtained and retained for inspection by the Fire Authority.

No curtain, hanging or any other decoration shall be positioned so as to obstruct any exit, sign or firefighting equipment.

At all times when the premises are used for the purpose of the licence, the licence holder, a club official, manager or designated premises supervisor who is responsible for the management of the premises shall at all times be aware of the number of persons on the premises and shall if requested to do so give that information to an authorised person.

A person who is nominated for the purpose of taking control in the event of a fire, fire alarm, emergency or event which may affect the safety of persons attending the premises shall be on and in charge of the premises at all times when any licensable activity is being provided. That person shall be responsible for calling the Fire Service in the event of any fire and that person shall also be responsible for meeting the Fire Service and guiding them to the

fire.

Any outbreak of fire of any kind shall be reported to the Fire Service immediately and a written record shall be made in a logbook kept for that purpose.

Clear and unobstructed access shall be available to the premises for use by the emergency services and emergency service vehicles at all times.

There shall be maintained on the premises at all times an adequate and appropriate supply of first aid equipment and materials.

At all times when the public are present, at least one person who holds a current recognised first aid certificate or award shall be present on the premises. Where more than one such person is present their duties shall be clearly shown.

When the public, members or guests are present, the lighting levels in all parts of the premises shall be capable of providing sufficient illumination for the public, members or guests to leave the premises safely. The lighting level should be maintained by an emergency lighting system which will automatically operate when the electricity supply to the main lighting is interrupted. (Note where the premises are a theatre or cinema, a complete or substantially complete blackout may be permitted for production reasons provided that the exit signs shall be kept lit at all times).

All fire instruction signs shall be illuminated so that they can be easily read at all times when the public, members or guests are present on the premises.

The controls for the emergency lighting shall be protected from unauthorised use and accidental operation and the system designed so that the emergency lighting cannot be altered.

Every battery which is used to power an emergency light or exit sign shall be maintained in a fully charged condition at all times.

No temporary electrical wiring or distribution system shall be installed in the premises unless, the installation is carried out by a suitably qualified and competent person. The premises licence holder or Club Premises Certificate holder shall obtain a certificate from that person that the installation is fit for purpose and complies with British Standard 7671 and where applicable, British Standard 7909. A copy of that certificate shall be produced by the Premises Licence Holder or the Club Premises Certificate Holder if requested to do so by an Authorised officer of the Council or an Officer of Lancashire Constabulary and the Fire Rescue Service.

Where any temporary electrical wiring or distribution system has been installed in any premises by a person who is not competent to do so, the premises licence holder or Club Premises Certificate holder installation shall have the installation inspected and certified in writing by a suitably qualified and competent person that it is fit for purpose and complies with British

Standard 7671 and where applicable, British Standard 7909. A copy of that certificate shall be produced by the Premises Licence Holder or the Club Premises Certificate Holder if requested to do so by an Authorised officer of the Council or an Officer of Lancashire Fire and Rescue Service.

The premises shall be provided with adequate lavatory accommodation which shall at all times when the premises are in use be kept clean, ventilated, disinfected and supplied with hot and cold water, soap, toilet tissue, hand drying and sanitary towel disposal facilities as appropriate.

Prevention of public nuisance

No nuisance shall be caused to any noise sensitive premises by noise coming from the licensed premises or by vibration transmitted through the structure of the premises.

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.

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.

The designated premises supervisor or the premises licence holder 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.

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 20.00 hours.

After 20.00 hours smoking shall only take place within the designated smoking area as shown in yellow on the approved Licensing Plan.

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.

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.

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).

Refuse, including bottles, shall not be disposed of in any external area of the licensed premises between 20.00 and 09.00.

Where there are any offensive smells created on the licensed premises, provision shall be made for such smells to be vented from the premises so that they do not cause a nuisance to any sensitive premises.

There shall be provided at the licensed 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.

Where the licensed 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.

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.

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.

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.

The Reasons for the decisions were:

- The Committee having listened to the representations at the meeting took account of the fact that the premises are subject also to the additional Licensing Conditions imposed following the Licensing Committee meeting which took place on Thursday 3 August 2017.
- It noted that the Environment and Licensing Officer was scheduled to call the following week at The Glasshouse to set the 'Noise Limiter' and noted in the Conditions – Annex 3 *Noise level from the premises whilst being used for public entertainments purposes shall not exceed the background level measured at the nearest residential property*. It had regard to the fact that live music could not lawfully proceed without a limiter in place to be set at a level approved by the Council's Environmental Health Officer, if the Temporary Event Notice was appropriately conditioned.

- The Committee also had particular regard to the fact that this Temporary Event Notice related to a single evening only.

The meeting started at 6.03 pm and finished at 8.57 pm.

Date of Publication: Wednesday 20 September 2017

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Licensing Committee Minutes

The minutes of the Licensing Committee meeting of Wyre Borough Council held on Wednesday, 27 September 2017 at the Council Chamber, Civic Centre, Poulton-le-Fylde.

Licensing Committee members present:

Councillors 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) Marge Anderton, Michael Barrowclough and Christine Smith

Officers present:

Niky Barrett, Licensing Manager
Carmel White, Solicitor
Carole Leary, Democratic Services Officer

Members of the public present:

Mr & Mrs Andrew (Applicants) for Item 3 only).
Mr R for Item 5 only.

No Members of the Press were present.

20 Councillor Vivien Taylor

A minutes silence was observed in memory of Councillor Vivien Taylor.

