



## Licensing Committee Agenda

Wyre Borough Council  
Date of Publication: 18 March 2020  
Please ask for : Duncan Jowitt  
Democratic Services and  
Councillor Development Officer  
Tel: 01253 887608

**Licensing Committee meeting on Thursday, 26 March 2020 at 6.00 pm  
in the Council Chamber - Civic Centre**

**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**

To confirm as a correct record the minutes of the meeting of the Licensing Committee held on 27 February 2020.

**4. Application for a new Premises Licence - 17 Breck Road, Poulton-le-Fylde** (Pages 3 - 46)

Report of the Corporate Director Environment

**5. Coronavirus - temporary meeting arrangements** (Pages 47 - 50)

Report of the Corporate Director Environment

**6. Exclusion of the 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Council's Constitution, the Chief Executive has determined that the report submitted under item 7 of this agenda is "Not for Publication" because it contains "exempt information", as defined in Schedule 12A of the Local Government Act 1972.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 this item, it will need to pass the following resolution:

"That the public and press be excluded from the meeting whilst agenda item 7 is considered, as 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 exemption outweighs the public interest in disclosing the information”.

**7. Wyre dual driver licence holder with a recent complaint**

(Pages 51 - 86)

Report of the Corporate Director Environment



Report of:	Meeting	Date
Mark Billington, Corporate Director Environment	Licensing Committee	26 March 2020

## Application for a new Premises Licence – 17 Breck Road, Poulton-le-Fylde

### 1. Purpose of report

- 1.1 To assist Members to determine an application submitted under section 17 of the Licensing Act 2003 by Mrs Seema K Dalvi, for a new premises licence.

### 2. Outcomes

- 2.1 That the application for a new premises licence be determined.

### 3. Recommendation

- 3.1 That Members consider the application and determine whether the granting of this application would adversely impact on the Licensing Objectives.

### 4. Background

- 4.1 On Wednesday 5 February 2020 an application was received from Mrs Seema K Dalvi for a new premises licence in respect of 17 Breck Road, Poulton-le Fylde, FY6 7AA (**Appendix 1**).
- 4.2 The applicant wishes to sell alcohol between midday and 22:30 hours and to be open to the public between 10:00 and 23:00 hours, on each day of the week.
- 4.3 The premises previously traded as a pharmacy and the applicant was granted a change of use to A3 (Café / Restaurant) under the Town and Country Planning Act 1990, on 31<sup>st</sup> January 2020 (**Appendix 2**).
- 4.4 The application was advertised in accordance with Regulations and at the end of the consultation period there were five outstanding representations (**Appendix 3**).

**4.5** Section 18(3) of the Licensing Act 2003, as amended, requires the Licensing Authority to hold a hearing to consider an application and any relevant representations, within twenty working days following the end of the statutory twenty-eight day consultation period, which ended on 3 March 2020.

## **5. Key issues and proposals**

**5.1** The applicant wishes to create a licensed restaurant on the ground floor of the premises catering for around 50 covers. The business's main focus will be the food and the alcohol provision will be limited to diners and those ordering take away food.

**5.2** The premises has two entry points, the main one directly onto Breck Road and the second providing an emergency exit onto the side alleyway from the rear of the premises as shown on the plan attached to the application form.

**5.3** Rep 1 is from the proprietor of a takeaway on the opposite side of Breck Road that is licensed until 00:30 on Sundays, 01:00 Monday to Thursday and 03:00 hours on Friday and Saturday nights. He is concerned that the restaurant will further contribute towards the disorder and nuisance that he says feature regularly in the area.

**5.4** Rep 2 is from the manager of the Indian restaurant next door to the applicant's premises which is licensed to trade until midnight Sunday to Thursday and 01:00 hours on Friday and Saturdays. He raises concerns about the suitability of the rear fire escape route and the potential for the new premises to further contribute to nuisance and crime in the area.

**5.5** Rep 3 is from a delivery driver for a takeaway on the opposite side of Breck Road who is concerned that another licensed premises will contribute to nuisance and disorder in the area.

**5.6** Rep 4 is from a local resident who is concerned that the addition of another licensed premises will increase public nuisance. She included photographs of the vomit she encountered on the footway near to the nail bar on a recent visit to the area by way of an example of the existing problems.

**5.7** Rep 5 is from a resident who reported seeing drug use in the alley next to the nail bar after leaving another restaurant on Breck Road and is concerned that another licensed venue will cause further nuisance and not be safe.

**5.8** An objection to this application was emailed on 11 February from the occupier of 15B Breck Road (**Appendix 4**) but was rejected as irrelevant as it related to the demand for another licensed premises in the area, especially not one offering the same cuisine as an existing business.

- 5.9** The closing date for objections was Tuesday 3 March 2020 and on Friday 6 March three further representations against the granting of this licence were received by the Council. The senders have been advised that their objections were submitted too late to be considered, but as each relates to similar issues to those already raised by the five valid representations, the out of time submissions have been included in **APPENDIX 4** for completeness.
- 5.10** The Police have no objections to the granting of this application although they have agreed on a number of additional conditions with the applicant during the consultation period (**Appendix 5**).
- 5.11** Environmental Health have no objections to the granting of this application and have similarly agreed on a number of additional conditions with the applicant (**Appendix 6**).
- 5.12** Planning have confirmed that they have no objections to the granting of this application (**Appendix 7**).
- 5.13** Lancashire Fire and Rescue Service have confirmed that they have no objection to the granting of a new premises licence (**Appendix 8**).
- 5.14** A list of all the agreed conditions that the licence will be subject to, if granted are reproduced at **Appendix 9**.
- 5.15** A location plan is provided at **Appendix 10**.
- 5.16** When considering the application Members should take into account the Council's own Statement of Licensing Policy. The following paragraphs are particularly relevant to this application.
- 10.3 Conditions etc.
  - 14.3 Prevention of public nuisance
  - 18. Need for licensed premises
  - 19. Cumulative impact of a concentration of licensed premises
- 5.17** Members are also directed to the Statutory Guidance issued under section 182 of the Licensing Act 2003 and in particular the following sections: 9.1, 9.3, 9.4, 9.37-9.40, 9.42-9.44 and 10.8-10.10 which are reproduced at **Appendix 11**.
- 5.18** After having regard to all the representations, the council's Statement of Policy and the Statutory Guidance, the Committee must consider whether granting the application in the terms applied for, would undermine any of the licensing objectives.

**5.19** If it is satisfied that the licensing objectives would not be undermined, it must grant the licence in the terms applied for.

**5.20** If it is however satisfied that granting the application would have the potential to undermine one or more of the licensing objectives, it must then consider what, if any, steps would be appropriate to secure the promotion of the licensing objectives.

It may take any of the following steps:

- Grant a licence subject to such conditions that the authority considers appropriate for the promotion of the licensing objectives.
- Exclude from the scope of the licence, any of the licensable activities to which the application relates (this can include revising the permitted hours for licensable activities).
- Reject the whole or part of the application.

