

Licensing Committee Minutes

The minutes of the Licensing Committee meeting of Wyre Borough Council held on Tuesday, 21 May 2019 at the Civic Centre, Poulton-le-Fylde.

Licensing Committee members present:

Councillors Cartridge, Robinson and Smith

Apologies for absence:

None.

Other councillors present:

None.

Officers present:

Niky Barrett – Senior Licensing Officer

Mary Grimshaw – Senior Solicitor

Carole Leary – Democratic Services Officer

Four Applicants from The Park Club and eleven members of the Public attended the meeting.

62 Declarations of Interest

None.

63 Application for a Premises Licence in respect of The Park Club, West Drive, Thornton Cleveleys, Lancashire, FY5 2BL

The Service Director Health and Wellbeing submitted a report to provide information to assist them at a hearing to determine an application for a new premises licence under the provisions of the Licensing Act 2003 for The Park Club, West Drive, Thornton Cleveleys, Lancashire, FY5 2BL.

The Park Club Applicants were present at the meeting, and spoke in support of their application.

Local Resident's living in the vicinity of The Park Club were present at the meeting and spoke to the Licensing Sub Committee members.

Additional paperwork was published on the council's website as a supplementary item and handed out at the Licensing Sub Committee meeting, as this information had been received after the original agenda was published.

Also a local resident provided additional information in the form of an email, which had been emailed to the Senior Licensing Manager. This was copied and handed out to everyone in attendance at the meeting.

The Senior Licensing Officer introduced the report.

The Secretary of The Park Club spoke to the Sub Committee, explaining the circumstances around the recent application for extending the time for licensable activity at this Club. This was to vary the permitted times for licensable activities and opening hours, as stated within the report.

The Committee heard oral evidence from The Park Club's representatives and the Local Residents.

The Licensing Sub Committee Members asked questions of the Applicants and the Wyre Residents, which they answered.

The Licensing Sub Committee Members, the Senior Solicitor and the Democratic Services Officer left the room to consider the application in closed session.

The Licensing Sub Committee, Wyre Officers, the Applicants and the Residents then reconvened and the Chairman announced the Sub Committees decision.

In reaching its decision, the Committee had regard to:

1. The Licensing Act 2003 (the Act)
2. The Guidance published by the Secretary of State under s182 of the Act
3. The Council's Licensing Policy
4. Human Rights Act 1998

Decision

The Committee decided to grant the premises licence for the same hours as currently authorised in the Club Premises Certificate, save for the opening hour for regulated entertainment and supply of alcohol to start at 9.00am as applied for in the premises licence application as follows: Live Music, recorded music, performance of dance and anything of a similar description and the supply of alcohol for consumption on the premises.

Sunday to Thursday 09:00 to 00:00

Friday and Saturday 09:00 to 01:00

Non-standard timings, licensable activities are permitted:

Until 02:00 on 25 and 27 December and between normal closing on 31st December and normal opening on 1 January.

Opening hours of the Club
Monday to Thursday 09:00 to 01:00
Friday and Saturday 09:00 to 02:00

Non-standard timings, for opening hours
Until 03:00 on 25 and 27 December and between normal closing on 31st December and normal opening on 1 January.

The Committee also decided to impose a number of new conditions that had been agreed by the Police and Environmental Health and accepted by the Applicant as had been set out in Appendix 5 of the report and listed below.

1. The primary purpose of the venue shall be that of a private members club and members are issued with a swipe card for admission.
2. Guests may attend the premises but must be signed in by a member and a register will be maintained at the premises, wherein the names of any guests will be duly recorded and must be made available to an authorised officer on request.
3. Non-members can attend the premises for private functions taking place in the function room and/or lounge area.
4. Any external areas will cease to be used for the consumption of food or drink at 22:00 hrs daily.
5. On these occasions, and on Friday & Saturday evenings, there will be a suitable member of management on the premises until the venue has closed.
6. 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 31 days and 21 days respectively, 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.
 - 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.

7. 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.

8. The premises will operate a zero tolerance drugs policy and any drugs found shall be confiscated, stored, disposed of or transferred in accordance with procedures agreed with the Lancashire Constabulary.

9. Security arrangements will be sufficient to discourage the sale and consumption of drugs: such arrangements to include regular checks of toilet areas.

10. At least one personal licence holder (whose identity will be known to all other staff engaged in the sale or supply of alcohol) will be available (or contactable by telephone) whilst the sale or supply of alcohol is being undertaken, except in the case of emergency.