21 Declarations of Interest

None.

22 Application for a new Premises Licence - Charlie James Pie 'n' Mash, 123-125 Victoria Road West, Thornton Cleveleys, FY5 3LA

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 17 of the Licensing Act 2003 for a new Premises Licence.

The Application was for: a new Premises Licence in respect of Charlie James Pie 'n' Mash, Thornton Cleveleys. The applicant is seeking permission to sell alcohol Monday to Saturday 08:00 – 21:30, Sunday 11:00 – 21:30. The applicant also sought permission to provide regulated entertainment by way of recorded music between the following hours:- Monday to Saturday 08:00 – 21:30, Sunday 11:00 – 21:30 and to be open to the public Monday to Saturday 08:00 – 21:30 and on Sunday 11:00 – 21:30.

The applicants Mr Andrew and Mrs Andrew were present at the meeting.

The Committee noted that apologies had been received from Ms Blackhurst, who had objected to the application but considered it was appropriate to proceed to consider the application.

Mrs Andrew spoke to the Committee, explaining the circumstances of their application for a Premises Licence for their business; Charlie James Pie 'n' Mash, 123 – 125 Victoria Road West, Thornton Cleveleys, Lancashire, FY5 3LA. She said that it was intended to be a family run business and referred to their ideas for the future.

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

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

RESOLVED that a new Premises Licence be granted in respect of Charlie James Pie 'n' Mash, Thornton Cleveleys for the licensable activities and conditions as applied for and subject to the additional conditions agreed with the Police Licensing Officer and Environmental Health Officer which were outlined in the report and listed below.

Reasons for the Decision

- Mrs Andrew informed the Committee that the Pie 'n' Mash premises was a new venture for herself and her husband. She stated that the food would be freshly made on the premises and would provide a further choice to local customers. The Committee heard that she wanted to strike the right balance between business and family life and was seeking to open the premises for breakfast and lunch during the week and on Sundays and intended to only open the premises to 21.30 hours on Friday and Saturday evenings.

- Mrs Andrew also informed the Committee that there was not going to be a separate bar area in the premises and food would be available at all times when alcohol was being sold.
- The Committee noted that consultation had taken place with the Police Licensing Officer and that Mrs Andrew had agreed to the additional conditions outlined in the Mediation Agreement which was set out in the Report.
- The Committee also noted that Mrs Andrew had agreed to include additional conditions recommended by the Council's Environmental Health Officer to address the potential for public nuisance arising from the licensable activities.
- Mrs Andrews commented on the objection received from Ms Blackhurst which she believed to be personal and unfounded. She stated that there was no real reason why her business would be detrimental to Ms Blackhurst as she explained that other premises in the vicinity opened later than 21.30 hours and were closer to Ms Blackhurst's residence.
- The Committee noted the objection from Ms Blackhurst but were satisfied that a grant of a new premises licence subject to the conditions would address the potential for public nuisance and would not undermine the Licensing Objectives.

ANNEX 1 – Mandatory Conditions

- 1.1 No supply of alcohol may be made under this licence
- a. at a time when there is no designated premises supervisor in respect of it
- or,
- b. at a time when the designated premises supervisor does not hold a personal licence or their personal licence is suspended
- 1.2 Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

Mandatory conditions where Door Supervisors are provided
 All individuals who carry out security activities must be licensed by the Security Industry Authority (SIA)

Mandatory Licensing Conditions (October 2014)

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for

consumption on the premises

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

(a) a holographic mark, or

(b) an ultraviolet feature.

4. The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Licensing Act 2003 (Mandatory Licensing Conditions) Order May 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) “permitted price” is the price found by applying the formula—
$$P = D + (D \times V)$$
where—
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4.
 - (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
 - (2) The permitted price which would apply on the first day applies to

sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

ANNEX 2 – Conditions Consistent with the Operating Schedule

1. The premises shall not provide any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concerns in respect of children.
2. Whenever the premises are open to the public all exit doors and gates from the premises or enclosure surrounding it shall be capable of being opened by any person without the use of a key, card, code or other similar means and shall be kept free from all fastening devices.
3. Seating, tables and other moveable structures shall be arranged so as not to obstruct any exit.
4. No person under 18 years of age shall be employed at the licensed premises.
5. 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

6. All staff involved in the sale of alcohol shall receive suitable training in relation to proof of age scheme to be applied upon the premises. All staff receive regular refresher training at intervals of at least 4 months. Records to evidence this will be made available to officers upon request.
7. Suitable signage will be displayed to specify the Challenge 25 policy is in place.
8. 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.

9. 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.
10. 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. All staff involved in sales will be at least 18 years of age.
11. 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.
12. A zero tolerance drugs policy will be adopted at the premises.
13. 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.
14. Staff shall ensure no drink is to be removed from the grounds or curtilage of the licenced premises in an unsealed container.
15. Frequent collection of glasses and bottles will be undertaken to ensure that empty containers do not accumulate in or around the licensed premises.
16. The departure of customers from the premises shall be effectively managed by staff who will request patrons to leave quietly and to avoid causing noise, nuisance or disturbance in the area.
17. Any outside area which is used for the consumption of alcohol shall cease to be so used at 21:30hrs.
18. The primary purpose of the premise will be that of a restaurant / bistro / café serving food. The sale of alcohol will be ancillary to this uses. Food will be available at all times when alcohol is supplied on the premises.
19. Seating shall be provided for a minimum of 60% of the maximum floor area.
20. All drinking vessels will be made of toughened glass, polycarbonate or other non-glass containers.

