



Licensing Committee Minutes

The minutes of the Licensing Committee meeting of Wyre Borough Council held on Thursday, 22 February 2018 at the Civic Centre, Poulton-le-Fylde.

Licensing Committee members present:

Councillors Marge Anderton, Colette Birch, Simon Bridge, Sue Catterall, Terry Lees, Sue Pimbley, Christine Smith, Ann Turner, Lynn Walmsley and Val Wilson

Councillor Pimbley left the meeting at the conclusion of Item 5 (New applicant for a Wyre Dual driver licence with a spent criminal conviction) and did not return to the meeting.

Apologies:

Councillor(s) Julie Robinson, Brian Stephenson and Matthew Vincent

Officers present:

Niky Barrett, Licensing Manager
Mary Grimshaw, Senior Solicitor and Deputy Monitoring Officer
Carole Leary, Democratic Services Officer

Non-members present:

D Parry, Taxi Licensing Officer for Item 5 only.
N Greenwood, Head of Environmental Health & Community Safety for Item 6 only.
Cllr Henderson for Item 6 only.

Members of the public present:

Applicant for Item 5 only.

Mr Huckerby (Applicant), Mrs Adkinson (Applicant) accompanied by Mr Barr and represented by Mr Woosnam for Item 6 only.

One Member of the Public (Mrs Loftus) and a Breck Ward Councillor (Councillor Henderson) were present for Item 6 only.

No Members of the Press were present.

46 Declarations of Interest

Councillor Bridge declared an “Other Significant Interest” on Item 06 – Application to vary a Premises Licence – Truth Bar, Poulton-le-Fylde, in that he lives two doors down from the Applicant Mr Huckerby. He spoke with the local resident and with Councillor Henderson and then with Mr Woosnam (the Solicitor on behalf of the Applicant. He did not consider that this interest gave rise to a perception of a conflict of interest or was likely to prejudice his judgment. The parties present at the meeting raised no objection and he therefore he stayed in the meeting and spoke and voted upon the item.

Councillor Pimbley declared an “Other Significant Interest” on Item 06 - Application to vary a Premises Licence – Truth Bar, Poulton-le-Fylde, in that she knew Mrs Loftus as her daughter had worked for Councillor Pimbley. After advice from the Senior Solicitor it was agreed that it may be perceived as a conflict of interest and therefore she left the room before the item was being discussed and had no involvement in the decision making.

47 Confirmation of minutes

The minutes of the Licensing Committee meeting held on Thursday 25 January 2018, were confirmed as a correct record.

48 Exclusion of Public and Press

RESOLVED that the public and press be excluded from the meeting whilst agenda item 5 is being considered, because 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 exemptions outweighed the public interest in disclosing the information.

49 New applicant for a Wyre dual driver licence with a spent criminal conviction

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

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

The Licensing Manager introduced the report.

The applicant spoke to the Committee, explaining the circumstances of his spent conviction, as referred to in the report with regard to his past conduct.

Members and the Licensing Manager asked questions of the applicant, and he provided explanations of the incidents then and up to the present date.

The applicant, the Taxi Licensing Officer and the Licensing Manager then left the room whilst the Committee Members considered the application in closed session. The Licensing Committee then reconvened and the Chairman announced the Committee's decision to everyone.

RESOLVED that the applicant be granted a one year Wyre dual driver's licence and the added condition of the 3 month rule.

The Members also resolved that any renewal of the applicant's licence after twelve months, should be brought back before Members for further consideration.

The reasons for the decision were:

The Committee were satisfied that the applicant was a fit and proper person to hold a dual driver's licence after considering his explanation of the offence and other matters referred to in the report. It was explained to the applicant how seriously Wyre Council take background checks, together with the duty of the Council to protect the travelling public and Wyre Councils requirement to assure the public that all drivers of Wyre licensed vehicles are checked and scrutinised to an appropriately high standard. He was also informed that his progress would be monitored throughout the year and if he committed any further offences or missed any of the 3 month rule conditions that he would be brought back before Licensing Committee for consideration.

