



Licensing Sub-Committee Agenda

Wyre Borough Council
Date of Publication: 29 July 2019
Please ask for : Roy Saunders
Democratic Services Manager
Tel: 01253 887444

Licensing Sub-Committee meeting on Tuesday, 6 August 2019 at 6.00 pm
in the Civic Centre, Poulton-le-Fylde

- 1. Election of Chairman**
- 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. Application for a new Premises Licence - 25 Breck Road, Poulton le Fylde, FY6 7AA** (Pages 1 - 38)

Report of the Service Director Health and Wellbeing.

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Report of:	Meeting	Date
Mark Broadhurst, Service Director Health and Wellbeing	Licensing Sub-Committee	6 August 2019

Application for a new Premises Licence – 25 Breck Road, Poulton le Fylde, FY6 7AA

1. Purpose of report

- 1.1 To assist Members to determine an application submitted under section 17 of the Licensing Act 2003 by Mr R and Mrs L Biviano, 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 submitted, along with the representation and determine the application.

4. Background

- 4.1 On 10 June 2019, the Licensing Team received an application from Mr and Mrs Biviano, for a new premises licence in respect of the ground floor of 25 Breck Road, Poulton le Fylde (**Appendix 1**).

- 4.2 The applicant wishes to provide the following licensable activities:

Activity	Mon - Sun
Sale of alcohol (on and off)	12:00 – 23:00
Open to the Public	10:00 – 23:30

- 4.3 The premises does not currently have the requisite planning consent for use as a licensed restaurant although the applicants have submitted an application to the planning authority for a change of use which is under consideration.

5. Key issues and proposals

- 5.1 Section 18 (3) of the Licensing Act 2003, as amended, requires the Licensing Authority to hold a hearing to consider the application and any relevant representations, within twenty working days following the end of the statutory twenty-eight day consultation period, which ended on 9 July 2019.
- 5.2 The application has been advertised in accordance with Regulations and at the end of the consultation period there was one outstanding representation from a neighbouring resident who was concerned about the impact that noise generated at the venue would have, should the application be granted (**Appendix 2**).
- 5.3 The objector also made reference to parking concerns which are not a matter for this Committee, but for the planning service to address when the planning application is determined.
- 5.4 During the consultation period the Police and Environmental Health in their capacity as Responsible Authorities agreed with the applicant on a number of additional conditions to be included on the operating schedule, if a licence is granted.
- 5.5 The Planning Authority confirmed that there is a pending application for a change of use.
- 5.6 There have been no other responses from Responsible Authorities.
- 5.7 To assist all parties to the hearing, **Appendix 3** is a comprehensive list of the conditions that the applicant has offered or agreed to, during the consultation period, and which would form Annex 2 to the licence, if the application is granted.
- 5.8 A location plan is provided at **Appendix 4**.
- 5.9 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.
- 6.1 - Planning
 - 10.3 – Conditions etc.
 - 14.3 – Prevention of public nuisance
 - 14.3.1 – Disturbance by patrons leaving the premises
 - 14.3.3 – Noise nuisance
- 5.10 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, 9.37-9.40, 9.42-9.44, 10.8-10.10 and 10.13-10.14 which are reproduced at **Appendix 5**.

- 5.11** After having regard to all the representations, the council's Statement of Policy and the Statutory Guidance, the Committee must determine whether or not it is satisfied, that granting the application in the terms applied for, would undermine any of the licensing objectives.
- 5.12** If it is satisfied that granting the application has the potential to undermine one or more of the licensing objectives, it must consider what, if any, steps would be appropriate to secure the promotion of the licensing objectives.
- 5.13** 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.

Financial and legal implications	
Finance	There are no financial implications directly associated with this application.
Legal	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.

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report for those issues marked with an X.