21. CCTV will be installed at the premises and will comply with the following:
- The CCTV system shall be installed, maintained and operated to the reasonable satisfaction of Lancashire Constabulary.
 - The system will incorporate a camera covering the entrance doors and will be capable of providing an image which is regarded as identification standard.
 - The system will display on any recording the correct time and date of the recording.
 - The system will make recordings during all hours the premises are open to the public.
 - Digital recordings shall be held for a minimum of 21 days after the recording is made and will be made available to the Police or any authorised persons acting for a Responsible Authority for inspection upon request.
22. 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 recent data or footage with the absolute minimum of delay when requested to a Police Officer or to a Local Authority Enforcement Officer.
23. No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the premises.
24. All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency or for means of access and egress.
25. Refuse such as bottles shall be disposed of from the premises at a time when it is not likely to cause a disturbance to neighbouring residents.
26. There shall be no emission from the premises of any offensive smells which are likely to cause a nuisance.
27. Where there are any offensive smells created on the premises, provision shall be made for such smells to be vented from the premises so that they do not cause a nuisance to nearby premises.
28. 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.

29. Where the premises provide food for consumption off the premises, the public area immediately surrounding the premises shall be cleared of waste food, food containers, wrappings etc. at the end of trading on each day. Such refuse shall be placed in a contained designed for the storage and disposal of refuse and waste foods which shall be constructed, maintained and located so that access to it be vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.

30. No light from the premises and any other light under the control of the premises shall be provided where that light causes a nuisance to any nearby premises.

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

ANNEX 3 - Conditions imposed by the Licensing Authority

N/A

ANNEX 4 – Plans

Plan ref: Pie 'n' Mash Sept 2017 p.1

Plan ref: Pie 'n' Mash Sept 2017 p.2

23 Exclusion of the Public and Press

RESOLVED that the public and press be excluded from the meeting whilst agenda item 5 (an application for a new dual drivers licence from an applicant with spent convictions) was being considered, because it was likely that their presence would involve the likely 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.

24 New applicant for a Wyre dual driver licence with spent convictions

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

The applicant, Mr R was, was present at the meeting, but he was not legally represented.

Mr R spoke to the Committee, explaining the circumstances of his spent convictions (August 2013 being the last) as referred to in the report.

Members asked questions of Mr R, and he provided explanations of the incidents which had led to his convictions and his conduct then and up to the

present date.

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

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

The Reasons for the Decisions were:

The Committee noted the convictions, but accepted Mr R's explanation and assurance that such conduct was in the past and considered Mr R to be a fit and proper person to hold a three year Wyre Council dual driver's licence.

The meeting started at 6.03 pm and finished at 6.55 pm.

Date of Publication: Wednesday 4 October 2017



Report of:	Meeting	Date	Item No.
Mark Broadhurst, Service Director Health and Wellbeing	Licensing Committee	12 October 2017	4

Application for the variation of the Premises Licence - Deja Vu, 2B Vicarage Road, Poulton-le-Fylde, Lancashire, FY6 7BE

1. Purpose of report

- 1.1 To provide members with information to assist them at a hearing to determine an application submitted under section 34 of the Licensing Act 2003.

2. Outcomes

- 2.1 Determination of the variation application for Déjà Vu, submitted by Karl Langhorne, the premises Licence Holder.

3. Recommendation

- 3.1 That members consider the application to vary the premises licence in respect of Déjà Vu, 2B Vicarage Road, Poulton-le-Fylde, Lancashire, FY6 7BE.

4. Background

- 4.1 Déjà Vu occupies part of a two storey premises on the corner of Vicarage Road and Prudy Hill. The ground floor comprises a small reception foyer with stairs leading off to the first floor public bar and dance area. The remaining ground floor accommodation is occupied by Bistro Italia, a licensed restaurant which trades until 01:00 during the week and 01:30 on Thursday Friday and Saturday night.
- 4.2 Mr Karl Langhorne transferred the premises licence for the venue, which had previously operated as Uber, into his name on 1 June 2017.
- 4.3 He refurbished the premises, put his own management team in place, with Mrs Sharon Smallshaw holding the position of Designated Premises Supervisor and relaunched the business as Déjà Vu.

- 4.4 Mr Langhorne has installed an extensive CCTV system which includes a number of camera feeds covering the footways immediately outside the premises along Vicarage Road and the top of Prudy Hill.
- 4.5 The current licence permissions are summarised below. A full copy of the licence forms **Appendix 2** to this report.

**Sale of Alcohol for consumption both on and off the premises
Live and Recorded Music and Dancing**

Sunday to Thursday 10:00 to midnight
Friday and Saturday 10:00 to 01:00

The Premises is open to the public

Sunday to Thursday 10:00 to 00:30
Friday and Saturday 10:00 to 01:30

5. Key issues and proposals

- 5.1 Since Mr Langhorne took responsibility for the business in June 2017, Deja Vu has operated until 03:00 on 3 separate nights under the authority of Temporary Event Notices.
- 5.2 On the 5 September 2017 Mr Langhorne submitted an application under section 34 of the Licensing Act 2003 to vary premises licence PL(A)0146, in respect of Déjà vu, 2B Vicarage Road, Poulton-le-Fylde. The application is at **Appendix 1**.
- 5.3 The application seeks 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. It also seeks these extended hours on Christmas Eve, New Year's Eve and Bank Holiday Sunday and Mondays
- 5.4 The applicant was not proposing to amend any of the existing conditions, which members will be aware were ratified by the Magistrates Court over the summer.
- 5.5 The application was correctly advertised, as required by the Licensing Act 2003 and during the 28 day representation period, one representation has been received from an interested party.

