

Licensing Sub-Committee Minutes

The minutes of the Licensing Sub-Committee meeting of Wyre Borough Council held on Tuesday, 7 August 2018 at the Civic Centre, Poulton-le-Fylde.

Licensing Sub-Committee members present:

Councillors Sue Catterall, Julie Robinson and Christine Smith

Other councillors present:

Councillor Lady Atkins

Officers present:

Niky Barrett – Licensing Manager

Mary Grimshaw – Senior Solicitor

Carole Leary – Democratic Services Officer

Members of the public present:

Mrs G Holmes (Applicant), Miss A Holmes (Applicant), Mrs M Lawrenson (Agent) and Mr D Clayton attended the meeting.

No press attended the meeting.

16 Appointment of Chairman

Resolved that Councillor Robinson be appointed as Chairman of this Licensing Sub-Committee meeting.

17 Declarations of Interest

None.

18 Application for a new Premises Licence - V12 Bistro Bar, Unit 1, Drover's Mews, Park Hill Road, Garstang

The Service Director Health and Wellbeing submitted a report to provide members of the Licensing Sub-Committee with information to assist them at a hearing to determine an application; for the application for a new Premises Licence – V12 Bistro Bar, Unit 1, Drover's Mews, Park Hill Road, Garstang.

The use of the premises, formally a cup cake shop, requires the relevant planning consent for use as a bar and the applicants had been advised by the

Licensing Officer for the need to submit a planning application, to allow the change of use.

Miss A Holmes (Applicant) and Mrs G Holmes (Applicant) were present at the meeting and supported by their Agent – Mrs M Lawrenson, who put their case forward.

Cllr Lady Atkins (who was speaking on behalf of Mr & Mrs Raymond, as their Ward Councillor) and Mr D Clayton (owner/occupier of an apartment at Dover's Mews) were present to make their representations to the Sub-Committee.

Mr N Clayton (Environmental Health Officer) was also present and made his representations known to the Sub-Committee.

Apologies had been received from Mr & Mrs Raymond and no further communications have been received from the other written representors. The Sub-Committee considered it was appropriate to proceed in their absence to consider the application including all representations.

Mrs Lawrenson spoke to the Committee, explaining the circumstances of her clients' application for a new Premises Licence for their business; V12 Bistro Bar, Unit 1, Drover's Mews, Park Hill Road, Garstang and their family run business ideas for the future.

The Committee asked questions of both Applicants and Mrs Lawrenson.

The Committee also heard oral evidence from Councillor Lady Atkins, outlining her concerns on behalf of Mr & Mrs Raymond. Mr D Clayton (owner/occupier at Drover's Mews) also made representations about the application and the detrimental impact it would have on the residents, if the Licence were to be granted.

Mrs Lawrenson and the Applicants responded to the oral representations made and also to the written objections.

In reaching its decision, the Committee had regard to:

1. The Licensing Act 2003 (the Act)
2. The Guidance published by the Secretary of State under s182 of the Act ("s182 Guidance")
3. The Council's Licensing Policy
4. Human Rights Act 1998

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

RESOLVED that the New Premises Licence be granted for the licensable activities as amended by the Applicant and subject to the following conditions which were outlined in Appendix 5 of the committee report together **with**

three additional conditions.

The opening times and conditions are outlined below:

Opening times:

- Thursday: 4 - 9pm, sale of alcohol to cease at 8.30pm.
- Friday: 4 -10pm, sale of alcohol to cease at 9.30pm.
- Saturday: 12 noon - 10pm, sale of alcohol to cease at 9.30pm.
- Sunday: 12 noon - 9pm, sale of alcohol to cease at 8.30pm.

Conditions consistent with the operating schedule

1. The designated premises supervisor or the personal licence holder for the premises who is supervising the sale or supply of alcohol at that time shall not permit customers to congregate and consume alcohol sold or supplied by that premises in a public place within the immediate vicinity of the premises and in an area not so licensed for consumption to the annoyance or obstruction of others and shall prevent the removal of alcohol if it is intended for such a purpose.
2. No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the premises.
3. There shall be no emission from the premises of any offensive smells which are likely to cause a nuisance to any sensitive premises.
4. No artificial light from or on the premises and any other light under the control of the premises shall cause a nuisance to any sensitive premises.
5. 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, wrapping etc. at the end of trading on each day. Such refuse shall be placed in a container designed for the storage and disposal of refuse and waste foods which shall be constructed, maintained and located so that access to it by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.
6. The premise licence holder will arrange for litter and cigarette debris dropped in the vicinity of the licensed premise to be collected and removed at the end of operating hours each night.
7. Refuse such as bottles shall be disposed of in any external area of the premises at a time when it is not likely to cause a disturbance to sensitive premises and shall not be disposed of between the hours of 20.00- 08.00.
8. The licence holder, Designated Premises Supervisor or their 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 any sensitive premises. A written record shall be made of those assessments in a log book kept for that purpose and shall include, the time and date of the checks, the person making them and the results, including any remedial action.