**5.21** The applicant and objectors have all been invited to attend the hearing and have been sent a copy of this report and notice of the hearing procedure.

<b>Financial and legal implications</b>	
Finance	<i>There are no financial implications directly associated with this application.</i>
Legal	<i>Any party to the hearing has the right of appeal to the Magistrates Court within 21 days if they are aggrieved by the decision. The hearing should be conducted following the principles of natural justice and in accordance with the Council's own hearing procedure.</i>

**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.

<b>risks/implications</b>	<b>✓ / x</b>
community safety	✓
equality and diversity	x
sustainability	x
health and safety	x

<b>risks/implications</b>	<b>✓ / x</b>
asset management	x
climate change	x
ICT	x
data protection	x

**Processing Personal Data**

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a third party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

report author	telephone no.	email	date
Niky Barrett	01253 887236	<a href="mailto:Niky.barrett@wyre.gov.uk">Niky.barrett@wyre.gov.uk</a>	9 March 2020

<b>List of background papers:</b>		
name of document	date	where available for inspection

**List of appendices**

- Appendix 1 – Copy of application
- Appendix 2 – Copy of planning consent
- Appendix 3 – Representations
- Appendix 4 – Rejected representations
- Appendix 5 – Conditions agreed with Lancashire Constabulary
- Appendix 6 – Conditions agreed with Environmental Health
- Appendix 7 – Planning consultation response
- Appendix 8 – LFRS consultation response
- Appendix 9 – Draft Annex 2 conditions
- Appendix 10 – Location plan
- Appendix 11 – Extract from Statutory Guidance

This page is intentionally left blank





(F) **Application for a premises licence to be granted  
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 MRS SEEMA K DALVI  
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description 17, BRECK ROAD			
Post town	POULTON-LE-FYLDE	Postcode	FY6 7AA

Telephone number at premises (if any)	N/A
Non-domestic rateable value of premises	£ 15250

(CHECKED) SF 5/2/20

**Part 2 - Applicant details**

Please state whether you are applying for a premises licence as (Please tick as appropriate)

- a) an individual or individuals \*  please complete section (A)
- b) a person other than an individual \*
  - i as a limited company/limited liability partnership  please complete section (B)
  - ii as a partnership (other than limited liability)  please complete section (B)
  - iii as an unincorporated association or  please complete section (B)
  - iv other (for example a statutory corporation)  please complete section (B)
- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)
- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
  - statutory function or
  - a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS (fill in as applicable)**

Mr <input type="checkbox"/>	Mrs <input checked="" type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)
Surname <b>DALVI</b>			First names <b>SEEMA</b>	
Date of birth <b>[REDACTED]</b>		I am 18 years old or over		<input checked="" type="checkbox"/> Please tick yes

<b>Nationality</b>			
Current residential address if different from premises address		[REDACTED]	
Post town	[REDACTED]	Postcode	[REDACTED]
Daytime contact telephone number		[REDACTED]	
E-mail address (optional)	[REDACTED]		
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service). The 9-digit 'share code' provided to the applicant by that service (please see note 15 for information).			
N. A.			

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth over		I am 18 years old or		<input type="checkbox"/> Please tick yes	
<b>Nationality</b>					
Current postal address if different from premises address		[REDACTED]			
Post town	[REDACTED]			Postcode	[REDACTED]
Daytime contact telephone number			[REDACTED]		
E-mail address (optional)	[REDACTED]				
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service). The 9-digit 'share code' provided to the applicant by that service (please see note 15 for information).					

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any-registered number. In the case of a partnership or

other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
16	03	2020

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

THIS PREMISES IS GOING TO BE A INDIAN RESTAURANT. ALCOHOL WILL BE SERVED AND CONSUMED BY THE GUESTS IN RESTAURANT WITH FOOD

- OFF SUPPLY WITH TAKEAWAY FOOD (SALE)

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

N.A.
------

What licensable activities do you intend to carry on from the premises? (please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

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**

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises <input type="checkbox"/>
				Off the premises <input type="checkbox"/>
Day	Start	Finish		Both <input checked="" type="checkbox"/>
Mon	1200	2230	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)	
Tue	1200	2230		
Wed	1200	2230		
Thur	1200	2230	<b>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</b> (please read guidance note 6)	
Fri	1200	2230		
Sat	1200	2230		
Sun	1200	2230		

State the name and details of the individual whom you wish to specify on the licence as **designated premises supervisor** (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	MRS. SEEMA K DALVI
Date of birth	[REDACTED]
Address	[REDACTED] [REDACTED] [REDACTED]
Postcode	[REDACTED]
Personal licence number (if known)	WBCPA2540
Issuing licensing authority (if known)	WYRE COUNCIL

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 9).

N.A.

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	1000	2300	
Tue	1000	2300	
Wed	1000	2300	
Thur	1000	2300	
Fri	1000	2300	
Sat	1000	2300	
Sun	1000	2300	

**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 6)**

**M** Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

- CCTV INSTALLED INSIDE THE PREMISES.
- ANY ONE CARRYING OPEN OR SEALED BOTTLE WILL NOT BE PERMITTED TO THE PREMISES.
- AGE VERIFICATION POLICY
- STAFF TRAINING
- CHALLENGE 2<sup>+</sup> POSTER

**b) The prevention of crime and disorder**

- CCTV INSTALLED INSIDE THE PREMISES.
- IRRESPONSIBLE DRINKS PROMOTION WON'T BE PERMITTED
- A NOTICE DISPLAYING THAT IT IS UNLAWFUL FOR UNDER 18 TO PURCHASE ALCOHOL OR FOR ANY PERSON TO PURCHASE ALCOHOL ON BEHALF OF THAT UNDER 18
- FREQUENT COLLECTION OF GLASSES AND BOTTLES

**c) Public safety**

- FIRST AID BOX
- STAFF TRAINING ABOUT EMERGENCY AND GENERAL SAFETY PRECAUTIONS
- FREE DRINKING WATER ALL THE TIME WHEN PREMISES IS OPEN.
- CHECK PREMISES BEFORE IT OPENS TO THE PUBLIC TO ENSURE THERE ARE NO RISKS & THAT ALL SAFETY PRECAUTIONS ARE IN PLACE.

**d) The prevention of public nuisance**

- PROMINENT, LEGIBLE NOTICES REQUESTING PEOPLE TO LEAVE THE PREMISES QUIETLY WILL BE DISPLAYED.
- NO EMPTY BOTTLE BINS BETWEEN 1100PM - 700AM
- WILL HAVE A WASTE BIN OUTSIDE TO ENABLE PEOPLE TO DISPOSE OFF WASTE FOOD, FOOD CONTAINERS, WRAPPING ETC.

**e) The protection of children from harm**

- AGE VERIFICATION POLICY
- NO PERSON UNDER AGE 12 (UNLESS ACCOMPANIED BY PERSON OVER 18 YEARS), SHALL BE PERMITTED AT ANY TIME FROM 1700HRS TO 2300HRS
- NO PERSON UNDER 18



**Checklist:**

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).