50 Application to vary a Premises Licence - Truth Bar, Poulton-le-Fylde

The Service Director Health and Wellbeing submitted a report to assist members of the Licensing Committee to determine an application to vary a premises licence PL(A)0260, in respect of Truth Bar, 33 Market Place, Poulton-le-Fylde, FY6 7BS.

A document showing that the applicant had employed a sound engineer to reset the noise limiter, which had been received after the agenda had been published, was handed out to the Committee and the two members of the public present.

Mrs Adkinson and Mr Huckerby were both present at the meeting and they were legally represented by Mr Woosnam and supported by Mr Barr.

Mr Woosnam spoke to the committee, explaining the circumstances of his client's recent application for the variation of the Premises Licence for their business; Truth Bar. He advised the committee that the application sought to extend the permitted hours for the sale of alcohol on Friday and Saturday nights, Bank Holiday Sundays, Christmas Eve, Boxing Day and New Year's Eve, until 02.30 hrs. Also to extend the hours for live and recorded music to 02.45 on those days and to remain open to the public until 03.00 hrs.

Members asked various questions of Mr Woosnam, which he answered.

The one local resident and a Breck Ward Councillor spoke to the committee about their objections to the application due to noise, anti-social behaviour and litter.

Members asked questions of both the local resident and the Breck Ward Councillor.

Mr Woosnam asked questions of Mrs Loftus.

Members retired to consider the application in closed session. The Licensing Committee then reconvened and the Chairman announced the Committee's decision.

RESOLVED that

The Committee decided to vary the premises licence for the licensable activities applied for, subject to the additional conditions agreed with the Police Licensing Officer and the Environmental Health Officer which were outlined within the report.

Reasons for the Decision

- The Committee considered the written representations from local residents and listened to Cllr's Henderson's submissions concerning the potential for noise nuisance in the local area. The Committee noted that the company had held ten Temporary Event Notices (TENS) since May 2017 for the same hours being applied for and there had been one objection from a local resident regarding levels of noise from the premises on 18th November 2017. Mr Woosnam explained that the premises had resolved the issue within minutes by reducing the volume at the premises and resetting the noise limiter to lower levels. The Committee noted that Mrs Loftus, although a local resident had not experienced any issue with noise from the premises. The Committee heard from Mr Woosnam that there was no other evidence to suggest that the premises had caused a nuisance or disturbance during its operating hours or when operating the TENS. The Committee noted that the Council's Environmental Health Officer had not objected to the application and had recommended a number of conditions be added to the licence which had been accepted by the Applicant. The Committee were satisfied that these conditions were sufficient to address the potential for public nuisance arising from the extended opening hours.
- The Committee also considered Councillor Henderson's concerns about the concentration of late night premises in Poulton, the lack of police in the area at 3am and the potential for crime and disorder/public nuisance. However, it was noted that the police had not objected to the application and had agreed a change to the premises' conditions which had been accepted by the Applicant. Although it was accepted that Poulton did have a concentration of mainly on-licensed premises, that as there is no Cumulative Impact Policy for Poulton, there is no presumption against the grant of a new licence. The Committee were satisfied that there was little

or no evidence provided that the extension of hours would contribute to disorder or nuisance in the area and were satisfied that the additional conditions would minimise the impact on the area.

- The Committee were satisfied that the premises had been subject to considerable soundproofing and considered that the Applicant was acting in a reasonable and responsible manner and was willing to work with local residents to resolve any issues.
- After listening to Mrs Loftus's concerns about litter, the Committee were satisfied that the condition relating to litter would address this issue and noted that the Applicant was prepared to operate a more extensive litter sweep than currently undertaken.
- The Committee were satisfied that the variation of the premises licence subject to the conditions was appropriate to prevent the premises contributing to disorder/nuisance in the area and would not undermine the Licensing Objectives. However, the Committee did advise Mrs Loftus that if any resident had issues in the future regarding disorder or nuisance from the premises, then they can ask the council to review the premises licence.