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

risks/implications	✓ / x
asset management	x
climate change	x
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 3rd 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	887236	Nicola.Barrett@wyre.gov.uk	10 July 2019

List of background papers:		
name of document	date	where available for inspection
Wyre Council Statement of Licensing Policy	2016 - 2021	Licensing section

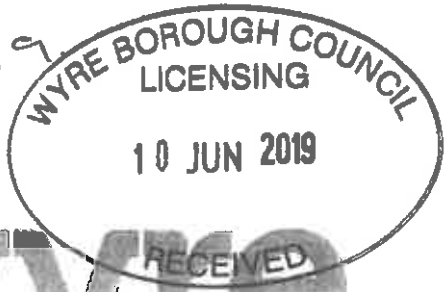
List of appendices

- Appendix 1 - Application
- Appendix 2 - Representation
- Appendix 3 - Draft Annex 2
- Appendix 4 - Location Plan
- Appendix 5 - Excerpt from the Statutory S182 Guidance

RA'S - 10 June 19. Appendix 1.

PLAN

Rep: 9 July 19



Paid
£190.00 DC

Rec: 001139.

LAPLA/19/1353



PLFA/1353

(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 MR. ROBERT BIVIANO / MRS. LISA BIVIANO
(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 25 BRECK ROAD			
Post town	POULTON-LE-FYLDE	Postcode	FY6 7AA

Telephone number at premises (if any)	—
Non-domestic rateable value of premises	£ 13'000

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 checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname BIVIANO			First names ROBERTO SALVATORE		
Date of birth over		I am 18 years old or		<input checked="" type="checkbox"/> Please tick yes	

Nationality		BRITISH	
Current residential address if different from premises address			
Post town	POULTON - LE - FYLDE	Postcode	
Daytime contact telephone number			
E-mail address (optional)			
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).			

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input checked="" type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname		BIVIANO			
First names		LISA			
Date of birth over		I am 18 years old or		<input checked="" type="checkbox"/> Please tick yes	
Nationality					
Current postal address if different from premises address					
Post town	POULTON - LE - FYLDE	Postcode			
Daytime contact telephone number					
E-mail address (optional)					
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
01	09	2019

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)

DELICATESSEN/WINE BAR .
 OFFERING DELI STYLE FOOD + SANDWICHES ,
 WINE , BEER , APERITIF'S , SOFT DRINKS + HOT
 BEVERAGES .
 THE VENUE WILL HAVE A COMBINATION OF
 DELI COUNTER DINING , DINING TABLES
 + SOFAS .

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

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

A

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

B

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

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

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

E

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

F

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

G

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

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 4)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun					

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

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8) * BOTTLES OF WINE TO PURCHASE TO TAKE HOME	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon	12.00	23.00	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
	11.00	23.00			
Tue	12.00	23.00			
Wed	12.00	23.00			
Thur	12.00	23.00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri	12.00	23.00			
Sat	12.00	23.00			
Sun	12.00	23.00			

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	ROBERTO BIVIANO
Date of birth	
Address	POULTON - LE. FYLDE
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	BLACKPOOL 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).

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	10-00	23-30	<p><u>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</u> (please read guidance note 6)</p>
Tue	10.00	23.30	
Wed	10.00	23.30	
Thur	10.00	23.30	
Fri	10.00	23.30	
Sat	10.00	23.30	
Sun	10.00	23.30	

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)

b) The prevention of crime and disorder

✓ CD 1	✓ CD 16
✓ CD 2 (18 YRS)	✓ CD 18
✓ CD 6	✓ CD 25
✓ CD 7	✓ CD 26
✓ CD 8	✓ CD 28
✓ CD 10	✓ CD 34
✓ CD 11	✓ CD 37
✓ CD 13	✓ CD 43

c) Public safety

✓ PS 2	✓ PS 16	PS5 N/A
✓ PS 4	✓ PS 19	
✓ PS 6	✓ PS 20	
✓ PS 8	✓ PS 21	
✓ PS 9		
✓ PS 10		
✓ PS 14		
✓ PS 12		

d) The prevention of public nuisance

✓ PPH 1	✓ PPH 21
✓ PPH 10	✓ PPH 23
✓ PPH 11	✓ PPH 24
✓ PPH 14	
✓ PPH 15	
✓ PPH 16	
✓ PPH 17	
✓ PPH 18	

e) The protection of children from harm

✓ PCH 2
~~PCH 4~~

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.