**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.**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

<b>Declaration</b>	[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing
--------------------	--

	<p>me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</p> <p>The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)</p>
Signature	
Date	04/02/2020
Capacity	

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.**

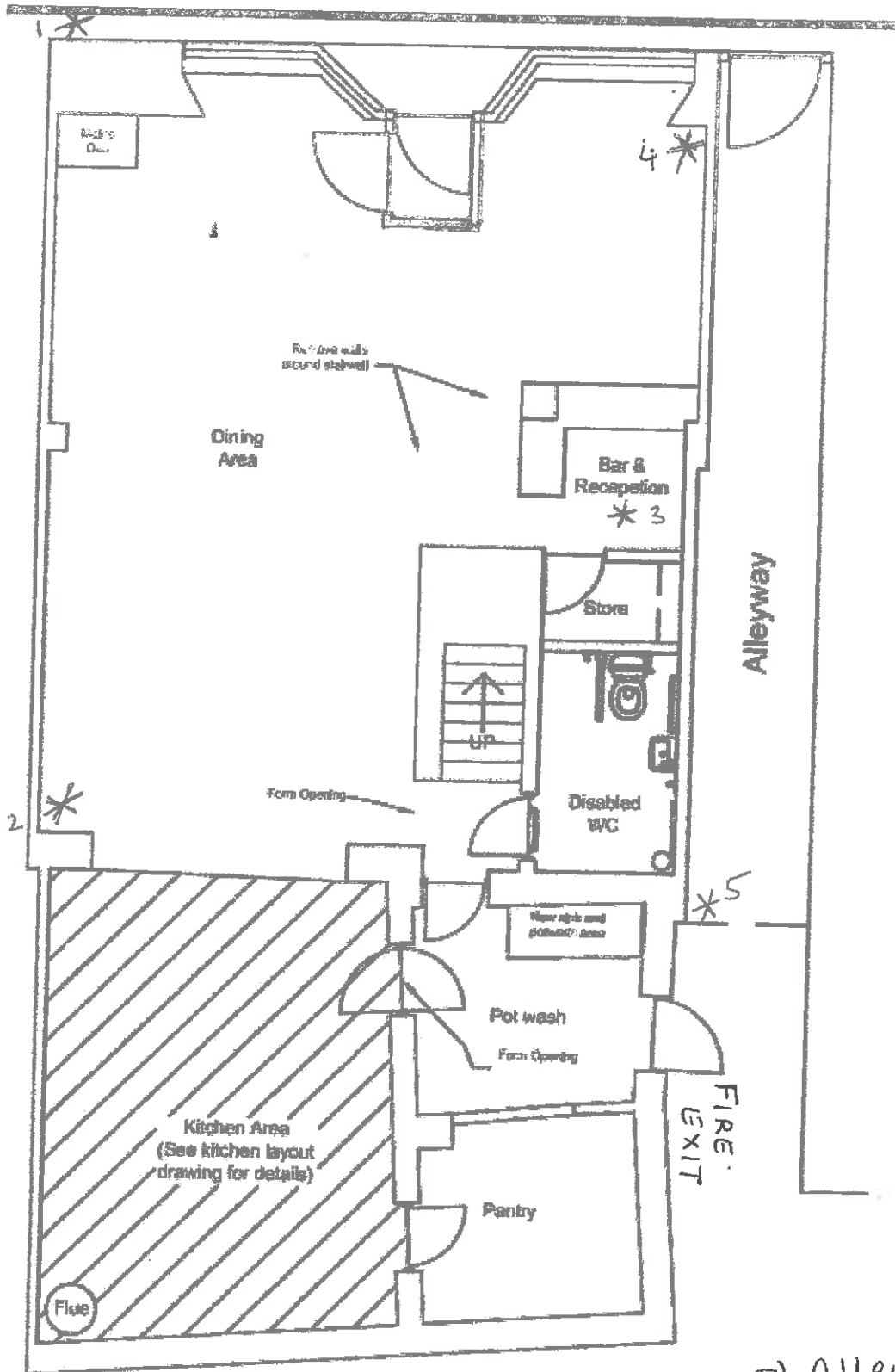
Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

#### Notes for Guidance

- Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
- In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does

Floor plan for 17 Breck Road



- \* CCTV - 1) OUTSIDE ON LEFT SIDE
- 2) NEAR KITCHEN
- 3) ON TOP OF BAR
- 4) RIGHT CORNER (NEAR BAR)
- 5) Alleyway

**PLANNING PERMISSION  
Town and Country Planning Act 1990**

Correspondence Address:

Mr Martin Wallwork  
Glasdon House  
Blackpool  
FY4 4WA  
United Kingdom

Applicant:

Mr Martin Wallwork  
Glasdon House  
Blackpool  
FY4 4WA  
United Kingdom

**Application Number:** 19/01095/FUL

**Proposal:** Change of use from A1 (shop) to A3 (cafe / restaurant) and the installation of an extraction system at the rear of the property

**Location:** 17 Breck Road Poulton-Le-Fylde Lancashire FY6 7AA

Wyre Borough Council (the Local Planning Authority) gives notice of its decision to grant planning permission for the above proposal, subject to conditions stated below:

1. The development must be begun before the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 24.10.2019 including the following plans/documents:

- Location plan received on 24.10.19
- Proposed layout plan 17BR/PL received on 24.10.19
- Cross section drawing received on 24.10.19
- Acoustic Assessment provided by Martin Environmental Solutions report number 1848-1 dated November 2019
- Odour assessment provided by Martin Environmental Solutions report number 1849-1 dated November 2019.

The development shall be retained hereafter in accordance with this detail.

Reason: For the avoidance of doubt and so that the Local Planning Authority shall be satisfied as to the details.

3. The use of the development hereby permitted shall only operate between the hours of 10.00 - 23.00 each day Monday to Sunday including Bank and Public Holidays.

Reason: In the interests of the amenity of occupiers of neighbouring and nearby residential properties in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

4. There shall not be any emptying of bottle bins between the hours of 22.00 and 09.00 on any day.

Reason: To avoid an unacceptable impact on residential amenity by virtue of noise in accordance with CDMP 1 of the Adopted Local Plan 2011 - 2031 .

5. Deliveries and refuse collections to and from the premises will be restricted to 07.00-19.00 on any day.

Reason: In the interests of the amenity of occupiers of neighbouring and nearby residential properties in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

6. The extraction system will be sited in accordance with paragraph 3.1 of the noise assessment and will terminate 1500mm above the eaves of the building as shown on Cross Section drawing received on 24.10.19.

Reason: In the interests of the amenity of occupiers of neighbouring and nearby residential properties in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

Attention is drawn to the following notes:

This permission relates only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

The Local Planning Authority has had regard to the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and has met the requirement of paragraph 38 of the National Planning Policy Framework to work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area by working with applicants to find solutions to any problems that have arisen in this planning application details of which are expanded upon in the officers report.