Licensing Conditions both existing and to be added to the Premises Licence:

1. The maximum number of persons to be accommodated in the first floor of the premises at any one time shall be 100.
2. Seating shall be provided for a minimum of 60% of the maximum floor area on the ground floor of the premises and set out in such a way that it does not become a vertical drinking establishment.
3. At least one personal licence holder will be available on the Premises after 21:00 while the supply or sale of alcohol is being undertaken (whose identity is known to all other members of staff engaged in the supply or sale of alcohol) except in the case of emergency.
4. Another member of staff shall be nominated to act for the DPS in their absence whose identity is known to all staff when such absence occurs.
5. An authorisation signed and dated by the DPS shall be kept at the premises showing all persons authorised to make sales of alcohol at the premises.
6. 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.

7. A drugs prevention strategy for the venue will be developed and applied. The strategy will include arrangements for the location of posters and the distribution of other information relating to drug risks, the dangers associated with drugs and the legal provisions relating to drug use.
8. Where there is reasonable suspicion that drugs are being carried, the licensee shall ensure that the outer clothing, pockets and bags of those entering the venue are searched by a trained staff member of the same sex.
9. Clearly visible notices, in a form prescribed by the Council, 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.
10. Security arrangements are sufficient to discourage the sale and consumption of drugs and shall ensure such arrangements include regular checks of toilet areas.
11. Any customers known to have been previously convicted of committing criminal offences relating to drugs shall be excluded from the premises.
12. Records of incidents involving the use and / or detection of drugs shall be maintained and those records shall be available for inspection.
13. Confiscated and found drugs shall be stored, disposed, transferred in accordance with procedures agreed with the Lancashire Constabulary.
14. Frequent collection of glasses and bottles will be undertaken to ensure that empty containers do not accumulate in and around the premises.
15. All drinking vessels used at the premises will be made of toughened glass.
16. An incident book will be maintained in which will be recorded:
 - All incidents of crime and disorder.
 - Refused sales to suspected underage and drunken persons.
 - Any persons asked to leave or who are removed from the premises.
 - Details of occasions on which the Police are called to the premises.
 - Occasions on which persons are 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.

17. All members of staff shall receive suitable training with regard to serving drinks 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.
18. Any person within the premises who appears to be intoxicated and who is behaving in a disorderly manner will be asked to conduct themselves

correctly and if they refuse will be asked to leave the premises and will be escorted off the premises in a calm and appropriate manner.

19. 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.
20. No entertainment of an adult or sexual nature will take place on the premises.
21. The Licence holder is to support and rigorously enforce the Challenge 25 proof of age policy.
22. 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. UK photo driving licence
 - ii. Passport
 - iii. Official ID card issued by HM Forces or European Union bearing a photograph and date of birth of the holder.
23. If no suitable identification is provided the sale of alcohol will be refused.
24. All staff involved in the sale of alcohol shall receive suitable training in relation to the proof of age scheme to be applied upon the premises. All such staff to receive regular refresher training at intervals of at least 4 months. Records to evidence this will be made available to officers on request.
25. Suitable signage will be displayed to show that the Challenge 25 policy is operated.
26. CCTV will be installed internally and externally at the premises and will comply with the following: -
 - Appropriate signage alerting customers to CCTV recording must be displayed in conspicuous positions on the premises.
 - The CCTV system shall be installed, maintained and operated to the reasonable satisfaction of Lancashire Constabulary. All public areas of the premises are to be covered by the system.
 - The system will incorporate a camera covering the main entrance doors to the premises.
 - Each camera will be capable of providing an image which is regarded as identification standard in all lighting conditions.
 - The system will display on any recording the correct time and date of the recording.
 - The system will make recordings during all hours that the premises are open to the public.
 - Digital recordings will be held for a minimum of 28 days after the recording is made and will be made available to the police or any

authorised persons acting for a responsible authority for inspection upon request.