Declaration	[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
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	<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	6.6.19
Capacity	DIRECTOR

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

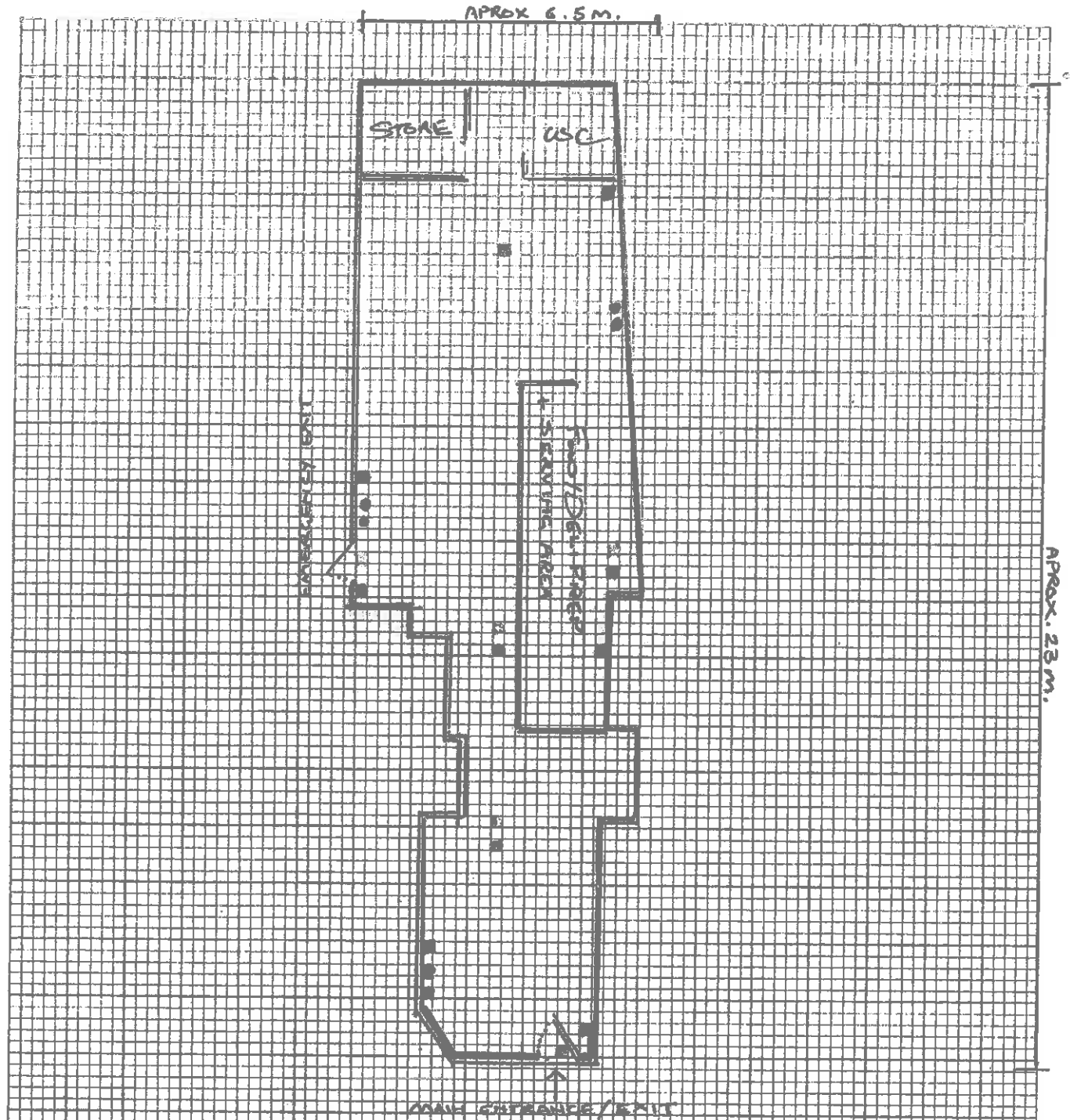
Signature	
Date	6.6.19
Capacity	DIRECTORS

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

- not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;



- CCTV CAMERA
- FIRE EXTINGUISHERS CO₂/FOAM
- E LIGHTING
- SMOKE DETECTORS
- MZD

INTENDED LICENSED AREA

BUILDING BOUNDARY GLASS

FIRE PUMP/STRUCTURE

From:

Sent: 28 June 2019 21:54

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

Subject: Application for 25 Breck Road Poulton Le Fylde

Dear Sirs

Please acknowledge receipt of this email at your earliest convenience.