Signed:



David Thow  
Head of Planning Services

Date: 31 January 2020

Please read the notes attached to this notice with great care. They will help you to understand this decision, your rights and other things you may have to do.

Thu 13/02/2020 16:27

From: [REDACTED]

To: Licensing <Licensing@wyre.gov.uk>

RE: 17 Breck Road

Hello

I am Taj karim. Propiter of Mr Bennys breck Road poulton le fylde.

I am strongly against the license permission for 17 Breck Road. There is already far too many licenced places in Breck Road will make this road very massy and will attract not the decent people.

I work late night here and I see how bad this is every weekend. People are getting in Street walking around like complet nounce and urinate in front of business premises. This is already bad and disgusting and not safe for public in Breck Road. There is fight every other weekend, ask police how many times they had to come here...

The last thing poulton breck Road need is another licensed place.

So please think before you give any other licenced place permission.

It's not public safe..

It will increase nuisance..

Taj Karim

Mr Benny's

8 Breck Road

Email secured by Check Point

Sat 15/02/2020 13:17

From: [REDACTED]

To: Licensing <Licensing@wyre.gov.uk>

RE: Licensing Permission for 17 Breck Road

Hiya

My name Fakhrul Islam

I'm the manager of the lemon tree, poulton le fylde.

It came on my attention that 17 Breck Road has seeking licensing permission for a restaurant. I'm strongly against that proposal because firstly there is no fire exit at the back of the property as currently Lemon Tree and Marvin sharing one which is actually entrance to 15B flat and the other back entrance is own by someone else and using his area is trespassing as that property owner strictly mention to us Lemon Tree and Marvin staffs as his building isn't in strong state and very recently he done some repairing job.

So in an occasion of fire this back fire exit is for both Marvin (100 capacity) and Lemon Tree (100 capacity). You can imagine how risky it will be if another business uses that at the same time. It is surely not PUBLIC SAFETY.

Secondly there is already drugs taking problem behind the Nail shop (19 breck road) the amount of time I see that 8/9pm its unreal.. I scare to walk round otherwise I would have provide you some pictures. Surely another licensing place will encourage more people to come round here and increase this problem. You can ask Lancashire Constabulary how many times they attended in Breck Road past 6 months to stop fighting in street. I think I called 2/3 times during Christmas time. Also can ask NHS Ambulance people how many times they had to pick up injured people from Breck Road. Surely another licensing business will increase more crime and make life difficult for the Police.

Thirdly more or less every weekend there are people urinating corner of business shops. People being SICK and URINATING is became regular scenario. Why don't you ask the people who cleans streets early morning how bad the street is at 4AM. Cleaning urine and public SICK became routine job for few businesses here like Mr Benny's, 10 Breck Road (Barbar shop) us Lemon Tree. Another licensing establishment will bring more people to this street at night and bring more public nuisance.

All these I mentioned it's real.. it's not imaginary and its truth. That's why I am strongly against of any more licensing permission to authorise in Breck Road.

Fakhrul Islam  
15 Breck Road  
Poulton le Fylde  
FY6 7AA

From: Surendra Nath [REDACTED]  
Sent: 18 February 2020 21:05  
To: Licensing <[Licensing@wyre.gov.uk](mailto:Licensing@wyre.gov.uk)>  
Subject: 17 Breck Road

Hiya

I work as a delivery driver for Best Kebab Poulton, 4 Breck Road.

I work here pretty much every day and from my past 3 years experience what I have noticed things going worse in Breck Road.

First of all there is already too many Bar and Restaurants here in Breck Road. Friday Saturday afternoon onwards people gathering round walking around here. By the time it's 8/9pm Breck Road maximises it's capacity!! While people going one bar to another bar or restaurant they are mostly in the street. The amount of time people come in front of car and cars has to hard break it's unreal. Surely it's not safe for public if you bring another restaurant in this street which will bring more people in and it will be chaotic. Definitely from my and our shop staffs view it's not Public Safe. Also just behind that premise there's always people taking drugs and stuffs. Another business with alcohol serving in premise will bring more people into THAT party. Will increase more public nuisance.

I hope council will take all these in account before giving permission to another night business in this street.

Thanks

Surrender Acharjya

Best Kebab

4 Breck Road

Poulton-le-Fylde

Email secured by Check Point



From: Natasha Raddon [mailto:natasharaddon@aol.com]

Sent: 29 February 2020 23:40

To: Licensing <Licensing@wyre.gov.uk>

Subject: 17 Breck Road

Hiya

My name is Natasha Taylor. I live in [REDACTED], poulton le Fylde.

19 Breck Road Nail shop is the one I use in Breck Road most frequently.

This morning I had an appointment and on my way to the shop I noticed people's Vomit on the street right next to shop entrance. That was very disgusting and completely ruined my mood and when I asked nail shop people about it they said they can't do anything as Breck Road become a night party street and at late night people Vomit and urinate here there every corner.

Now there is already plenty of licensing place in Breck Road and another licensing restaurant will make worse to this area.

I think it will increase public nuisance.

Not only me, my family and all my local friends thinks the same.

I am strongly against to giving permission for another licensing premise in Breck Road, as there is already plenty.

I have attached picture with this male of the





I hope my voice will heard in right place.

Thanks

Natasha Taylor



Poulton-le-Fylde

Sent from my iPhone

-----Original Message-----

From: em gibson [REDACTED]  
Sent: 01 March 2020 15:14  
To: Licensing <[Licensing@wyre.gov.uk](mailto:Licensing@wyre.gov.uk)>  
Subject: 17 Breck Road Licensing

hello

my name is Emily Gibson

i was out with my parents in Cincos Mexican Restaurant.

around 9pm we finished our dinner and we were going back to our car towards aldi car park.

there were so many people were in front of Marvin & Lemon Tree we couldn't walk on the public footpath and these crowd were not moving and we been pushed to street to walk past them and there were a taxi nearly bumped on my grandad. he was very scared.

then when we walking towards aldi car park there were few guys taking drugs in the back of Nail Shop and Vivanos. that wasn't nice to observe either.

My dad was saying there use to be only few Licensed Place in Breck Road and every place were doing good business.

Now there is Too Many Bars and Restaurants in Breck Road and it's attracting far too many people here and most of them are not the right kind of people. From Cincos there are 4 licensed place one after another then there is vivanos, fisher mans table and ally bar.. all these licensed place just one side of the Breck Road. Surely last thing you need is another licensed restaurant there!!!

Me and my family think there is no need for any licensed restaurant in Breck Road as it'll not be PUBLIC SAFE and will only promote public NUISANCE.

thanks

emily gibson

Sent from my iPhone

Email secured by Check Point

Wed 12/02/2020 17:47

To: [REDACTED]  
From: Barrett, Niky [Niky.Barrett@wyre.gov.uk](mailto:Niky.Barrett@wyre.gov.uk)  
RE: 17 Breck Road PLF

Dear Mr Ahmed

Thank you for your email.