- The system will, as a minimum, record images of the head and shoulders of all persons entering the premises.

27. 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 recent data or footage with the absolute minimum of delay, when requested.
28. The Licence Holder or Designated Premises Supervisor will 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.
29. Bi-annual documented maintenance checks of the CCTV system, including the recording system, will be carried out by a suitably qualified CCTV engineer to ensure that the system is in good working order and is operating in compliance with the conditions of this licence.
30. No customers shall be admitted to the premises 1 hour prior to the end of licensable activities. For the avoidance of doubt this condition shall not apply to those customers who were on the premises prior to the stated times and who exited the premises for the purpose of smoking.
31. 2 SIA door staff will be on duty from 20:00 hours each Friday and Saturday night, Sunday before a bank holiday, Christmas Eve, Boxing Day and New Year's Eve together with an additional door staff after 22:00 for the first 100 customers and a further one for every further 100 or part thereof. At all other times the licence holder will determine an appropriate number of door staff having regard to a risk assessment maintained by the licence holder and which must be available for inspection if required.
32. A signing in sheet will be completed by each member of door staff on duty at the premises to include the times of their tour of duty, SIA badge number, full name, signature and date of birth. A quantity of blank incident report forms will be kept with this file. All records will be available for inspection on request of a police officer or authorised officer.
33. A queuing system will be implemented at the main point of entry to assist in the monitoring of customers.
34. An appropriate device will be utilised by door staff to keep an accurate record of the capacity levels in the Premises to include a separate capacity level of 100 for the first floor bar.
35. A dispersal policy which is agreed by the Police is to be implemented at all times.

36. Door staff will remain outside the premises until at least 10 minutes after the last customer has left the premises in order to prevent disorder and nuisance.
37. The departure of customers from the premises shall be effectively managed by staff who will request patrons to leave quietly and avoid causing noise, nuisance or disturbance in the area.
38. The Licence holder will arrange for litter and cigarette debris dropped in the vicinity of the licensed premises to be collected and removed at the end of operating hours.
39. The Licence Holder shall ensure that staff arriving before 09:00 or leaving late at night when the premises have ceased trading conduct themselves in such a manner as to avoid disturbance to local residents and neighbours.
40. Persons under the age of 18 shall only be admitted onto the premises if accompanied by an adult. Except for pre-arranged private functions and ticketed events children under the age of 18 shall vacate the premises by 19:00 unless partaking in a meal.
41. Functions which specifically target young people aged 17-18 (for example birthday parties) will not be allowed to take place on the premises.
42. 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.
43. No drink shall be removed from the premises in an unsealed container.
44. 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.
45. 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.
46. The volume of amplified sound used in connection with any regulated entertainment shall at all times be under the control of the licensee or management and the controlling mechanism shall be operated from a part of the premises inaccessible to the public.
47. The Licence Holder shall ensure that noise or vibration shall not emanate from the premises such as to cause disturbance to persons in the neighbourhood.

48. The volume of amplified sound shall not exceed background noise level when measured at the nearest sensitive residential receptor.
49. All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency.
50. The noise level from the premises whilst being used for public entertainments purposes shall not exceed the background noise level measured over a 5 minute LEQ measured at the nearest residential properties.
51. 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.
52. 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).
53. 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.
54. 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.
55. 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.
56. 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.
57. 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.

58. 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.
59. 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
60. There shall be maintained on the premises at all times an adequate and appropriate supply of first aid equipment and materials.
61. The premises shall be provided with adequate lavatory accommodation which shall at all times when the premises are in use be kept clean, ventilated, disinfected and supplied with hot and cold water, soap, toilet tissue, hand drying and sanitary towel disposal facilities as appropriate.
62. In no circumstances shall any person be allowed to: -
 - (i) sit in any gangway;
 - (ii) stand or sit in front of any exit; or
 - (iii) stand or sit on any staircase including any landing.

The meeting started at 6.07 pm and finished at 8.00 pm.

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