I understand from the notice posted at the above property that an all day license has been applied for.

I am a domestic resident in the adjoining property and am dismayed that no enquiries have been made by yourselves regarding the impact such a license would have on myself or the residents in the flats immediately across the narrow alley from the property.

Although admittedly hearsay, I have heard from local sources that the applicants have already had a verbal assurance that the license will be granted and their plans include a roof terrace bar area. This is directly adjacent to my bedroom and I am concerned that the noise will prevent me from being able to realistically get to sleep before midnight. This is a particular worry as I am a hospital worker and expected to cover shifts on a 24 hour, 7 day rota. If the license is granted, am I expected to abandon my home as I will be unable to rest and therefore work? What is the council policy on rehousing private tenants who become unemployed and unable to maintain their rent due to loss of income as a direct result of licensing decisions? I will also be unable to spend any quiet time at home during the day, particularly at weekends when licensed premises are at their busiest.

A further issue is parking, particularly on the pavement directly outside my front door. Given the location, a number of vehicles already use this area as a drop off point. With the addition of yet another late opening business next door this would only get worse. I have already, on several occasions, had to squeeze passed taxi and cars dropping off or waiting for passengers going to or leaving other premises.

Have any members of the licensing committee actually visited the premises or taken the time to consider or canvas those who actually call the immediate vicinity of number 25 home?

Yours faithfully

Breck Road
Poulton Le Fylde
FY6 7AA

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From: Barrett, Niky
Sent: 01 July 2019 16:12
To:
Subject: FW: Application for 25 Breck Road Poulton Le Fylde
Attachments: 25 Breck Road Jul 19.docx

Dear

Thank you for your email. This application is currently under consultation and the process requires me to hold a hearing if there are objections to the application at the end of the 28 consultation period which ends on 9 July.

There is no suggestion on the application that they wish to create a roof terrace, the only licensable area would be the inside of the ground floor of the property.

They have applied to be able to sell alcohol from 12 noon to 11pm and to close at 11.30pm and they have not applied for any regulated musical entertainment.

The applicant has already agreed a number of conditions with the Police and Environmental Health that will form part of any licence granted and I've attached a document listing all of these so that you can have a look through and see if they will address your concerns.

If you would still like to object to this application please let me know before the 9th July.

I would point out that unfortunately parking issues are not a relevant consideration under the licensing act but they are a legitimate consideration under planning law and the applicant currently has an application lodged with the Planning for a change of use of the premises. You should be able to see that and submit your comments on-line through our planning portal – the reference no is 19/00541/FUL.

From: [redacted]
Sent: 08 July 2019 22:47
To: Barrett, Niky
Subject: Re: Application for 25 Breck Road Poulton Le Fylde

Dear Niky

Thank you for your prompt response.

May I draw your attention to the notice of application displayed on the property?

As can be seen on the attached photograph, none of the options for types of entertainment/music have been deleted. The notice would therefore suggest that it is the hours that been omitted. If, the applicants have, as you state not applied for an entertainment license, why has nothing been deleted? It appears that the notice is incorrect or, at least ambiguous.

I also find it highly improbable that any premises serving food and alcohol would do so in silence, especially as a condition of any license is the employment of door staff. This implies that it is expected that this will be a "lively" venue. My objections are made in relation to the noise that will be generated in the evenings, especially after 10 pm.

I imagine that the intention is to grant gradual permissions as applications are made - first the alcohol license, then to allow entertainment/music and finally further development of any available outside space. The previous window that overlooked the flat roofed area to the rear of the property has already been changed to a door to allow easy access. As previously stated, I can in no way imagine that this will be a silent venue!