Unfortunately the Licensing Act 2003 requires that valid representations against the grant of a new licence or a variation of an existing licence, must be relevant to one of the four licensing objectives which are: the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

Unfortunately the issues you raise are about market forces and the perceived demand for a particular type of licensed establishment and these are not relevant considerations for the Licensing Authority.

In the circumstances I am sorry but I am unable to accept your representation as relevant in its current format.

Kind regards

N Barrett  
Senior Licensing Officer

-----Original Message-----

From: FI Prince [REDACTED]  
Sent: 11 February 2020 13:54  
To: Licensing <[Licensing@wyre.gov.uk](mailto:Licensing@wyre.gov.uk)>  
Subject: 17 Breck Road PLF

Attention to Licensing Manager

I have noticed the premise 17 Breck Road has been asking permission for to be an "Indian Restaurant" as Mrs Dalvi is an Indian Chef.

The premise 15 Breck Road is already a licensed Indian Restaurant running for several years, Do we need another exactly similar business just next door to it?? I don't think so.. it won't bring any healthy competition as both unit just next door and having both place using same fire exit gate is not going to be a bright idea either. Last time there was two Indian Restaurant was in Breck Road one had to close down!! (saffron) So I strongly against that licensing permission for 17 Breck Road. There need to be a day time business as there's only 3/4 shops stays open during day time and if there's another tea time business opens here, it will make other day time business quite and footfall will decrease significantly at day time which might effect their business.

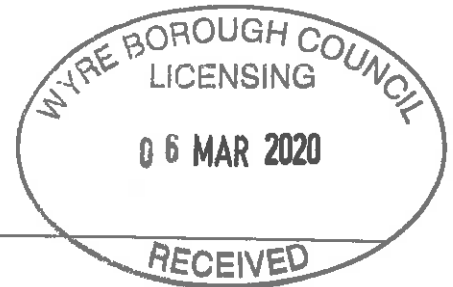
Thanks

Sultan Ahmed  
[REDACTED] Breck Road  
Poulton Le Fylde

Sent from my iPhone

WYRE COUNCIL  
THE LICENSING SECTION

---



Hello

I am Mark Pattinson from 10 Breck Road barber shop.

I am strong against of 17 Breck Road PREMISES LICENSE application. There is already far too many alcohol serving place in Breck Road and late night crowd already making our life difficult by urinating at our door by vomiting and even my shop glass door got smashed last year!! It will only bring more people in which will increase more public nuisance and put others safety in danger.

I hope council will think twice before any giving away premises license permission in Breck Road. Don't make Poulton-le-Fylde Magaluf of Blackpool..

Thanks

Mark Pattinson

10 Breck Road

FY6 7AA



**WYRE COUNCIL**  
**THE LICENSING SECTION**

Hello

MY NAME IS RIA ALLYCE CRAWFORTH, I WORK IN ALDI POULTON.

WE HAVE NOTICED THERE IS GOING TO BE A RESTURANT AT 17 BRECK ROAD. FIRST THING THERE IS BIN PROBLEM ALREADY WITH MARVINS, LEMON TREE AND NOW BIVANOS AS THEY USE OUR CAR PARKING AREA FOR THERE COMMERCIAL ORANGE BIN. WE ALREADY HAD FEW MEETINGS WITH THEM REGARDING THERE BIN BEING IN OUR SITE. NOW ANOTHER PREMISE BIN WILL MAKE THINGS WORSE AND PUT THE ENVIRONMENT AT RISK. ALSO DRUNKEN PEOPLE LATE NIGHT MAKE MESS AND BROKE GLASS BOTTLE IN CAR PARK AND PUBLIC ENTRANCE AREA TOWARDS ALDI WHICH IS ALREADY BAD ENOUGH AND COUNCIL DON'T CLEAN THAT MESS AS IT IS IN ALDI AREA. SO PLEASE DON'T GIVE AWAY ANY MORE PREMISES LICENSE FOR RESTURANT AND BARS BECAUSE IT ONLY INCREAS MORE PUBLIC NUISANCE, ENDANGER PUBLIC SAFETY AND ENVIRONMENT STABELITY.

RIA ALLYCE CRAWFORTH  
BEHALF OF ALDI, POULTON LE FYLDE



WYRE COUNCIL

Hello



I am Serkan Ozen. Everyone call me ALI. I drive taxi for Poulton Cabs.

I like to make complain for Premise License for 17 Breck Road.

Look if there is more people at night in Poulton it is better for me as I will get more customer. But last Friday night changed my mind when I see RUMBA bars front glass broke and it was very bad for business and police come and close breck road for some time. Stupid drunk people will increase more in breck road also people walk around evening time in Breck Road go one place to another they jumped into street without checking for any car. That is no good, public safety at risk. I work night all year long and I see how poulton changed. It is good money for me but the regular fighting outside bars and people taking drugs in this area increased. No police station now so it is more dangerous.

Thankyou

A handwritten signature in black ink, appearing to be 'Ali' with a long, sweeping underline.

Wyre Council Licensing Service			
<b>Notification of Mediation Agreement</b>			
<b>Premises Details</b>			
Name of Premises:	17 Breck Road		
Premises Address:	17 Breck Road, Poulton le Fylde		
Post Code:	FY6 7AA		
<b>Responsible Authority</b>			
Service / Department	Lancashire Constabulary		
Officer (Print Name)	PC 3127 Ben Reynolds		
	Signature		
<b>Proposed changes to Application Operational Schedule</b>			Mark one
Adequate changes proposed during the representation period. No representation made.			<input checked="" type="checkbox"/>
Some changes proposed. Representation will follow for remaining concerns.			<input type="checkbox"/>
Some changes made after representation submitted. Continue to hearing.			<input type="checkbox"/>
Full and adequate proposals made after representation. Representation withdrawn.			<input type="checkbox"/>
<b>Applicant's consent to amend Licence Application</b>			
I the undersigned am the applicant and hereby authorise 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)	Mrs Seema Dalvi		
Applicant's Usual Signature			
2 <sup>nd</sup> Applicant's Name	n/a		
2 <sup>nd</sup> Applicant's Usual Signature	n/a		
Date of signing	27	02	2020
<b>Amendments</b>			
1	<p><i>The following conditions to be added to the operating schedule:</i></p> <ol style="list-style-type: none"> <li>1. The supply of intoxicating liquor for consumption on the premises shall be by waiter / waitress service.</li> <li>2. Table and chair furniture shall be arranged so that there will be no provision for vertical drinking in the venue.</li> <li>3. 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.</li> </ol>		



