

Licensing Sub-Committee Minutes

The minutes of the Licensing Sub-Committee meeting of Wyre Borough Council held on Tuesday, 13 July 2021 at 6pm in the Council Chamber - Civic Centre, Poulton-le-Fylde.

Licensing Sub-Committee members present:

Councillors Robinson, Cartridge and Smith

Apologies for absence:

None.

Other councillors present:

Councillors Henderson and Le Marinel

Officers present:

Daphne Courtenage, Assistant Democratic Services Officer

Duncan Jowitt, Democratic Services Officer

Mary Grimshaw, Legal Services Manager and Monitoring Officer

Mandy Seddon, Manager of Food, Health & Safety and Licensing

No members of the public or press attended the meeting.

12 Apologies

13 Declarations of Interest

None.

14 Application for a new Premises Licence - Cybele, 21 Queens Square, Poulton-le-Fylde, FY6 7BW

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 under section 17 of the Licensing Act 2003 by Cybele PLF Ltd, for a new premises license.

The Manager of Food, Health & Safety and Licensing, Mandy Seddon, introduced the report. She explained that the matter was before the Sub-Committee as the applicant was seeking permission to sell alcohol for consumption on the premises between 10am and midnight on each day of the week. She explained that no objections had come from relevant authorities for

the premises license, though additional conditions between the applicant, Environmental Health and the Police had been agreed. Representations had been received from two persons, being the ward councillors for the area, regarding noise nuisance and the lateness of the terminal hour. The Manager of Food, Health & Safety and Licensing also noted that the applicant had withdrawn a provision in his application for regulated entertainment by the way of recorded music.

The Sub-Committee considered the following documents:

- The report of the Corporate Director Environment
- Additional information submitted by the applicant following the original publication of the agenda

The Sub-Committee heard from the applicant and founder of Cybele PLF Ltd, who spoke in support of the application.

The Sub-Committee also heard from the two objecting ward councillors, Councillors Henderson and Le Marinel.

Members asked the applicant about membership numbers and whether the café/bar would only be open to members and the capacity in and outside the premises. The applicant said that he was a building surveyor by profession but was a passionate cyclist and the business was a unique concept for the area based on his extensive travels. The main focus of the business was sale and repair of bikes but there was also a cycling studio upstairs with education and coaching available. He stated that the venue with a licence would mainly cater for cyclists having post ride beers with occasional guest speakers in attendance but it would be open to the public. He stated that the late hour would not be activated often but would give him the flexibility so he wouldn't need to apply for a TENs extension every time he wanted to open the business later in the evening. He noted that there were other late licences in close proximity to his business. The applicant stated that he would be applying for a pavement license to increase outdoor seating.

Members then considered the application in a private session. The Licensing Sub-Committee then reconvened and the Chairman announced the Sub-Committee's decision, as below.

Decision

After due deliberation, the Sub-Committee agreed to **grant** a premises but with reduced times for the licenseable activities subject to the conditions agreed with Environmental Health and the police as detailed below.

Reasons for the decision

The Sub-Committee noted all the information before it, including the concerns that had been raised. In reaching their decision, the Sub-Committee had regard to:

- The Council's own Statement of Licensing Policy, in particular the following sections: 9.3 Conditions imposed at a hearing, 13.3 Prevention of public nuisance, 17 Need for licensed premises, 18 Cumulative impact
- The Statutory Guidance issued under section 182 of the Licensing Act 2003, in particular the following sections: 1.16, 9.3, 9.4, 9.37-9.40, 9.42-9.44 and 10.8-10.10, as reproduced at Appendix 8 of the report,
- All the representations,
- Licensing Act 2003, Human Rights Act 1998 and Equalities Act 2010

In reaching this decision the members noted the proximity of residential properties to the licensed premises and the potential through the operation of the business to impact on those residents through public nuisance and thought a reduction in times was appropriate for the majority of the working week. However they also considered the rights of the licensed premises to develop their business potential and considered the longer hours were appropriate at the weekend for three nights of the week. The Committee also noted the conditions agreed with Environmental Health and the police and considered they were appropriate for the promotion of the licenseable objectives.

Supply of Alcohol/ Closing Times:

Sale of alcohol for consumption on the premises

Sunday to Wednesday between 10am and 10:30pm, with closing at 11pm

Thursday to Saturday between 10am and midnight, with closing at 12:30am

Schedule

Agreed by Applicant with the Police

1. 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 30 minutes.
2. Clearly visible notices shall be displayed advising those attending that:
 - a) It is a condition of entry that customers agree to be searched and
 - b) Police will be informed if anyone is found in possession of controlled substances or weapons.
3. Records of incidents involving the use, and/or detection of drugs shall be maintained and those records shall be available for inspection. Confiscated and found drugs shall be transferred to the police in accordance with procedures agreed with Lancashire Constabulary.
4. Functions which specifically target young people aged 17-18 years (for example birthday parties) will not be allowed to take place on the premises.

5. A minimum of one SIA licensed member of door staff will be on duty from 20:00hours every Friday and Saturday, Sunday before Bank Holiday, Christmas Eve, Boxing Day and New Year's Eve. At all other times the license holder will determine an appropriate number of door staff, having regard to a risk assessment maintained by the premises license holder. The document must be available for Inspection if required.
6. 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
7. Any outside area which is used for the consumption of alcohol shall cease to be so used at 22:00hrs. Any such area will be checked by a competent person at intervals of a minimum of 30 minutes whilst in use.
8. All tables and chairs in the outside area shall either be fixed to the floor or be stacked, secured and covered no more than 30 minutes after the time at which patrons are no longer permitted to consume drinks in the area.
9. In the outside area, the supply of intoxicating liquor shall be by waiter/waitress service only and only to persons seated at tables.
10. CCTV will be installed at the premises and will comply with the following:
 - a) The CCTV system shall be installed, maintained and operated to the reasonable satisfaction of Lancashire Constabulary. The entrance and bar areas are to be covered by the system. The system will incorporate a camera covering each of the entrance doors and will be capable of providing an image which is regarded as identification standard.
 - b) The system will display on any recording the correct time and date of the recording.
 - c) Digital recording shall be held for a minimum of 21 days

respectively, after the recording is made and will be made available to the Police or any authorised persons acting for Responsible Authority for inspection upon request.

Agreed by Applicant with Environmental Health Officer

1. No nuisance shall be caused by noise coming from the premises or vibration transmitted through the structure of the premises.
2. There shall be no emission from the premises of any offensive smells, which are likely to cause a nuisance.
3. 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.
4. There shall be no live entertainment, live music or recorded music to the external licensed area.
5. During the final hour of daily trading appropriate announcements are to be made and/or images projected to remind patrons of the need to leave the premises without causing annoyance, nuisance or disturbance to local residents and to advise patrons of any taxi free-phone or collection arrangements available upon the premises
6. Notices will be displayed at the entrance and exits advising customers to leave quietly.
7. The Licensee shall ensure that staff departing at night when the business has ceased trading, conduct themselves in such a manner to avoid disturbance to nearby residents.
8. 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.
9. 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.

The meeting started at 5.59 pm and finished at 6.58 pm.

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