Is the notice going to be clarified and reposted? Page 27

From: Barrett, Niky
Sent: Tuesday, July 9, 2019 10:21:59 AM
To:
Subject: RE: Application for 25 Breck Road Poulton Le Fylde

Dear

I am happy that the notice clearly indicates the hours that the premises has applied for alcohol sales and the hours that they intend to be open to the public. As they have left the timings for regulated entertainment blank, this is a clear indication that they do not seek authorisation for these activities.

I would advise you that since 2015 the provision of live and recorded music in alcohol licensed venues between 8am and 11pm is no longer regulated entertainment under the Licensing Act 2003. This means that it is not subject to authorisation, or control through conditions on any licence granted, until after 11pm.

Nevertheless if musical entertainment is provided before 11pm and causes a nuisance, Environmental Health still have powers under their legislation to deal with the issue. If they are satisfied that the premises is failing to promote the licensing objectives they may call a licence in for review.

The agreed conditions for this premises include one about door supervision which places a burden on the licence holder to provide door supervisors where their own risk assessment indicates it is necessary, but does require the venue to have door staff on duty each or every day.

Whilst I can understand your concern that the premises may over time be developed further, this application is purely for a licensed restaurant on the ground floor of the building which will be closed by 11.30pm each night. The potential for future changes is not a relevant consideration for the Licensing Authority when determining an application for a new licence. Any subsequent changes would have to be applied for as variations which in turn would be subject to consultation.

If you still wish to object to this application the matter will be referred to the Licensing Committee and you will be invited to attend that meeting and make your representation directly to the Councillors.

Please can you let me know by the end of the day if you wish to pursue this objection?

From:
Sent: 09 July 2019 11:12
To: Barrett, Niky
Subject: Re: Application for 25 Breck Road Poulton Le Fylde

As has already widely rumoured around Poulton, I concede that this application has already been agreed between yourselves and the applicants. There has been absolutely no help or consideration given to the domestic residents of the area and you could not care less about the negative impact this development will have.

I object most strongly to the application being granted without any visits or discussion.

I sincerely hope that all applications for licensed premises immediately next to your homes are granted with as little opposition.

25 Breck Road: Annex 2 – Conditions

1. The primary purpose of the premise will be that of a restaurant deli / bistro / café serving food. The sale of alcohol will be ancillary to these uses. Food will be available at all times when alcohol is supplied on the premises.
2. If no suitable identification is provided the sale of alcohol will be refused. Suitable signage will be displayed to specify the Challenge 25 policy is in place.
3. All staff involved in the sale of alcohol shall receive suitable training in relation to proof of age scheme to be applied upon the premises. Records to evidence this will be made available to officers upon request.
4. Seating shall be provided for a minimum of 70% of the maximum floor area.
5. 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.
6. The premises shall have a documented drugs prevention policy on which all members of staff shall be trained
7. Security/staff arrangements will be sufficient to discourage the sale and consumption of drugs and shall ensure such arrangements include regular checks of toilet areas at least every 30minutes.
8. After 17:00 hours persons under the age of 18 shall only be admitted onto the premises in the company of an adult. Except for pre-arranged private functions and ticketed events, children under 18 shall vacate the premises by 21:00.
9. An adequate number of licensed door supervisors will be on duty as appropriate to any risk assessment.
10. CD1 The Designated Premises Supervisor, when present, and all members of staff shall ensure that all lawful instructions and /or directions given by the Police are complied with.
11. CD6 No person in possession of a drink in a sealed or unsealed container shall be allowed to enter the premises except for the purposes of delivery.
12. CD8 No drink shall be removed from the premises in an unsealed container.
13. CD10 A CCTV camera shall be installed at the locations marked, "CCTV CAMERA" on the plan of the premises.
14. CD11 Where CCTV equipment is fitted, it shall be maintained in good working order in accordance with the manufacturer's instructions. Training should be provided for staff members in the usage of the CCTV equipment. This will enable staff to assist officers should they request information to be provided from the system.
15. CD13 The images recorded by the CCTV system shall be retained in unedited form for a period of not less than 31 days.
16. CD16 There shall be in place for the premises a written policy to prevent the sale or supply of alcohol to persons under 18 years of age. That policy shall require any person