4. A zero tolerance drugs policy will be adopted at the premises.
5. Security/staff arrangements will be sufficient to discourage the sale and consumption of drugs and shall ensure arrangements include regular checks of toilet areas.
6. Confiscated and found drugs shall be transferred to the police in accordance with procedures agreed with Lancashire Constabulary.
7. All members of staff shall receive suitable training with regard to serving drunks and are to receive regular refresher training at intervals of a maximum of 4 months. Records to evidence this will be made available to an authorised officer on request.
8. The premises licence holder will risk assess the requirement for door supervisors at the premises and shall employ door supervisors in such numbers and at such times as is deemed necessary by the risk assessment. The requirement to provide door supervisors as determined by risk assessment will equally apply in respect of private functions and ticketed events where admission is only permitted by ticket purchases in advance.
9. 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.
10. Another member of staff shall be nominated to act for the Designated Premises Supervisor, in their absence, whose identity is known by all other staff when such absence occurs.
11. CCTV must be installed internally at the premises and must comply with the following:
  - i. Appropriate signage alerting customers to CCTV recording must be displayed in conspicuous positions on the premises.
  - ii. The CCTV system must be installed, maintained and operated to the reasonable satisfaction of Lancashire Constabulary. All public areas of the premises must be covered by the system. The system will incorporate a camera covering each of the main entrance doors and each camera must be capable of providing an image which is regarded as identification standard in all lighting conditions.
  - iii. The system must record all hours the premises are open to the public.
  - iv. Recordings must display the correct date and time.
  - v. Digital recordings must be held for a minimum period of 28 days. The system must as a minimum record images of the head and shoulders of all persons entering the premises.
  - vi. A staff member who is conversant with the operation of the CCTV system must be on the premises at all times the premises is open to the public. This staff member must be able to show CCTV footage to the Police, responsible authorities or an authorised person immediately and provide footage in a viewable format within 48 hours of request, with minimum delay.
  - vii. The licence holder must 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 conditions of this licence.
  - viii. Bi-annually documented maintenance checks by a suitably qualified CCTV engineer must be made of the CCTV system to ensure that the system is in good working order and is operating in compliance with the conditions of this licence.

12. An incident book will be maintained in which shall be recorded:-
- i. All incidents of crime and disorder
  - ii. Refused sales to suspected under-age and drunken persons
  - iii. A record of any person asked to leave the premises or removed from the premises
  - iv. Details of occasions on which the police are called to the premises
  - v. 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.

13. No entertainment of an adult or sexual nature will take place on the premises.
14. A Challenge 25 proof of age policy shall be implemented and adhered to. All staff to have received suitable training in relation to the Challenge 25 proof of age scheme. Records to evidence this will be made available to an authorised officer upon request.
15. 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. A recognised proof of age card accredited under the British Retail Consortium's Proof of Age Standards Scheme (PASS)
  - ii. Photo driving licence
  - iii. Citizen card supported by the Home Office
  - iv. 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.

16. Suitable signage will be displayed to specify that a Challenge 25 Policy is in place.
17. Unaccompanied children shall not be on the premises between 1700 hours and 2300 hours.
18. Adequate glass and bottle collections shall be undertaken throughout the premises.
19. Appropriate measures will be taken to ensure staff prevent the removal of bottles or glasses from the curtilage and grounds of the licensed premises.
20. 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.
21. A clear legible and conspicuous notice requesting patrons to avoid causing noise, nuisance or disturbance to local residents shall be displayed at every exit from the premises.
22. The licence holder shall ensure that cooking, noxious or persistent smells generated at the premises do not cause nuisance to properties within close proximity.
23. The placing of refuse such as bottles shall take place between 0700 and 2300 hour so to avoid causing disturbance to nearby premises.
24. The licence holder shall ensure that staff arriving before 0900 hours or leaving after 2100 hours or when the premises have ceased trading conduct themselves in such a manner as to avoid disturbance to local residents and neighbours.
25. The licence holder shall erect and maintain a sufficient number of signs at each bar or alcohol sales point informing customers that sale of alcohol will not be made to persons under the age of 18 years.
26. The volume of amplified sound used in connection with any regulated entertainment shall at all times be under the control of the licence holder or management and the

controlling mechanism shall be operated from a part of the premises inaccessible to the public.

27. All internal lobbied doors to any entrance/exit point, fire exit doors and external windows shall be closed during hours of ay regulated entertainment except in the event of an emergency and save for the purposes of access and egress.
28. Noise from any regulated entertainment, mechanical ventilation or refrigeration plant shall not exceed background levels at the nearest sensitive properties or at the discretion of the Local Authority shall not exceed some other pre-agreed limit which does not cause unreasonable disturbance to the residents of those properties or their guests.
29. No person in possession of an alcoholic drink in an unsealed container will be allowed to enter or leave the premises.

2 *The following conditions to be removed from the operating schedule:*

Licence conditions

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

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

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 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.

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.

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 member and their guests) notices requiring customers to leave the premises and the area quietly. (Note, this may also include a reference to vehicles).

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.

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.

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.

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.

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,

Agreed with applicant

Nick Clayton  
Environmental Health Officer

APPENDIX 7

**From:** Thow, David  
**Sent:** 10 February 2020 16:59  
**To:** Fletcher, Stuart [REDACTED]  
**Subject:** Premises Licence application - 17 Breck Road, Poulton.

Stuart,

Planning have no objections as it appears that the proposed licence will be in accordance with the planning permission recently granted (pp ref; 19/01095/FUL).

OFFICIAL



Licensing Department  
Wyre Borough Council  
Civic Centre  
Breck Road  
Poulton-le-Fylde  
FY6 7PU

*Please ask for:* Mark Vanderwal  
*Telephone:* 01253 879014  
*Email:* fleetwoodfiresafety@lancsfireandrescue.org.uk  
*Your Ref:* WBCPA2540  
*Our Ref:* W3117997/MV/JP  
*Date:* 10 February 2020

Dear Sir or Madam

**NEW PREMISES LICENCE**

**Legislation:** Licensing Act 2003  
**Name of Applicant:** Mrs Seema Dalvi  
**Address of Premises:** 17 Breck Road, Poulton le Fylde, FY6 7AA

The above application has been inspected and the Fire Authority has no objection to the issue of a new premises licence.

**These premises are subject to the Regulatory Reform (Fire Safety) Order 2005. The responsible person is required to carry out a fire risk assessment.**

The Fire Authority may inspect the premises to ensure compliance with the Regulatory Reform (Fire Safety) Order 2005, and the Risk Assessment may be required by the Licensing Authority to satisfy the licensing objective relating to public safety.

If you would like to discuss this, or any other matter of fire safety, please call me on 01253 879014.

