

Licensing Committee Minutes

The minutes of the Licensing Committee meeting of Wyre Borough Council held on Thursday, 26 January 2017 at the Civic Centre, Poulton-le-Fylde.

Licensing Committee members present:

Councillor Barrowclough	Councillor Robinson
Councillor Bridge	Councillor Smith
Councillor Ormrod	Councillor Wilson
Councillor Pimbley	

Apologies: Councillors' M Anderton, Beavers, C Birch, Collinson, Holden, Moon and Matthew Vincent.

Officers present:

C Ferguson, Licensing Manager
M Grimshaw, Senior Solicitor
N Clark, Environmental Health Officer – Environmental Protection
C Leary, Democratic Services Officer.

Non-members present: None.

Members of the public present:

Mr Lawrence (Applicant), Mr Gorst (Land owner) and Mr Ireland (Solicitor) for Item 4 only.
Mr B (for Item 6 only).

Three Members of the Public were present

No Members of the Press were present.

40 **Declarations of Interest**

Councillor Wilson declared an Other Significant Interest in Licensing application Item 4 – Application for a new premises licence for Dolphinholme House Farm, Dolphinholme, as she is Ward Councillor for the Wyresdale area. She was satisfied that this would not prejudice her judgement and therefore she took part in the meeting.

41 Confirmation of minutes

The minutes of the Licensing Committee meeting's held on 27 October 2016, 2 November 2016, 24 November 2016, 13 December 2016 and 5 January 2017 were all proposed and seconded, and confirmed as correct records.

The minutes of the Licensing Committee meeting's on Tuesday 29 November 2016 and Friday 9 December 2016 were not confirmed, as the Councillors involved were not in attendance at this meeting and so those minutes will be put forward for approval at the Licensing Committee meeting to be held on Thursday 23 February 2017.

42 Application for a new premises licence for Dolphinholve House Farm, Dolphinholve

The Service Director Health and Wellbeing submitted a report to provide members of the Licensing Committee with information to assist them at a hearing to determine an application for a new premises licence under the Licensing Act 2003, for Dolphinholve House Farm, Dolphinholve, Lancashire, LA2 9DJ.

Present at the meeting were:- The applicant – Mr Lawrence, owner of the Farm – Mr Gorst and Mr Ireland – Solicitor.

It was confirmed that everyone present had received the additional documents upon which the Applicant intended to rely, the day before the meeting (25 January 2017).

Mr Ireland then addressed the committee and outlined the application in more detail, explaining the reasons for the new premises licence. He informed the committee that the applicant had met with the local residents at meetings held within the Dolphinholve area and as such had correspondence from Residents in support of the application and had enclosed copies of those emails of agreement.

Mr Ireland then spoke outlining the two remaining objections and the concerns that he had not been able to get in touch with those objectors and explained the reasons behind that.

Mr Ireland then went through the amended proposal and conditions (relating to the Prevention of Public Nuisance) and those changes. The Committee asked questions of all three gentlemen, who responded to those concerns and confirmed the proposed changes with regards to the prevention of noise nuisance.

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

RESOLVED that

A new premises licence for Dolphinholme House Farm, situated at Dolphinholme, LA2 9DJ, be granted on the basis set out in the decision below. The committee noted that all but two of the parties had withdrawn their representations following meetings with the applicant, who has agreed further conditions and modifications to the application. The Environmental Health Officer had also agreed further conditions with regards to the application which the applicant has also agreed to. Members were satisfied that the changes to the application and modifications to the hours requested would not undermine the Licensing Objectives.

In reaching its decision, the Committee had regard to:

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

Decision

The Committee decided to grant the premises licence for the licensable activities as applied for, subject to conditions outlined in the committee report and amended conditions as offered by the Applicant at the Hearing.

Licensable Activities are granted as follows:

Plays:	11:00 – 23:00 each day
Films:	11:00 – 23:00 each day
Indoor Sporting Events:	11:00 – 23:00 each day
Boxing or Wrestling Entertainments:	11:00 – 23:00 each day
Live Music:	11:00 - 01:00 each day
Recorded Music:	11:00 – 01:00 each day
Performances of Dance:	11:00 – 01:00 each day
Anything of a Similar Description:	11:00 – 01:00 each day
Late Night Refreshment:	23:00 – 01:00 each day
Sale of Alcohol:	11:00 – 01:00 each day

Conditions

Each calendar year, there shall only be one function permitted involving the provision of regulated entertainment where more than 350 patrons are in attendance. There shall be an additional seven functions involving the provision of regulated entertainment permitted, where less than 350 patrons are in attendance. A log book detailing the time, date and nature of each function will be maintained at the premises and will be produced to an authorised officer upon request.

Regulated entertainment shall not be permitted anywhere other than the barn after 23:00.

All staff who are involved in the sale of alcohol will be trained in relation to the licensing objectives so as to reduce crime and disorder, promote public safety, prevent public nuisance and promote the protection of children from harm. Said training will be documented and will be made available to an authorised officer upon request.