This representation raises concerns about the potential for public nuisance by way of noise breakout from the venue, along with the potential for nuisance and disorder on the streets, once clientele leave the venue. The representation is attached at **Appendix 3**.

- 5.6** Consultation has taken place with the Police Licensing Officer and as a result of this, the applicant has agreed to amend their application to include a new condition on their operating schedule and to re-word another condition. The mediation agreement detailing these amendments is attached at **Appendix 4**.
- 5.7** Consultation has taken place with the council's Environmental Health Officer who has not objected to the proposed extension to the permitted hours.
- 5.8** Consultation has taken place with the Fire Authority who have not objected to the proposed extension to the permitted hours.
- 5.9** There have been no other responses from the remaining Responsible Authorities.
- 5.10** This application has been brought before members to determine the variation application in the light of the representation received.
- 5.11** Members should take the Licensing Act 2003 (as amended), the Secretary of State's Statutory Guidance, issued under Section 182 of the Act and the Council's own Statement of Licensing Policy into account when determining this application and attention is particularly drawn to the following:
- 7.0 General Approach to Licensing
 - 14.0 The Licensing Objectives
 - 14.3 Prevention of Public Nuisance
 - 14.3.1 Disturbance by patrons leaving the premises
 - 14.3.3 Noise Nuisance

Financial and legal implications	
Finance	There are no financial implications directly associated with the review of this licence.
Legal	The hearing should be conducted following the principles of natural justice and in accordance with the Council's hearing procedures. All parties to the decision have the right of appeal to the Magistrates Court, if they are aggrieved by the decision of the Licensing Authority.

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	01253 887236	Nicola.Barrett@wyre.gov.uk	02/10/2017

List of background papers:		
name of document	date	where available for inspection
Statement of Licensing Policy 2016-2021	7 January 2016	Licensing Section

List of appendices

- Appendix 1 - Current Premises Licence
- Appendix 2 - Application to vary the Premises Licence
- Appendix 3 - Representation
- Appendix 4 - Mediation agreement
- Appendix 5 - Site Plan

arm/rg/lic/cr/17/1210nb1

Application to vary a premises licence 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 Mr Karl Langhorne
(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number	PL (A) 0146
-------------------------	-------------

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
2B Vicarage Road			
POULTON - LE - FYLDE			
Post town	LANCASHIRE	Postcode	FY6 7BE

Telephone number at premises (if any)	01253 882299
Non-domestic rateable value of premises	£14750

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)	deja-vu-pouiton@mail.com		
Current postal address if different from premises address			
Post town		Postcode	

Part 3 - Variation

000104
190.00
cheg

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes

No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note

2)

To extend current hours to 03:00 for licensable activities on Friday and Saturday nights, Christmas eve, New Years eve and bank holiday weekends and to remain open to the public until 03:30 on those days.

Add Late night refreshment to the licence

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

525

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please see guidance note 3) 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 8)			<u>Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 5)</u>	
Mon				
Tue				
Wed				<u>State any seasonal variations for performing plays (please read guidance note 6)</u>
Thur				
Fri				<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)</u>
Sat				
Sun				

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)</u> Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	
Mon			
Tue			
			<u>Please give further details here (please read guidance note 5)</u>
Wed			<u>State any seasonal variations for the exhibition of films (please read guidance note 6)</u>
Thur			
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)</u>
Sat			
Sun			

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details (please read guidance note 5)</u>
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events (please read guidance note 6)</u>
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 7)</u>
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	10:00	00:00	<u>Please give further details here</u> (please read guidance note 5)		
Tue	10:00	00:00			
Wed	10:00	00:00	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Thur	10:00	00:00			
Fri	10:00	03:00	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat	10:00	03:00	Christmas eve, New Years eve, Bank holiday Sunday & Mondays 10:00 - 03:00		
Sun	10:00	00:00			

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 5)</u>		
Mon	10:00	00:00			
Tue	10:00	00:00	<u>State any seasonal variations for the playing of recorded music (please read guidance note 6)</u>		
Wed	10:00	00:00			
Thur	10:00	00:00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7)</u> Christmas eve, New Years eve, Bank holiday Sunday & Mondays 10:00 – 03:00		
Fri	10:00	03:00			
Sat	10:00	03:00			
Sun	10:00	00:00			

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	10:00	00:00	Please give further details here (please read guidance note 5)	Both	<input type="checkbox"/>
Tue	10:00	00:00			
Wed	10:00	00:00	State any seasonal variations for the performance of dance (please read guidance note 6)		
Thur	10:00	00:00			
Fri	10:00	03:00	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 (please read guidance note 7) Christmas eve, New Years eve, Bank holiday Sunday & Mondays 10:00 - 03:00		
Sat	10:00	03:00			
Sun	10:00	00:00			

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 5)</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)</p>		
Fri					
Sat			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)</p>		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23:00	00:00	Please give further details here (please read guidance note 5)	Both	<input type="checkbox"/>
Tue	23:00	00:00			
Wed	23:00	00:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Thur	23:00	00:00			
Fri	23:00	03:00	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 (please read guidance note 7) Christmas eve, New Years eve, Bank holiday Sunday & Mondays 23:00 – 03:00		
Sat	23:00	03:00			
Sun	23:00	00:00			

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6)		
Mon	10:00	00:00			
Tue	10:00	00:00			
Wed	10:00	00:00			
Thur	Start	Finish	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7) Christmas eve, New Years eve, Bank holiday Sunday & Mondays 10:00 – 03:00		
Fri	10:00	03:00			
Sat	10:00	03:00			
Sun	10:00	00:00			

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 10).