9. There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public (or members and their guests), notices requiring customers to leave the premises and the area quietly (this may also include a reference to vehicles).
10. The outdoor area as shown in Blue on the approved Licensing Plan shall cease to be used for the consumption of alcohol and food at 18.00 hours. All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency or for the purpose of access and egress.
11. 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.
12. 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.
13. No children allowed on the premises after 16.00 except for functions, meals etc. when they must be accompanied by a parent/guardian.
14. The Licensee shall ensure that staff departing when the business has ceased trading, conduct themselves in such a manner to avoid disturbance to nearby residents.
15. A documented Challenge 25 scheme will be operated at the premises. The Challenge 25 scheme shall be actively promoted and advertised at the premises and will ensure that any person purchasing alcohol, who appears to be under 25 years of age, shall be asked to provide acceptable identification to prove that they are 18 years of age or over. Failure to supply such identification will result in no sale or supply of alcohol to that person.
16. The Proof of Age Standards Scheme (PASS) will be actively promoted at the premises by the display of Challenge 25 posters bearing the PASS logo.
17. A PASS accredited holographic proof of age card will be the main identification document accepted at the premises as proof of age. A PASS card must be accepted as proof of age if a purchaser possesses one. Where a purchaser does not possess a PASS accredited proof of age card, only the following alternative forms of alternative identification will be acceptable:-
 - (a) Photo driving licence
 - (b) Passport or

(c) Her Majesty's Forces Warrant Card

18. To utilise and fully record any refused sales or challenges made to patrons and such records be kept in an appropriate form and be made available on inspection to the police or other authorised agency.
19. All staff involved with the provision of alcohol will successfully complete training in age related products prior to operating a till. Refresher training will also be successfully completed not more than every 6 months, this will be fully documented and be available for inspection to police officers or other authorised persons.
20. CCTV equipment shall be installed and be maintained in good working order in accordance with the manufacturer's instructions. Training should be provided for staff members in the usage of the CCTV equipment. CCTV footage recorded must, as a minimum, cover each entry/exit point of the premises and be recording at all times when the premises is conducting licensable activities.
21. The images recorded by the CCTV system shall be retained in unedited form for a period of not less than 30 days.
22. The Data Controller will make footage available within a reasonable time to a Police Constable or Authorised Officer, where such request is made in accordance with and which satisfies the Data Protection Act 2018.
23. 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.
24. Frequent collection of glasses and bottles will be undertaken to ensure that empty containers do not accumulate in or around the licensed premises.
25. 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.
26. 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.
27. There shall be maintained on the premises at all times an adequate and appropriate supply of first aid equipment and materials.

Three Additional Conditions

28. External doors will be fitted with "slow closers" to prevent them causing a disturbance to residents each time they close.

29. All patrons will be allocated a table or a seat and the maximum capacity indoors shall be 30 with an additional 10 permitted in the external area.

30. No smoking will be permitted anywhere on the premises at any time.

Reasons for the Decision

- The Committee noted the objections from local residents but were satisfied that a grant of a new premises licence subject to the amended hours and subject to the conditions, would not undermine the Licensing Objectives.
- The Committee noted the proximity of the premises to residential properties but after taking into account the type of business and clientele who would be likely to frequent the premises, were satisfied that the residents' concerns had been addressed in the conditions which the Committee considered were appropriate to promote the Licensing Objectives. Furthermore, the Committee noted the cooperation of the Applicants throughout this application, their willingness to work with the residents and their agreement to the conditions imposed.
- The Committee noted that there were no objections from the police and the Environmental Health officer's objection had been withdrawn following the submission of the amended times.
- The Committee considered that some of the neighbours' concerns on parking fell outside the Licensing regime and related to planning or highway matters and therefore were not considered as part of this application.
- The Committee advised the residents that if there were any problems in the future then the review procedure would be the correct approach to deal with these issues.

The meeting started at 6.10 pm and finished at 7.15 pm.

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