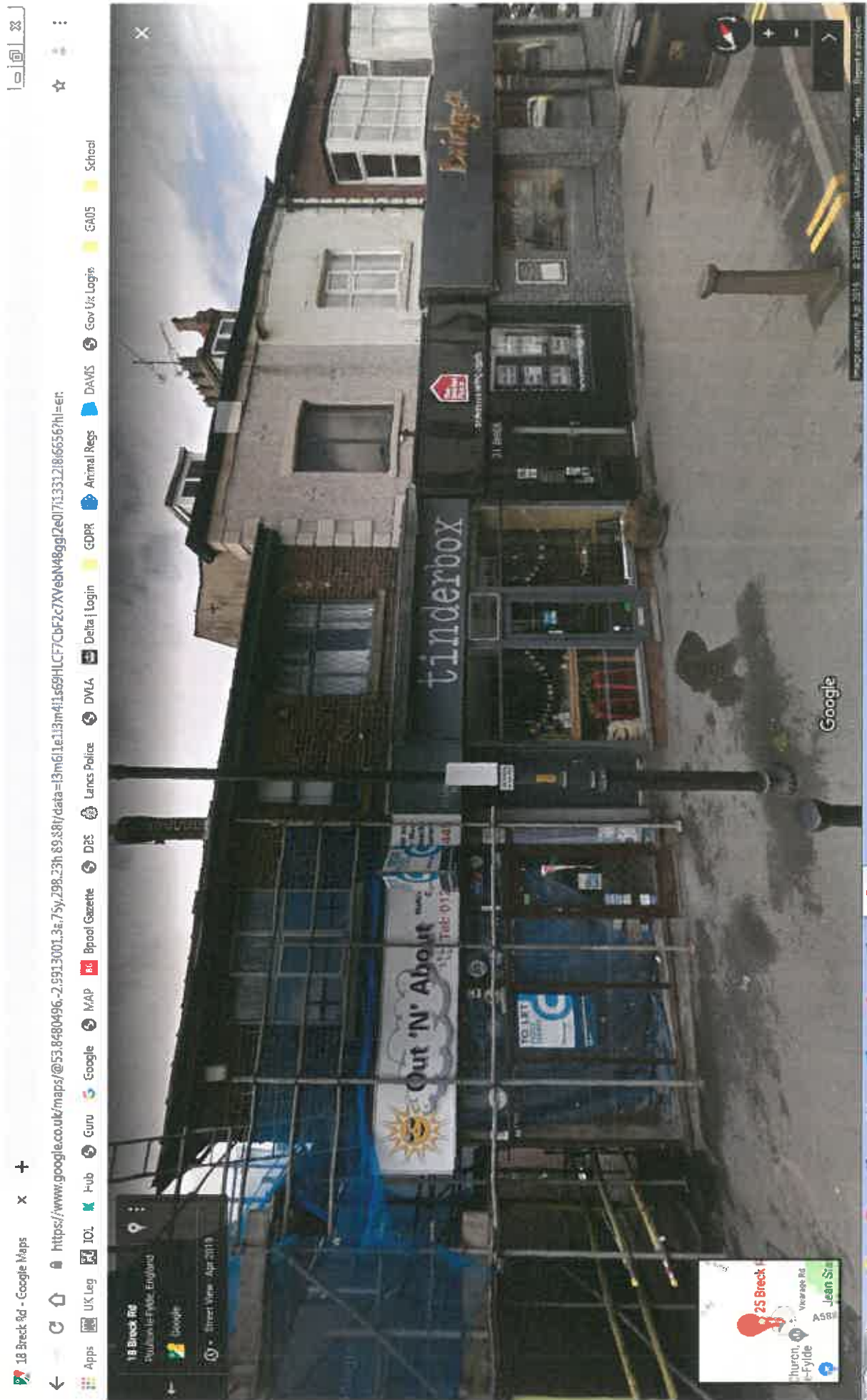
who appears to be under the age of 25 years to produce a recognised proof of age card accredited under the Proof of Age Standards Scheme (PASS) or if a proof of age card is not available a photo driving licence indicating that they are over 18 years of age. Armed Forces ID are also acceptable).