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	10:00	00:30	
Tue	10:00	00:30	
Wed	10:00	00:30	
Thur	10:00	00:30	
Fri	10:00	03:30	
Sat	10:00	03:30	
Sun	10:00	00:30	

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)

Christmas eve, New Years eve,
Bank holiday Sunday & Mondays

10:00 - 03:30

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

None in addition to those conditions already imposed on licence

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

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.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	5th September 2017.
Capacity	OWNER.

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)			
Post town		Post code	
Telephone number (if any)			



Licensing Act 2003
Premises Licence

PREMISES LICENCE NUMBER

PL(A)0146

Part 1- Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Deja-Vu

2B Vicarage Road
Poulton-Le-Fylde
Lancashire
FY6 7BE

Telephone number

WHERE THE LICENCE IS LIMITED THE DATES THAT APPLY

Not Applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

E.Live music-Indoors

F.Recorded music-Indoors

G.Dance-Indoors

I.Making music-Indoors

J.Facilities for dancing-Indoors

M.Sale of alcohol ON and OFF premises

LICENSABLE ACTIVITIES-AUTHORISED TIMINGS

E.Live music-Indoors	
FRIDAY AND SATURDAY	10:00 - 01:00
SUNDAY TO THURSDAY	10:00 - Midnight
F.Recorded music-Indoors	
FRIDAY AND SATURDAY	10:00 - 01:00
SUNDAY TO THURSDAY	10:00 - Midnight
G.Dance-Indoors	
FRIDAY AND SATURDAY	10:00 - 01:00
SUNDAY TO THURSDAY	10:00 - Midnight
I.Making music-Indoors	
FRIDAY AND SATURDAY	10:00 - 01:00
SUNDAY TO THURSDAY	10:00 - Midnight
J.Facilities for dancing-Indoors	
FRIDAY AND SATURDAY	10:00 - 01:00
SUNDAY TO THURSDAY	10:00 - Midnight
M.Sale of alcohol ON and OFF premises	
FRIDAY AND SATURDAY	10:00 - 01:00
SUNDAY TO THURSDAY	10:00 - Midnight

OPENING HOURS OF THE PREMISES

FRIDAY AND SATURDAY	10:00 - 01:30
SUNDAY TO THURSDAY	10:00 - 00:30

Part 2

NAME, (REGISTERED) ADDRESS OF HOLDER(S) OF PREMISES LICENCE

Mr Karl Langhorne
The Moat House
Mains Lane
Poulton-Le-Fylde
Lancashire
FY6 7LE

EMAIL karllangs@aol.com

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE, COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Mrs Sharon Smallshaw

Sunnyhurst, Mill Lane, Stalmine, Lancs, FY6 0LR

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY THE DESIGNATED PREMISES SUPERVISOR

Licence No WBCPA0402

Wyre Council

OPERATING CONDITIONS

ANNEX 1 - Mandatory Conditions

- 1.1 No supply of alcohol may be made under this licence
- a. at a time when there is no designated premises supervisor in respect of it or,

b. at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended

1.2 Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

Mandatory conditions where Door Supervisors are provided

All individuals who carry out security activities must be licensed by the Security Industry Authority (SIA)

Mandatory Licensing Conditions (October 2014)

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
4. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Licensing Act 2003 (Mandatory Licensing Conditions) Order May 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) "permitted price" is the price found by applying the formula—
$$P = D + (D \times V)$$
where—
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were

- charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence—
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

ANNEX 2

Crime and disorder

- 2) Mr Elliot Simpson is not permitted on the premises or to be involved in any business or financial transactions in connection with the business.
- 3) CCTV will be installed internally and externally at the premises and will comply with the following: -
 - o The CCTV system shall be installed, maintained and operated to the reasonable satisfaction of Lancashire Constabulary. All public areas of the premises are to be covered by the system.

- o The system will display on any recording the correct time and date of the recording.
- o The system will make recordings during all hours that the premises are open to the public.
- o The VCR tapes or digital recording will be held for a minimum of 31 days and 28 days respectively after the recording is made and will be made available to the police or any authorized persons acting for a responsible authority for inspection upon request.
- o The system will, as a minimum, record images of the head and shoulders of all persons entering the premises.

A staff member who is conversant with the operation of the CCTV system will be on the premises at all times that 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.

The Licence Holder or Designated Premises Supervisor will 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 licence conditions.

Appropriate signage informing customers that CCTV is recording will be displayed in conspicuous positions on the premises.

Bi-Annual documented maintenance checks of the CCTV system, including the recording system, will be carried out by the Designated Premises Supervisor to ensure that the system is in good working order and fit for purpose.

- 4) All members of staff shall receive suitable training with regard to serving drunks and conflict management and are to receive regular refresher training at intervals of a maximum of 3 months, records to evidence this will be made available to authorised officer upon request.
- 5) The Licence holder is to support and rigorously enforce the Challenge 25 proof of age policy.