Yours faithfully

Mark Vanderwal 443  
Protection Officer  
For Chief Fire Officer

cc. [orders@dalvis.co.uk](mailto:orders@dalvis.co.uk)

Protection Department  
Fleetwood Community Fire Station  
Radcliffe Road  
FLEETWOOD FY7 6UJ

## APPENDIX 9

1. The supply of intoxicating liquor for consumption on the premises shall be by waiter / waitress service.
2. Table and chair furniture shall be arranged so that there will be no provision for vertical drinking in the venue.
3. 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.
4. A zero tolerance drugs policy will be adopted at the premises.
5. Security/staff arrangements will be sufficient to discourage the sale and consumption of drugs and shall ensure arrangements include regular checks of toilet areas.
6. Confiscated and found drugs shall be transferred to the police in accordance with procedures agreed with Lancashire Constabulary.
7. All members of staff shall receive suitable training with regard to serving drunks and are to receive regular refresher training at intervals of a maximum of 4 months. Records to evidence this will be made available to an authorised officer on request.
8. The premises licence holder will risk assess the requirement for door supervisors at the premises and shall employ door supervisors in such numbers and at such times as is deemed necessary by the risk assessment. The requirement to provide door supervisors as determined by risk assessment will equally apply in respect of private functions and ticketed events where admission is only permitted by ticket purchases in advance.
9. 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.
10. Another member of staff shall be nominated to act for the Designated Premises Supervisor, in their absence, whose identity is known by all other staff when such absence occurs.
11. CCTV must be installed internally at the premises and must comply with the following:
  - i. Appropriate signage alerting customers to CCTV recording must be displayed in conspicuous positions on the premises.
  - ii. The CCTV system must be installed, maintained and operated to the reasonable satisfaction of Lancashire Constabulary. All public areas of the premises must be covered by the system. The system will incorporate a camera covering each of the main entrance doors and each camera must be capable of providing an image which is regarded as identification standard in all lighting conditions.
  - iii. The system must record all hours the premises are open to the public.
  - iv. Recordings must display the correct date and time.
  - v. Digital recordings must be held for a minimum period of 28 days. The system must as a minimum record images of the head and shoulders of all persons entering the premises.
  - vi. A staff member who is conversant with the operation of the CCTV system must be on the premises at all times the premises is open to the public. This staff member must be able to show CCTV footage to the Police, responsible

authorities or an authorised person immediately and provide footage in a viewable format within 48 hours of request, with minimum delay.

- vii. The licence holder must 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 conditions of this licence.
- viii. Bi-annually documented maintenance checks by a suitably qualified CCTV engineer must be made of the CCTV system to ensure that the system is in good working order and is operating in compliance with the conditions of this licence.

12. An incident book will be maintained in which shall be recorded:-

- i. All incidents of crime and disorder
- ii. Refused sales to suspected under-age and drunken persons
- iii. A record of any person asked to leave the premises or removed from the premises
- iv. Details of occasions on which the police are called to the premises
- v. 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.

13. No entertainment of an adult or sexual nature will take place on the premises.

14. A Challenge 25 proof of age policy shall be implemented and adhered to. All staff to have received suitable training in relation to the Challenge 25 proof of age scheme. Records to evidence this will be made available to an authorised officer upon request.

15. 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. A recognised proof of age card accredited under the British Retail Consortium's Proof of Age Standards Scheme (PASS)
- ii. Photo driving licence
- iii. Citizen card supported by the Home Office
- iv. 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.

16. Suitable signage will be displayed to specify that a Challenge 25 Policy is in place.

17. The licence holder shall erect and maintain a sufficient number of signs at each bar or alcohol sales point informing customers that sale of alcohol will not be made to persons under the age of 18 years.

18. Unaccompanied children shall not be on the premises between 1700 hours and 2300 hours.

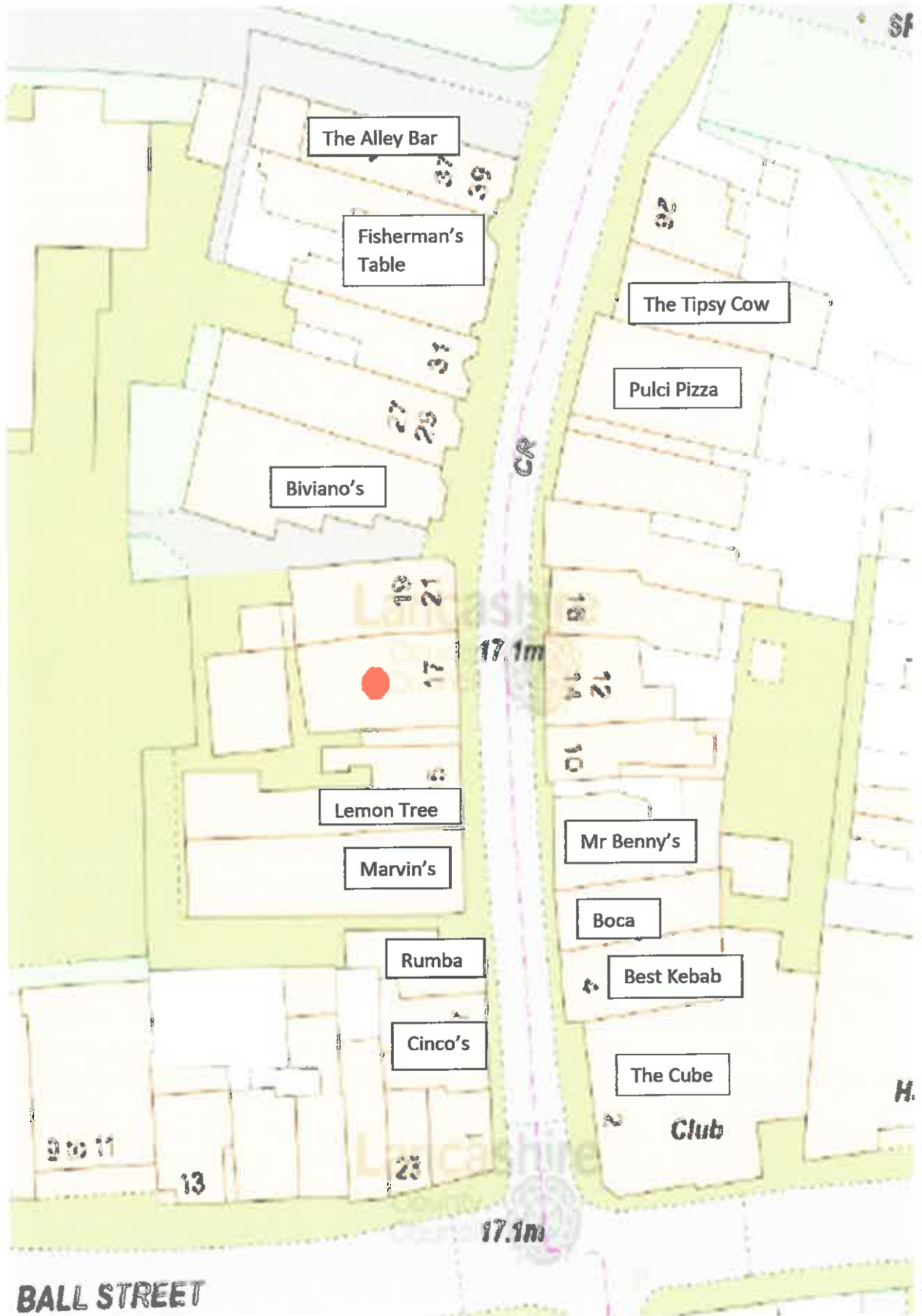
19. Adequate glass and bottle collections shall be undertaken throughout the premises.