17. CD18 There shall be displayed on the premises notice(s) to warn members of the public visiting the premises of the incidence of crime, which may affect them. The notice(s) shall be displayed in a position where it is clearly visible to members of the public.
18. CD25 A personal licence holder shall be on the premises at all times during which intoxicating liquor is being sold or supplied to customers, except in the case of an emergency.
19. CD26 When a crime prevention survey has been carried out by the Police their recommendations are to be fully complied with by the Premises Licence Holder, prior to the opening/variation taking effect.
20. CD28 Whenever the designated premises supervisor is not at the premises another personal licence holder will be nominated by the designated premises supervisor as being the responsible person to manage the premises and will have the contact details of the designated premises supervisor. The details of such person to be on prominent display on the premises.
21. CD37 Frequent collection of glasses and bottles will be undertaken to ensure that empty containers do not accumulate in or around the licensed premises
22. CD43 A personal licence holder shall be on the premises at all times during which intoxicating liquor is being sold or supplied to customers, except in the case of an emergency. This person should be employed by the premises licence holder and must be act in a responsible manner during this time.
23. PS2 When disabled persons are present on the premises there shall be in place arrangements for their safe evacuation in the case of an emergency or other reason. Details of those arrangements shall be recorded in writing and all staff employed on the premises shall be aware of those arrangements
24. PS4 All exits and escape routes to those exits (including external escape routes) from the premises shall be provided with non-slip even surfaces and shall be maintained in good repair, correct working order and kept free from all obstructions when the public are on the premises. External escape routes shall also be kept free from ice and snow.
25. PS6 All doors or gates both inside and outside the premises which are on an escape route shall be fitted only with approved fasteners and shall at all times be properly maintained, free from obstruction and be capable of being opened easily and fully so that they do not restrict the public leaving the premises and shall open in the direction of the escape route.
26. PS8 All exit doors and gates from premises or enclosure(s) surrounding it shall be capable of being opened by any person without the use of a key, card, code or other similar means and be kept free from all fastening devices when the premises are open to the public.
27. PS9 All exit routes and doors on such routes shall be checked on every occasion before the premises is used for purposes of a licensable activity and at regular occasions when

the premises are open to the public to ensure that they are free from defect, obstruction, trip hazards and surfaces are not slippery. A record of such inspections, any defects discovered and the remedial action taken shall be made in writing in a logbook kept for that purpose. That logbook shall be made available for inspection on demand to an Authorised Officer of the Council, a Fire Officer or a Police Constable.

28. PS10 The method of opening any exit door or gate from the premises or enclosure(s) surrounding it shall be clearly displayed immediately above or below the fastening in white block lettering on a green background in letters not less than 50 mm high.
29. PS12 Where a fire-resisting door is fitted within the premises and that door is required to be kept closed at all times then the door shall be clearly marked on both sides with a sign bearing the words "FIRE DOOR KEEP CLOSED" in block letters not less than 50mm high and clearly visible when the premises are open to the public.
30. PS14 Any door or gate in the premises which is not an exit door or gate shall have a sign bearing the word "PRIVATE" in block letters not less than 50 mm high.
31. PS16 The furniture or seating in premises shall be arranged so that it does not obstruct any exit, route to any exit or to any facility within the premises.
32. PS19 A person who is nominated for the purpose of taking control in the event of a fire, fire alarm, emergency or event which may affect the safety of persons attending the premises shall be on and in charge of the premises at all times when any licensable activity is being provided. That person shall be responsible for calling the Fire Service in the event of any fire and that person shall also be responsible for meeting the Fire Service and guiding them to the fire.
33. PS20 Clear and unobstructed access shall be available to the premises for use by the emergency services and emergency service vehicles at all times.
34. PS21 There shall be maintained on the premises at all times an adequate and appropriate supply of first aid equipment and materials.
35. PPN1 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.
36. PPN10 No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the premises.
37. PPN11 All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency
38. PPN13 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.

39. PPN14 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).
40. PPN15 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.
41. PPN16 There shall be no emission from the premises of any offensive smells, which are likely to cause a nuisance.
42. PPN18 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.
43. PPN21 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.
44. PPN23 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
45. PPN24 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.



Location plan - 25 Breck Road



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.

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.

Hours of trading

- 10.13 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.
- 10.14 Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.

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