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:

- i. UK photo driving licence
- ii. Passport
- iii. Proof of Age Standards Scheme Card
- iv. Armed forces ID cards

All staff involved in the sale of alcohol shall receive suitable training in relation to proof of age scheme to be applied upon the premises. All staff receive regular refresher training at intervals of at least 3 months. Records to evidence this will be made available to officers upon request.

- 6) An incident book will be maintained in which will be recorded:
 - o All incidents of crime and disorder.
 - o Refused sales to suspected underage and drunken persons.
 - o A record of any person asked to leave the premises or that are removed from the premises.
 - o Details of occasions on which the police are called to the premises.
 - o A record of persons searched on suspicion that drugs are being carried and their reason for such suspicion.
 - o The book will be available for inspection by a police officer.
- 7) To provide from 10pm a smoking area on Vicarage Road and to encourage by way of a notice in the foyer and outside and verbally by members of staff, customers to be quiet and to return to the premises as soon as possible
- 8) A zero tolerance drugs policy will be adopted at the premises.
- 9) 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. A record of such checks will be kept at the premises.
- 10) Where there is reasonable suspicion that drugs are being carried, the licensee shall ensure that the outer clothing, pockets and bags of those entering the venue are searched by a trained staff member of the same sex.
- 11) 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.
- 12) Records of incidents involving the use, and/or detection of drugs shall be maintained and those records shall be available for inspection.
- 13) Confiscated and found drugs shall be transferred to the police in accordance with procedures agreed with Lancashire Constabulary.
- 14) No person in possession of an alcoholic drink in an unsealed container shall be allowed to leave the premises.
- 15) Frequent collection of glasses and bottles will be undertaken to ensure that empty containers do not accumulate in or around the licensed premises
- 16) All drinking vessels used at the premises will be made of toughened glass or polycarbonate.
- 17) Refuse such as bottles shall be disposed of from the premises at a time when it is not likely to cause a disturbance to residents in the vicinity of the premises.
- 18) The licence holder and the Designated Premises Supervisor shall ensure sufficient door staff are employed at the exit to ensure that patrons leaving the premises do so in an orderly manner to prevent nuisance to neighbours.
- 19) The Licensee shall ensure that staff departing late at night when the business has ceased trading, conduct themselves in such a manner to prevent disturbance to nearby residents.

No person shall be admitted to the club if they are suspected of being intoxicated.

Public safety

The licence holder shall ensure that the following current certificates are available for inspection:-

Electrical test certificate
Fire alarm test certificate
Emergency lighting test certificate

RCD certificate
Fire extinguisher maintenance records
Structural inspection certificate

The occupancy of the premises should not exceed 525 persons

Prevention of public nuisance

The premises should be equipped with a fully operational air conditioning system.

The premises should be compliant with the recommendations in the Good Practice Guide on the Control of Noise from Pubs and Clubs issued by Institute of Acoustics.

Protection of children

Admission to the premises should be strictly controlled by door staff

No person under the age of 18 are to be admitted to the premises during opening hours.

ANNEX 3

A notice should be placed on the premises where it can be easily read requesting customers to be quiet when they leave the premises and immediate area and not to discard containers or wrappings in the street or on other people's property but to place them in litter bins or take them home.

No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the premises.

All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency.

The licence holder or his representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record shall be made of those assessments in a log book kept for that purpose and shall include, the time and date of the checks, the person making them and the results including any remedial action.

Conditions added to licence following review held April 2010

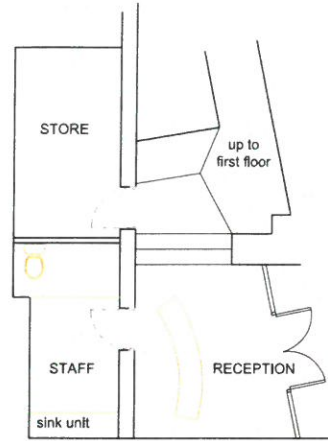
- 1 A personal licence holder shall be on the premises at all times during which intoxicating liquor is being sold or supplied to customers or consumed by customers, except in the case of an emergency
- 2 Whenever the designated premises supervisor is not at the premises another personal licence holder will be nominated by the designated premises supervisor as being the responsible person to manage the premises and will have the contact details of the designated premises supervisor. The details of such person to be on prominent display at the entrance to the premises.
- 3 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 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.
- 4 Two door supervisors registered with the SIA will remain outside the premises until at least 15 minutes after the last customer has left the premises to prevent disorder and noise nuisance.
- 5 Door supervisors registered with SIA shall be equipped with an appropriate method of keeping an accurate record of the capacity levels, including any separate capacity levels for individual rooms or levels.
- 6 Door Supervisors shall be positioned at each entrance/exit (other than fire only exits) to ensure that no customer leaves with any bottles or glasses.
- 7 A door supervisor will patrol the queue to the premises as necessary but no less than once every 5 minutes and carry out constant supervision of the smoking area (except in the case of an emergency) to ensure that customers in both areas who are drunk or who have acted in a disorderly manner, or have behaved in such a way as to cause a public nuisance or disturbance, are prevented from entering or re-entering the premises. The door supervisors shall encourage customers not to be outside the premises for more than ten minutes at any one time.