All licensable activities that take place in the area marked "field area" on the plan are to terminate at 23.00, to include any temporary structure.

Details of any event that includes licensable activities taking place on the "field area" are to be provided to Lancashire Constabulary at least four weeks prior to the event taking place.

On any occasions that licensable activities are carried on in the area marked as "field" on the attached plan, the DPS shall be on duty.

A CCTV system shall be installed internally in the barn area and will meet the following criteria:

- The system will display on any recording the time and date of said recording;
- The system will be recording whenever the premises is open to the public;
- Any recordings will be retained for a minimum of 28 days after they are made and will be produced to an authorised officer upon request;
- As a minimum, the system will capture images of the head and shoulders of any person entering the premises through the main public entrance.

Appropriate signage alerting customers to the use of CCTV shall be displayed in a conspicuous position at the premises.

The premises shall operate a zero tolerance drugs policy.

During the event "Down by the Riverside" SIA supervisors are to be utilised. As a minimum one SIA supervisor will be positioned on the entrance/exit, one SIA supervisor will be positioned on the main bar and one SIA supervisor will be positioned next to the secondary bar.

During the event "Down by the Riverside" and on any other occasion where bookings indicate a significant level of traffic, marshals will be utilised to assist with directing traffic on access to the site, parking and the dispersal of customers.

On booking the site for licensable activities patrons and organisers will be advised that access to the site shall be via Wagon Road and not through Lower Dolphinholme. They shall further be advised that satellite navigation device directions that indicate access via Lower Dolphinholme should be ignored.

On any occasions that licensable activities are carried on in the area marked as "field" on the attached plan, there must be appropriate First Aid trained

persons on duty.

On any occasions that licensable activities are carried on in the area marked as "field" on the attached plan, drinks must be served in polycarbonate or plastic vessels at all times. All glass bottles must be decanted into such a vessel prior to being given to the public.

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 area quietly. (Note, this may also include a reference to vehicles).

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

Noise (including vibration) from amplified sound at the licensed premises shall not be audible within any bedroom of noise sensitive premises with the windows open or closed after 23.00 hours (with the exception of the premises located at Dolphinholme House Farm which are occupied by the farmer or farmworker or members of their immediate family. 'Immediate family' is taken to mean children, parents and siblings).

Any outside area which is used for the consumption of alcohol shall cease to be so used at 23.00 hours.

All external doors and windows to 'The Barn' as delineated in Plan A shall be kept closed when regulated entertainment is being provided except for the purposes of access and egress or in the event of an emergency.

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.

Refuse such as bottles shall be disposed of from the licensed premises at a time when it is not likely to cause a noise disturbance to any nearby 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 nearby 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.

A "Challenge 25" Policy shall be adopted and enforced at the premises whereby any person who appears to be under the age of 25 shall be required to provide identification to prove that they are over the age of 18 before they are permitted to purchase alcohol. The only forms of acceptable identification will be:

- A Passport;
- A UK Photocard Driving Licence;
- Official ID card issued by HM Forces or EU bearing a photograph and the date of birth of the holder;
- Any other form of identification agreed with a representative of the Police Licensing Unit.

All staff who are involved in the sale of alcohol will be trained in relation to the "Challenge 25" policy upon the commencement of their employment, following which they will undertake refresher training at suitable intervals. Said training will be documented and will be made available to an authorised officer upon request.

The premises shall fully record any refused sales or challenges made to patrons and such records shall be kept in an appropriate form and be made available on inspection to the police or other authorised agency.

All staff involved in the sale of alcohol will be at least the age of 18 years.

Reasons for the Decision

- The Committee noted the remaining objections from those parties who were unable to be contacted by the applicant prior to the hearing, but were satisfied that granting a new premises licence subject to the additional conditions would not undermine the Licensing objectives.
- The Committee noted that there were no objections from the Police or other Responsible Authority.
- The Committee considered that the conditions requested by the Environmental Health Officer in addition to those offered by the applicant were reasonable and necessary for the promotion of the Licensing Objectives.
- The Committee considered the representations and the oral submission from the applicant, the owner of the farm and their Solicitor

and noted that the Applicant and the neighbouring residents were working together. The Applicant had listened to concerns raised and voluntarily offered conditions to alleviate those concerns.

- The Committee considered that the times and additional conditions were adequate to prevent any Public Nuisance and the Chairman advised Mr Lawrence, Mr Gorst and Mr Ireland that this would be monitored.

43 Exclusion of the Public and Press

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

44 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.

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

Mr B spoke to the committee, explaining the circumstances of his spent convictions and other incidents referred to in the report with regard to his conduct.

Members asked questions of Mr B and he provided an explanation of the incidents.

The report noted that there were no other recent convictions, road traffic offences or complaints from the public whilst employed by his current employer to declare and Mr B confirmed this.

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

RESOLVED that Mr B be granted a 3 year Wyre dual driver's licence without any further conditions.

The meeting started at 6.00 pm and finished at 7.00 pm.

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