11. An authorisation of sales, signed and dated by the DPS, shall be kept at the premises showing all persons authorised by them to make sales of alcohol at the premises. All staff involved in sales will be at least 18 years of age and will receive training to promote the licensing objectives. All training to be documented and records made available on request to Lancashire Police or any authorised officer.

12. There will be a "Challenge 25" scheme in operation at the premises, requiring any individual who appears to be under the age of 25 to provide identification to prove that they are over the age of eighteen. In the event that the individual is unable to provide said identification, then the sale of alcohol will be refused. The only forms of identification which will be accepted as proof of age are:

- a. a valid UK Passport;
- b. a valid UK photo card driving licence;
- c. a PASS card; and / or,
- d. any other form of identification previously agreed with representatives from the Blackpool Police Licensing Unit.
- e. any other nationally or locally approved form of identification which may be introduced in the future.

Signs promoting this policy shall be prominently displayed at public entrances and alcohol sales areas.

13. All staff to have received suitable training in relation to the Proof of Age Scheme to be applied upon the premises. Records to evidence this will be made available to an authorised officer upon request.

14. An incident book will be maintained, in which shall be recorded:

- a. All incidents of crime and disorder
- b. Refused sales to suspected under age / drunken persons
- c. A record of any person refused admission or asked to leave the premises
- d. Details of occasions upon which the Police are called to the premises

e. The use or discovery of drugs. That book shall be available for inspection by a Police Officer or authorised person.

15. Risk assessments as to the need for licensed door supervisors will be undertaken for general business and for special events. Those risk assessments will be made available to responsible authorities on request.

16. There is emergency lighting throughout the building.

17. Fire Risk assessment to comply with the Regulatory Orders have been completed.

18. Firefighting equipment is serviced annually.

19. Fire alarm tests are carried out regularly and recorded.

20. PAT testing is carried out annually.

21. There are current gas and electrical safety certificates.

22. Mechanical extraction is in place.

23. 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.

24. The noise level from the premises whilst being used for public entertainment purposes shall not exceed background level at the nearest residential premises.

25. All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency.

26. 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.

27. 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.

28. 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. Empty glasses and bottles will be frequently collected from the premises.

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

30. 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.

31. 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.

32. Functions which specifically target young people aged 17-18 years (for example birthday parties) will not be allowed to take place on the premises.

33. Children under 16 must be supervised by a responsible adult at all times.

34. Any person under 18 is only permitted to remain on the premises until 22.00 hours.

Reasons for the Decision

- The Committee considered all the evidence before it, including the written and verbal representations from local residents concerning the potential for noise nuisance and disorder in the local area if the premises were allowed to open to non- members for longer hours.

- A number of residents made reference to existing problems regarding noise nuisance and disturbance from patrons using the venue but acknowledged that this was isolated and that the premises were generally well run by the management. The Committee noted that the Licensing Authority had not received any complaints that directly relate to these premises, despite the premises holding a number of private functions and operating as a members' club for many years. It was also noted that all of the Responsible Authorities had been consulted and whilst none had objected to the proposed hours, the Police and Environmental Health had recommended a number of new conditions.

- The Committee heard from the Applicant that they wanted to widen the scope of the business and a premises licence would allow non- members to hold private functions without the need for non- members signing in which was time consuming and onerous. The Committee also heard that the Club would continue to operate as a members' club, rather than a full on- licensed venue and wanted to work with the residents to allay their fears about noise nuisance and disturbance.

- It was pointed out by the Licensing Manager, that there were minimal

conditions on the existing Club Premises Certificate relating to noise and disturbance, but if the Premises Licence were granted the Applicant had agreed to the new conditions proposed by the Police and Environmental Health, which the Committee acknowledged would help mitigate the concerns of the residents about crime, disorder and nuisance.

- However, the Committee still considered the lateness of the hours applied for to be an issue, as the premises were situated in a residential area. The Committee concluded that residents could be affected by any noise/disturbance from patrons leaving the premises if the hours in the application were permitted and considered a 2am closing time to be too late during the working week and accordingly granted the premises licence for the same hours as currently authorised in the Club Premises Certificate subject to the conditions agreed by the Applicant.

- It was noted, that if any resident had issues in the future regarding disorder or nuisance from the premises, that they can ask the Licensing Authority to review the premises licence.

The meeting started at 6.10 pm and finished at 7.21 pm.

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