- 8 The designated premises supervisor will maintain a daily record comprising of the following: -
Start time and finish time of each door supervisor. The door supervisor will record their SIA badge number and will sign and print their name in a legible form at the beginning and end of each tour of duty. The record shall be kept securely on the premises for at least 6 months and shall be produced on request to the police or other authorised person.
- 10 All staff will successfully complete training in age related products prior to commencing employment, refresher training will also be successfully completed not more than every 3 months, this will be fully documented and be available for inspection to police officers or other authorised persons.
- 13 That a sound limiter should be fitted to the premise, the limiter should be capable of being set and should ensure it cannot be tampered with, levels should be set in conjunction with the Environmental Protection section and the limiter must be used at all times.
- 14 A cut off device is fitted to each fire door to ensure that if opened the music stops.
- 15 All live entertainment must be provided through the premises sound system and therefore will be subject to the noise limiter.
- 17 The area around the premises should be inspected at the end of the operating times and any litter, bottles or other rubbish should be collected. This includes cigarette debris left outside the building by smokers. This should be done in a manner which does not cause nuisance to neighbouring properties.

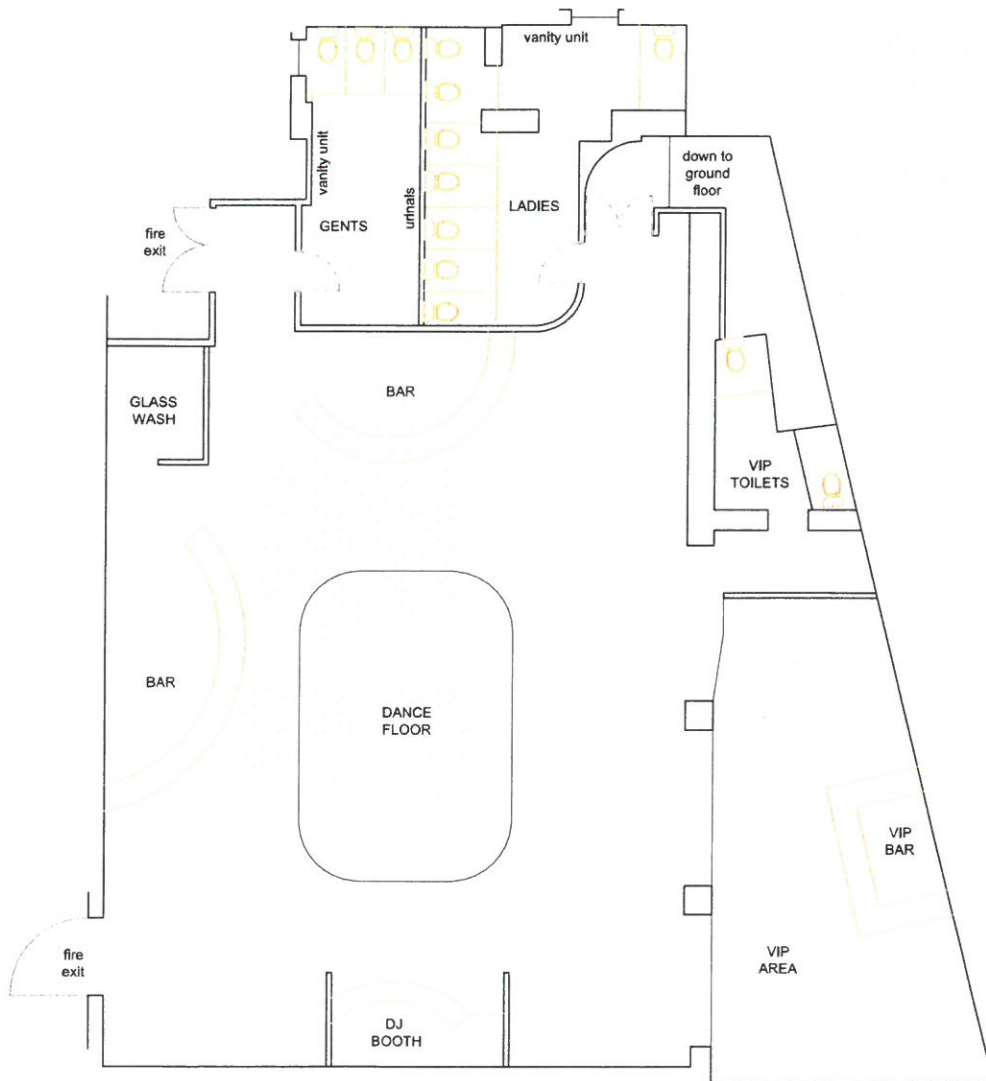
ANNEX 4
Plan of the premises

Plan dated June 2017

Deja vu Nightclub. Poulton.



GROUND FLOOR LAYOUT 1:100 @ A3



FIRST FLOOR LAYOUT 1:100 @ A3

19 September 2017

Dear Sir or Madam

Deja Vue, 2b Vicarage Road, Poulton-le-Fylde – Application for variation to licence

We strongly oppose the variation to the above licence of extended hours.

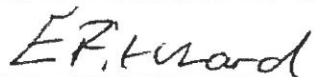
Our reasons are the public nuisance of people leaving the premises at 3.30am when the background noise of Poulton has died down, it amplifies the sound levels.

