

## Licensing Committee Minutes

The minutes of the Licensing Committee meeting of Wyre Borough Council held on Monday, 16 December 2019 at the Council Chamber, Civic Centre, Poulton-le-Fylde.

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**Licensing Committee members present:**

Councillors Robinson, Kay and Williams

**Officers present:**

Emma Keany, Democratic Services Officer

Mary Grimshaw, Legal Services Manager and Deputy Monitoring Officer

Niky Barrett, Licensing Manager

Duncan Jowitt, Democratic Services Officer

Jonathan Fail, Environmental Health Officer

No members of the public or press attended the meeting.

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**32 Election of Chairman**

**Agreed** that Councillor Robinson be elected as Chairman for this meeting of the Sub-Committee.

**33 Declarations of Interest**

None.

**34 Application for a new Premises Licence**

The Corporate Director Environment submitted a report to provide members of the Licensing Sub-Committee with information to assist them at a hearing to determine an application for a new Premises Licence at 9 Crescent East, Thornton Cleveleys, FY5 3LJ.

The Senior Licensing Officer informed the Sub-Committee that an application for a new premise licence, in respect of 9 Crescent East, Thornton Cleveleys, had been submitted. The application was for the premises to be open to the public and provide late night refreshment until midnight Sunday to Thursday and until 1 am on Friday and Saturday nights.

The Senior Licensing Officer said that this matter was before the Sub-Committee because there was an outstanding representation from a local resident relating primarily to noise from the venue after 11pm as set out in

Appendix 4 to the report and one from Environmental Health regarding trading after 12pm.

Due to the complaints of trading without a licence after 11pm, the licensing department has previously issued two written warnings to the business.

The Senior Licensing Officer stated that the local resident had submitted apologies for this meeting but hoped that her objection would be considered.

The applicant and his representative were unable to attend the meeting.

The Sub-Committee considered whether or not to proceed in the absence of the applicant and his representative. Members were satisfied that the applicant had been given appropriate notice of the hearing as required by Regulations 6 and 7 of The Licensing Act 2003 (Hearings) Regulations 2005.

The Committee considered in accordance with Regulation 20, whether it was necessary to adjourn the hearing in the public interest and decided, having regard to all the circumstances, that it was appropriate to proceed.

The Senior Licensing Officer stated that following discussions with the applicant's representative before the meeting, he had agreed to all of the conditions proposed by Environmental Health and wished to reduce the hours applied for on a Friday and Saturday to midnight.

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

**AGREED** that a New Premises Licence relating to Italian Pizza Hot, 9, Crescent East, Thornton Cleveleys, FY5 3LJ be granted for the hours amended by the applicant and outlined below subject to the conditions outlined in the application and subject to conditions which are outlined in Rep 2 of Appendix 4 and Appendix 5 of the committee report together with one additional condition.

The opening times and conditions agreed with the Environmental Health Officer (Rep 2 of Appendix 4) and conditions agreed with the police (Appendix 5) are outlined below:

**Opening times:**

Provision of late night refreshment between 23.00 and 00.00 hrs on any day of the week.

**Conditions - offered by the Applicant following agreement with the Environmental Health Officer and the Police:**

1. CCTV, which complies with the following criteria, will be installed at the premises.
  - a. The CCTV system shall be installed, maintained and operated

- to the reasonable satisfaction of Lancashire Constabulary.
- b. The system shall display on any recording the correct time and date of the recording;
  - c. The system shall be recording during all hours the premises are open to the public;
  - d. VCR tapes or digital recording shall be held for a minimum of 28 days after the recording is made and will be made available to the Police for inspection upon request.
  - e. The system shall, as a minimum, record images of the head and shoulders of all persons entering the premises.
  - f. A staff member who is conversant with the operation of the CCTV system will be on the premises at all times that the premises are open to the public. This staff member will be able to show police, or any officer acting for a Responsible Authority, recent data or footage with the absolute minimum of delay when requested.
2. The licence holder shall notify the Police Licensing Unit on any occasion when the CCTV is to be inoperative for a period in excess of one working day and shall provide a certificate from a competent person stating the reason for the system being inoperative and the measures which have been taken to satisfy the licence conditions.
  3. Appropriate signage alerting customers to CCTV recording shall be displayed in conspicuous positions on the premises.
  4. The premises have installed a wall-mounted screen, no smaller than 22", mounted in a prominent position within the premises, so that patrons can view live-recorded CCTV footage.
  5. There will be no boxing machines in operation in the premises.
  6. No persons under the age of 16 will be allowed on the premises after 23.00.
  7. 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.
  8. No drinks will be sold in glass containers.
  9. The noise level from the premises whilst being used for late night refreshment shall not exceed background level at the nearest residential premises.
  10. No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the premises.
  11. 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.

12. 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.
13. 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,
14. There shall be no emission from the premises of any offensive smells, which are likely to cause a nuisance.
15. 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
16. The premise license 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.
17. Clear legible notices will be displayed at the main door requesting customers to leave quietly.
18. There will be no personal solicitation of custom by staff within the immediate vicinity of the premises.

**Condition imposed by the Sub Committee:**

All customer deliveries must be dispatched from the front door of the premises.

**Reasons for the Decision**

- The Committee noted the objection from a local resident relating to noise but were satisfied that a grant of a new premises licence subject to the amended hours and conditions, would address those concerns and would not undermine the Licensing Objectives.
- The Committee noted that there were no objections from the police and the Environmental Health officer's objection had been withdrawn following the agreement by the Applicant to open until midnight instead of 1.00am on Friday/Saturday. The Applicant had also agreed prior to the hearing to accept the Environmental Health's proposed conditions outlined on p.22 and 23 of the report.

- The Committee added a further condition to reduce the impact of noise from deliveries to local residents at the rear of the Premises by requiring all deliveries to be from the front of the Premises which the Committee considered was appropriate and would address the concern from the resident.
- The Committee noted that if there were any problems in the future then the review procedure would be the correct approach to deal with any issues.

The meeting started at 6.10 pm and finished at 6.35 pm.

**Date of Publication:** 07 January 2020