20. No person in possession of an alcoholic drink in an unsealed container will be allowed to enter or leave the premises.
21. Appropriate measures will be taken to ensure staff prevent the removal of bottles or glasses from the curtilage and grounds of the licensed premises.
22. 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.
23. 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 member and their guests) notices requiring customers to leave the premises and the area quietly.
24. No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the premises.
25. The licence holder shall ensure that cooking, noxious or persistent smells generated at the premises do not cause nuisance to properties within close proximity.
26. 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.
27. Refuse such as bottles shall be disposed of from the premises between 2300 and 0700 so as not to cause a disturbance to residents in the vicinity of the premises.
28. The licence holder shall ensure that staff arriving before 0900 hours or leaving after 2100 hours or when the premises have ceased trading conduct themselves in such a manner as to avoid disturbance to local residents and neighbours.
29. All internal lobbied doors to any entrance/exit point, fire exit doors and external windows shall be closed during hours of any regulated entertainment except in the event of an emergency and save for the purposes of access and egress.
30. Noise from any regulated entertainment, mechanical ventilation or refrigeration plant shall not exceed background levels at the nearest sensitive properties or at the discretion of the Local Authority shall not exceed some other pre-agreed limit which does not cause unreasonable disturbance to the residents of those properties or their guests.
31. The volume of amplified sound used in connection with any regulated entertainment shall at all times be under the control of the licence holder or management and the controlling mechanism shall be operated from a part of the premises inaccessible to the public.
32. Regulated entertainment by way of 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.
33. The licence holder 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 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.
34. 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.

35. 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.
36. 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.
37. 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.



**General**

- 9.1 When a licensing authority receives an application for a new premises licence or an application to vary an existing premises licence, it must determine whether the application has been made in accordance with section 17 of the 2003 Act, and in accordance with regulations made under sections 17(3) to (6), 34, 42, 54 and 55 of the 2003 Act. It must similarly determine applications for the grant of club premises certificates made in accordance with section 71 of the 2003 Act, and in accordance with regulations made under sections 71(4) to (7), 84, 91 and 92 of the 2003 Act. This means that the licensing authority must consider among other things whether the application has been properly advertised in accordance with those regulations.

**Where representations are made**

- 9.3 Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant (see paragraphs 9.4 to 9.10 below), the licensing authority's discretion will be engaged. It will also be engaged if another person makes relevant representations to the licensing authority, which are also not frivolous or vexatious (see paragraphs 9.4 to 9.10 below). Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

**Relevant, vexatious and frivolous representations**

- 9.4 A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

**Hearings**

- 9.37 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits.
- 9.38 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- this Guidance;
- its own statement of licensing policy.

9.39 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety. Any conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.

9.40 Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.

#### **Determining actions that are appropriate for the promotion of the licensing objectives**

9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential

negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

## **10. Conditions attached to premises licences and club premises certificates**

### **Imposed conditions**

- 10.8 The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises. This provision also applies to minor variations.
- 10.9 It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.

### **Proportionality**

- 10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check is retained at the licensed premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.



Report of:	Meeting	Date
Mark Billington, Corporate Director Environment	Licensing Committee	26 March 2020

<h2>Coronavirus – temporary meeting arrangements</h2>
---

### 1. Purpose of report

- 1.1 To agree temporary arrangements for the conduct of Licensing Committee meetings while Government advice is to avoid non-essential contact due to the spread of the coronavirus.

### 2. Outcomes

- 2.1 The risk of exposure to coronavirus will be minimised and councillors and officers safeguarded from COVID-19 to the greatest possible extent.

### 3. Recommendations

- 3.1 That, until government advice relaxes the restrictions, all upcoming meetings of the Licensing Committee be conducted with the minimum numbers required to achieve both a quorum and approximate political balance.
- 3.2 That meetings of the committee continue to be held in the coming months only whenever an essential decision is required and in those instances with a maximum of five members of the committee participating, whilst remaining quorate, to achieve an approximate political balance (three Conservatives, one Labour and one Brexit).
- 3.3 That the authority to take decisions on any minor issues/applications which currently would have to be submitted to the Licensing Committee be delegated to the Head of Environment and Community Safety after consultation with the Chairman until such time as the government advice relaxes the restrictions.

## **4. Background**

- 4.1** The World Health Organisation has declared a pandemic and countries including the UK are taking action to contain and delay the spread of the coronavirus. The purpose of the measures the government is putting in place is to slow down the spread of COVID-19 to reduce pressure on health and other services. It is critical that we also take a precautionary approach and follow the strict advice already issued by Public Health England and Central Government.
- 4.2** Corporate Management Team and the Tactical Officer Group are looking at the council's critical services on an ongoing basis and putting business continuity arrangements into place in readiness. The council will issue further guidance as the situation develops. It is likely that national public health advice will develop further around "social distancing" measures, which includes maintaining at least 1 metre distance from anyone who may be infected.
- 4.3** Until further notice, the only committee meetings that the council will hold are those statutory or regulatory meetings where an essential decision is required. Democratic Services will continue to monitor the situation on a meeting-by-meeting basis and determine whether the council is required to hold the meeting or whether to postpone or cancel.
- 4.4** Any meetings held will be in the Council Chamber and subject to social distancing guidance. All councillors aged over 70 years and/or with an underlying health condition should not attend the limited meetings that will continue to be held.
- 4.5** To limit the risk of exposure and safeguard councillors and officers, meetings will be held with the minimum quorum required, which for committees of 14 members is four. However, as far as is possible, with the co-operation of the leaders of the three political groups, an approximation of political balance will be maintained if meetings are held with a maximum of 5 members. Some flexibility will be required as the situation develops.

## **5. Key issues and proposals**

- 5.1** The Democratic Services Team and Licensing Officer, in consultation with Corporate Management Team and the Political Party Leaders will continue to monitor the ongoing situation and review these arrangements with the intention of resuming normal committee business at the earliest possible opportunity.



<b>Financial and legal implications</b>	
Finance	There are no financial implications associated with the recommendations of this report.
Legal	The arrangements will ensure that the council's legal and statutory obligations continue to be met.

### **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 a x.

<b>risks/implications</b>	<b>✓ / x</b>
community safety	✓
equality and diversity	x
sustainability	x
health and safety	✓

<b>risks/implications</b>	<b>✓ / x</b>
asset management	x
climate change	x
ICT	x
data protection	x

### **Processing Personal Data**

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a third party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

report author	telephone no.	email	date
Duncan Jowitt	01253 887608	<a href="mailto:duncan.jowitt@wyre.gov.uk">duncan.jowitt@wyre.gov.uk</a>	17 March 2020

<b>List of background papers:</b>		
name of document	date	where available for inspection
None		

**List of appendices**

None

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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank