



Licensing Committee Agenda

Wyre Borough Council
Date of Publication: 19 June 2019
Please ask for : Carole Leary
Democratic Services Officer
Tel: 01253 887444

**Licensing Committee meeting on Thursday, 27 June 2019 at 6.00 pm
in the Civic Centre, Poulton-le-Fylde**

1. **Election of Chairman**
2. **Election of Vice Chairman**
3. **Apologies**
4. **Declarations of Interest**

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

5. **Confirmation of minutes**

(Pages 1 - 14)

To confirm as a correct record the minutes of the two meeting's of Licensing Committee held on 28 March 2019 and 21 May 2019, attached.

6. **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Constitution, the Chief Executive has determined that the reports submitted under item's 7 and 8 of this agenda are "Not for Publication" because item's 7 and 8 contain "exempt information", as defined in Schedule 12A of the Local Government Act 1972.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 these item's, it will need to pass the following resolution:-

"That the public and press be excluded from the meeting whilst agenda item's 7 and 8 are being considered, as 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”.

7. Complaint about a Licensed Wyre dual driver licence holder (Pages 15 - 22)

Report of the Service Director Health and Wellbeing, attached.

8. Complaint about a Licensed Wyre dual driver licence holder (Pages 23 - 28)

Report of the Service Director Health and Wellbeing, attached.



Licensing Committee Minutes

The minutes of the Licensing Committee meeting of Wyre Borough Council held on Thursday, 28 March 2019 at the Civic Centre, Poulton-le-Fylde.

Licensing Committee members present:

Councillors C Birch, Cartridge, Catterall, Gibson, Lees, Robinson, Smith, A Turner, S Turner, Matthew Vincent, Walmsley and Wilson

Apologies for absence:

Councillor(s) Barrowclough and Ormrod

Other councillors present:

None.

Officers present:

Niky Barrett – Senior Licensing Manager
Mary Grimshaw – Senior Solicitor
David Parry – Taxi Licensing Officer
Carole Leary – Democratic Services Officer

Members of the public present:

Applicant, accompanied by representative for Item 5 only.
Taxi Driver, relative and Legal representation - Solicitor for Item 6 only.
Applicant for Item 8 only.

No members of the press were present.

Councillor Gibson left the meeting after the decision was taken on Item 6. He did not have any involvement in the discussion or decision taken, on Items 7 & 8.

55 Declarations of Interest

None.

56 Confirmation of minutes

The minutes of the Licensing Committee meeting, held on 31 January 2019, were confirmed as a correct record.

57 Exclusion of the Public and Press

That the public and press be excluded from the meeting whilst agenda item's 5, 6, 7 & 8 were being considered, because they referred 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.

58 Hackney Carriage Vehicle Licence to carry 6 passengers

The Service Director Health and Wellbeing submitted a report to provide information to assist them at the hearing to determine whether a Volkswagen Caddy Maxi is suitable to carry six passengers.

The vehicle proprietor was present at the meeting and was supported by the Chairman of the Wyre Hackney Carriage Association.

The Senior Licensing Officer introduced the report.

Members, Officers and the vehicle owner and representative, then inspected the vehicle, parked in the front car park of the Wyre Council offices. Following the inspection, the Licensing Committee meeting reconvened and the vehicle proprietor addressed the Committee. He provided additional information on the vehicle, whilst drawing attention to access and egress details.

The vehicle proprietor and his representative, the Senior Licensing Officer and the Taxi Licensing Officer left the room whilst the Committee Members considered the application in closed session.

The vehicle proprietor and his representative, the Senior Licensing Officer and the Taxi Licensing Officer were brought back into the room and the Licensing Committee reconvened and the Chairman announced the Committee's decision.

RESOLVED that after inspecting the vehicle and giving careful consideration to all the information provided by the vehicle proprietor; the Committee were satisfied that this vehicle does afford passengers in the rear seats more head and leg room than other MPV's, which have been licensed for six passengers, as both rear door seats can be individually moved.

The Committee also noted that there have been no recorded complaints from any passengers who had been carried in that vehicle, in relation to passenger safety or comfort.

Accordingly, the Committee decided to depart from the policy to vary licence ref: HCV083 and authorise the carriage of up to six passengers for the reasons given above.

The Committee also resolved to delegate authority to the Senior Licensing

Officer to grant a licence to carry six passengers in vehicles on any future applications with the same or substantially similar specification.

59 Complaint about a Licensed Wyre dual driver licence holder

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

The Wyre Council licensed dual driver was present at the meeting and was supported by a family member and was legally represented by his solicitor, who put his case forward to the Committee.

Additional paperwork was published on the council's website and handed out at the Licensing meeting, as this information had been received after the original agenda was published, in the way of two supplementary items.

The Senior Licensing Officer introduced the report and advised the Committee that the complainant had indicated to the Licensing Office that she would be unable to attend the hearing, but had provided a response which she wished to be read out to the Committee.

The Senior Licensing Officer then read out the complainant's response statement.

The driver's solicitor set out his clients' recollection of the day in question, which differed from the account put forward by the complainant. Further, he stated that the complainant should have been present to be questioned about the allegations she had made, as they were totally denied by his client. Members of the Committee and the Senior Licensing Manager asked questions of the Wyre dual driver licence holder, which he answered.

The Wyre Council Taxi Driver, his representative and his legal representative, the Senior Licensing Officer and the Taxi Licensing Officer left the room whilst the Committee Members considered the application in closed session.

The Wyre Council Taxi Driver, his representative and his legal representative, the Senior Licensing Officer and the Taxi Licensing Officer were brought back into the room and the Licensing Committee reconvened and the Chairman announced the Committee's decision.

RESOLVED that after giving careful consideration to all the information presented, that no action be taken against the driver as the evidence to uphold the complaint was inconclusive. The Chairman reminded the driver that as a Wyre Taxi Driver, the Committee expected him to uphold a high standard of professionalism whilst transporting the general public.

60 Complaint about a licensed Wyre dual driver licence holder

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

The Wyre Council Licensed Driver did not attend the meeting. This matter was initially due to be heard by the Committee in February 2019. But a relative of the driver had contacted the Licensing Office to say he was unable to attend. A further invitation to attend this March hearing had been sent out, with a copy of the report and the hearing procedures. The Senior Licensing Officer confirmed that the Licensing Office had received no contact from the Wyre Council Licensed Driver prior to this meeting taking place.

The Licensing Committee deliberated whether to proceed with the hearing at this time and it was decided unanimously to hear the case before it.

The Senior Licensing Officer introduced the report.

The Senior Licensing Officer and the Taxi Licensing Officer left the room whilst the Committee Members considered all the facts of the case.

The Senior Licensing Officer and the Taxi Licensing Officer were brought back into the room and the Licensing Committee reconvened and the Chairman announced the Committee's decision to the Committee and Officers.

RESOLVED that after careful consideration of the facts of the case and having regard to Section 61 of the, Local Government (Miscellaneous Provisions) Act 1976 and The Wyre Council Policy on Convictions and other Relevant Matters, that in the interests of public safety, the Wyre Council Dual Driver's Licence WDL0650 be revoked with immediate effect under Section 61 (1) (2B) of the Local Government Miscellaneous Provisions Act 1976. A letter setting out the full reasons would be sent to him.

The Senior Licensing Officer to contact the driver on Friday 29 March, 2019 to notify him of the outcome of the decision.

61 New applicant for a Wyre dual driver's licence with convictions

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

The Applicant was present at the meeting, but was not legally represented.

The Senior Licensing Officer introduced the report.

The applicant spoke to the Committee, explaining the circumstances of the convictions, as referred to within the report.

Members of the Committee and the Senior Licensing Manager asked questions of the applicant, who provided explanations of the incidents.

The Applicant, the Senior Licensing Officer and the Taxi Licensing Officer left the room whilst the Committee Members considered the application in closed

session.

In reaching its decision, the Committee had regard to:

1. The Local Government (Miscellaneous Provisions) Act 1976, paying particular attention to Sections 51(1) (a), and 59(1) (a) of Part 11.
2. The Council's Hackney Carriage and Private Hire Licensing Policy on Convictions and other Relevant Matters Policy – April 2018.

The Applicant, the Senior Licensing Officer and the Taxi Licensing Officer were brought back into the room and the Licensing Committee reconvened and the Chairman announced the Committee's decision.

RESOLVED not to grant a Wyre Dual Driver's Licence.

The reasons for the decision:

The Committee considered all the written evidence within the report and also gave careful consideration to the verbal explanation given by the applicant, but decided not to grant a Wyre Dual Driver's Licence, as the applicant did not satisfy the criteria in the policy, in particular, sections 7 and 10 and they were not satisfied he was a fit and proper person to hold a driver's licence. Further, the Committee were not able to find any exceptional reasons to depart from the policy under section 1.10.

The Licensing Authority confirmed it has an overriding duty to protect the public when considering the conduct of all licensed drivers. The ongoing scrutiny of the conduct and behaviours of Wyre's licensed drivers, forms part of that process and they want to provide assurance to the public, that all those entrusted to convey passengers, are "fit and proper" to hold Wyre Dual Driver Licences.

A letter setting out the full reasons would be sent to him.

The meeting started at 6.04 pm and finished at 8.34 pm.

Date of Publication: Tuesday 2 April, 2019.

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Licensing Committee Minutes

The minutes of the Licensing Committee meeting of Wyre Borough Council held on Tuesday, 21 May 2019 at the Civic Centre, Poulton-le-Fylde.

Licensing Committee members present:

Councillors Cartridge, Robinson and Smith

Apologies for absence:

None.

Other councillors present:

None.

Officers present:

Niky Barrett – Senior Licensing Officer

Mary Grimshaw – Senior Solicitor

Carole Leary – Democratic Services Officer

Four Applicants from The Park Club and eleven members of the Public attended the meeting.

62 Declarations of Interest

None.

63 Application for a Premises Licence in respect of The Park Club, West Drive, Thornton Cleveleys, Lancashire, FY5 2BL

The Service Director Health and Wellbeing submitted a report to provide information to assist them at a hearing to determine an application for a new premises licence under the provisions of the Licensing Act 2003 for The Park Club, West Drive, Thornton Cleveleys, Lancashire, FY5 2BL.

The Park Club Applicants were present at the meeting, and spoke in support of their application.

Local Resident's living in the vicinity of The Park Club were present at the meeting and spoke to the Licensing Sub Committee members.

Additional paperwork was published on the council's website as a supplementary item and handed out at the Licensing Sub Committee meeting, as this information had been received after the original agenda was published.

Also a local resident provided additional information in the form of an email, which had been emailed to the Senior Licensing Manager. This was copied and handed out to everyone in attendance at the meeting.

The Senior Licensing Officer introduced the report.

The Secretary of The Park Club spoke to the Sub Committee, explaining the circumstances around the recent application for extending the time for licensable activity at this Club. This was to vary the permitted times for licensable activities and opening hours, as stated within the report.

The Committee heard oral evidence from The Park Club's representatives and the Local Residents.

The Licensing Sub Committee Members asked questions of the Applicants and the Wyre Residents, which they answered.

The Licensing Sub Committee Members, the Senior Solicitor and the Democratic Services Officer left the room to consider the application in closed session.

The Licensing Sub Committee, Wyre Officers, the Applicants and the Residents then reconvened and the Chairman announced the Sub Committees decision.

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
4. Human Rights Act 1998

Decision

The Committee decided to grant the premises licence for the same hours as currently authorised in the Club Premises Certificate, save for the opening hour for regulated entertainment and supply of alcohol to start at 9.00am as applied for in the premises licence application as follows: Live Music, recorded music, performance of dance and anything of a similar description and the supply of alcohol for consumption on the premises.

Sunday to Thursday 09:00 to 00:00

Friday and Saturday 09:00 to 01:00

Non-standard timings, licensable activities are permitted:

Until 02:00 on 25 and 27 December and between normal closing on 31st December and normal opening on 1 January.

Opening hours of the Club
Monday to Thursday 09:00 to 01:00
Friday and Saturday 09:00 to 02:00

Non-standard timings, for opening hours
Until 03:00 on 25 and 27 December and between normal closing on 31st December and normal opening on 1 January.

The Committee also decided to impose a number of new conditions that had been agreed by the Police and Environmental Health and accepted by the Applicant as had been set out in Appendix 5 of the report and listed below.

1. The primary purpose of the venue shall be that of a private members club and members are issued with a swipe card for admission.
2. Guests may attend the premises but must be signed in by a member and a register will be maintained at the premises, wherein the names of any guests will be duly recorded and must be made available to an authorised officer on request.
3. Non-members can attend the premises for private functions taking place in the function room and/or lounge area.
4. Any external areas will cease to be used for the consumption of food or drink at 22:00 hrs daily.
5. On these occasions, and on Friday & Saturday evenings, there will be a suitable member of management on the premises until the venue has closed.
6. CCTV, which complies with the following criteria, will be installed at the premises:
 - a. The CCTV system shall be installed, maintained and operated to the reasonable satisfaction of Lancashire Constabulary.
 - b. The system shall display on any recording the correct time and date of the recording;
 - c. The system shall be recording during all hours the premises are open to the public;
 - d. VCR tapes or digital recording shall be held for a minimum of 31 days and 21 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.
 - e. The system shall, as a minimum, record images of the head and shoulders of all persons entering the premises.
 - f. 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, or any officer acting for a Responsible Authority, recent data or footage with the absolute minimum of delay when requested.

7. The licence holder shall 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.

8. The premises will operate a zero tolerance drugs policy and any drugs found shall be confiscated, stored, disposed of or transferred in accordance with procedures agreed with the Lancashire Constabulary.

9. Security arrangements will be sufficient to discourage the sale and consumption of drugs: such arrangements to include regular checks of toilet areas.

10. At least one personal licence holder (whose identity will be known to all other staff engaged in the sale or supply of alcohol) will be available (or contactable by telephone) whilst the sale or supply of alcohol is being undertaken, except in the case of emergency.

11. An authorisation of sales, signed and dated by the DPS, 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 and will receive training to promote the licensing objectives. All training to be documented and records made available on request to Lancashire Police or any authorised officer.

12. There will be a "Challenge 25" scheme in operation at the premises, requiring any individual who appears to be under the age of 25 to provide identification to prove that they are over the age of eighteen. In the event that the individual is unable to provide said identification, then the sale of alcohol will be refused. The only forms of identification which will be accepted as proof of age are:

- a. a valid UK Passport;
- b. a valid UK photo card driving licence;
- c. a PASS card; and / or,
- d. any other form of identification previously agreed with representatives from the Blackpool Police Licensing Unit.
- e. any other nationally or locally approved form of identification which may be introduced in the future.

Signs promoting this policy shall be prominently displayed at public entrances and alcohol sales areas.

13. All staff to have received suitable training in relation to the Proof of Age Scheme to be applied upon the premises. Records to evidence this will be made available to an authorised officer upon request.

14. An incident book will be maintained, in which shall be recorded:

- a. All incidents of crime and disorder
- b. Refused sales to suspected under age / drunken persons
- c. A record of any person refused admission or asked to leave the premises
- d. Details of occasions upon which the Police are called to the premises

e. The use or discovery of drugs. That book shall be available for inspection by a Police Officer or authorised person.

15. Risk assessments as to the need for licensed door supervisors will be undertaken for general business and for special events. Those risk assessments will be made available to responsible authorities on request.

16. There is emergency lighting throughout the building.

17. Fire Risk assessment to comply with the Regulatory Orders have been completed.

18. Firefighting equipment is serviced annually.

19. Fire alarm tests are carried out regularly and recorded.

20. PAT testing is carried out annually.

21. There are current gas and electrical safety certificates.

22. Mechanical extraction is in place.

23. 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.

24. The noise level from the premises whilst being used for public entertainment purposes shall not exceed background level at the nearest residential premises.

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

26. 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.

27. 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.

28. 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. Empty glasses and bottles will be frequently collected from the premises.

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

30. 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.

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

32. Functions which specifically target young people aged 17-18 years (for example birthday parties) will not be allowed to take place on the premises.

33. Children under 16 must be supervised by a responsible adult at all times.

34. Any person under 18 is only permitted to remain on the premises until 22.00 hours.

Reasons for the Decision

- The Committee considered all the evidence before it, including the written and verbal representations from local residents concerning the potential for noise nuisance and disorder in the local area if the premises were allowed to open to non- members for longer hours.

- A number of residents made reference to existing problems regarding noise nuisance and disturbance from patrons using the venue but acknowledged that this was isolated and that the premises were generally well run by the management. The Committee noted that the Licensing Authority had not received any complaints that directly relate to these premises, despite the premises holding a number of private functions and operating as a members' club for many years. It was also noted that all of the Responsible Authorities had been consulted and whilst none had objected to the proposed hours, the Police and Environmental Health had recommended a number of new conditions.

- The Committee heard from the Applicant that they wanted to widen the scope of the business and a premises licence would allow non- members to hold private functions without the need for non- members signing in which was time consuming and onerous. The Committee also heard that the Club would continue to operate as a members' club, rather than a full on- licensed venue and wanted to work with the residents to allay their fears about noise nuisance and disturbance.

- It was pointed out by the Licensing Manager, that there were minimal

conditions on the existing Club Premises Certificate relating to noise and disturbance, but if the Premises Licence were granted the Applicant had agreed to the new conditions proposed by the Police and Environmental Health, which the Committee acknowledged would help mitigate the concerns of the residents about crime, disorder and nuisance.

- However, the Committee still considered the lateness of the hours applied for to be an issue, as the premises were situated in a residential area. The Committee concluded that residents could be affected by any noise/disturbance from patrons leaving the premises if the hours in the application were permitted and considered a 2am closing time to be too late during the working week and accordingly granted the premises licence for the same hours as currently authorised in the Club Premises Certificate subject to the conditions agreed by the Applicant.

- It was noted, that if any resident had issues in the future regarding disorder or nuisance from the premises, that they can ask the Licensing Authority to review the premises licence.

The meeting started at 6.10 pm and finished at 7.21 pm.

Date of Publication: Monday 3 June, 2019

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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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