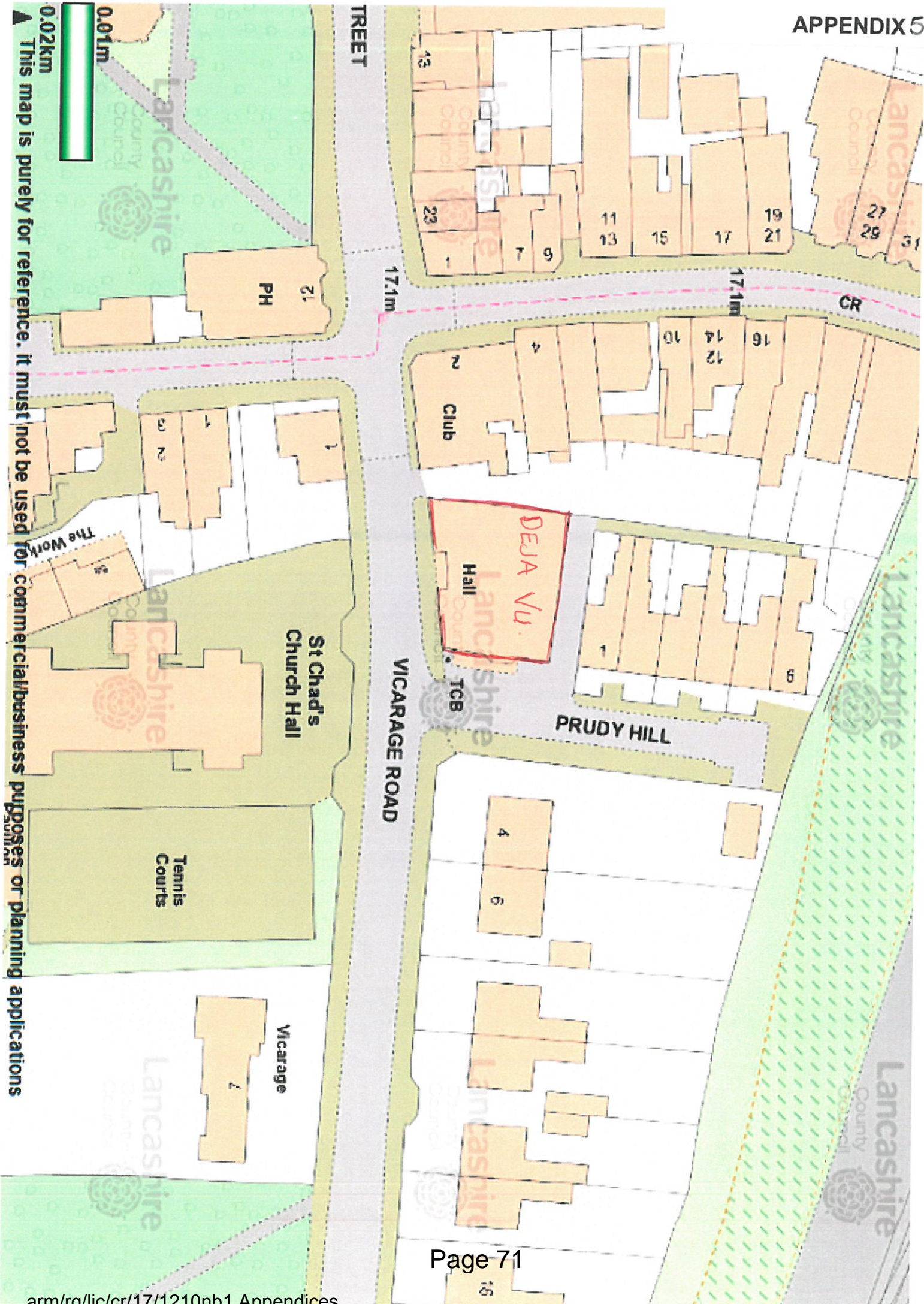
The other major problem is in the past when it was licenced to 3.00am, was people coming down Prudy Hill, which is next door to the club where we live. This is the area where drug dealing, drug taking, sexual activity and using the street as a toilet and the general nuisance of people on their phones and coming out smoking when the background noise of Poulton had died down, and then returning to the club.

When the police put a mandatory condition on the licence to put a steward at the top of Prudy Hill to stop all this activity down the street, it improved the matter dramatically and improved the quality of our lives. As we believe that this is a transferred licence by the court at Salford then this should still apply.

Yours faithfully

Ron & Jean Preston

Wyre Council Licensing Service			
Notification of Mediation Agreement			
Premises Details			
Name of Premises:	Deja Vu		
Premises Address:	2B Vicarage Road, Poulton-le-Fylde		
Post Code:	FY6 7BS		
Responsible Authority			
Service / Department	Lancashire Constabulary		
Officer (Print Name)	PC 4107 Emma Pritchard		
	Signature		
Proposed changes to Application Operational Schedule			Mark one
Adequate changes proposed during the representation period. No representation made.			X
Some changes proposed. Representation will follow for remaining concerns.			
Some changes made after representation submitted. Continue to hearing.			
Full and adequate proposals made after representation. Representation withdrawn.			
Applicant's consent to amend Licence Application			
I the undersigned am the applicant and hereby authorize 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 <u>print</u> clearly)	Karl Langhorne		
Applicant's Usual Signature			
Date of signing			2017
Amendments			
1	The following conditions to be added to the operating schedule:		
1 15	Functions which specifically target young people aged 18 years (for example birthday parties) will not be allowed to take place on the premises		
30	A minimum number 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 further 100 or part thereof.		
2	The following conditions to be removed from the operating schedule:		
	A minimum number of 3 members of door staff registered with the SIA will be on duty from 22:00hrs for the first 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 for door staff will be the subject of a full risk assessment.		



This map is purely for reference. it must not be used for commercial business purposes or planning applications

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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