



# Agenda

## Licensing Hearing

Date:	Tuesday, 17 November 2020 – 10am
Venue:	Remote meeting via Zoom
Committee members:	Councillor Alan Clayton (Convenor) Councillor Matthew Lee Councillor Viv Willder  Councillor Frank Andrews (Reserve)

**Please Note:** This meeting is being held remotely via Zoom. To access the meeting please click on the link below.

Join Zoom Meeting - <https://us02web.zoom.us/j/87884627097?pwd=WVhKU01qcVloZGhwNElWNDc0WUtRUT09>

Meeting ID: 878 8462 7097

Passcode: 165284

Item		PAGE
1	<b>Declarations of Interest:</b> Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	<b>Procedure for the Conduct of Remote Hearings</b>	3 - 5
3	<b>Application for the Grant of a Premises Licence - The Courtyard, 2 Queen Street, Lytham</b>	6 - 25

Contact: Sharon Wadsworth - Telephone: (01253) 658546 – Email: [democracy@fylde.gov.uk](mailto:democracy@fylde.gov.uk)

The code of conduct for members can be found in the council's constitution at  
<http://fylde.cmis.uk.com/fylde/DocumentsandInformation/PublicDocumentsandInformation.aspx>

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## LICENSING ACT 2003

### THE LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005

#### PROCEDURE FOR THE CONDUCT OF REMOTE HEARINGS

#### **1. Preliminary**

- 1.1. Under the regulations, the Licensing Authority is required to determine the procedure that it proposes to follow at any hearing under the Act.
- 1.2. During the restrictions associated with the coronavirus pandemic, Fylde's licensing panels will follow the procedure set out in this document instead of their normal procedure, subject to any changes that the panel makes for a particular hearing.
- 1.3. During this period all hearings will be held remotely. Participants and members of the public will access the hearing via the Zoom platform ([www.zoom.us](http://www.zoom.us)).
- 1.4. Any reference in this procedure to a hearing, or to participating in or attending a hearing, is a reference to a hearing held as set out on 1.3.
- 1.5. Please refer to the regulations for other rules about procedure

#### **2. Interpretation**

In this procedure, the following words or phrases have the following meanings:

applicant	an applicant for a licence or any person who has a licence which may be reviewed or revoked as a result of the hearing
act	The Licensing Act 2003
licence	Includes any consent or permission under the act
normal procedure	The procedure set out in the Fylde Council document "Procedure for the Conduct of Hearings"
panel	A sub-committee established by Fylde Borough Council under section 10 of the act
participant	A panel member, party, person representing a party, witness or council officer involved in the hearing
regulations	The Licensing Act 2003 (Hearings) Regulations 2003, and any reference to a numbered regulation is to the regulation so numbered in that statutory instrument
witness	A person given permission to appear at the hearing under regulation 8(2)

#### **3. Before the hearing**

- 3.1. At least ten days before the hearing, the panel will meet to consider:
  - 3.1.1. If the circumstances set out in regulation 9(1) apply, whether to dispense with holding a hearing;

- 3.1.2. What, if any, particular points it considers it will want clarification on at the hearing from a party under regulation 7(1)(d), and
  - 3.1.3. What time limit to set under regulation 24.
- 3.2. If it is not practicable for the panel to meet to consider these matters, the convenor may ascertain the views of panel members separately and give effect to the majority view as if it had been reached in a meeting of the panel.

#### **4. Opening the hearing**

- 4.1. The legal officer will identify all participants.
- 4.2. The legal officer will then explain to the parties the procedure to be followed at the hearing, specifically drawing attention to any departures from the procedures set out in this document and the reasons for them. The legal officer will also inform the parties that the proceedings will be recorded.
- 4.3. The panel will then consider any request by a party under regulation 8(2) for another person to appear at the hearing. The convenor will give any party who has made such a request (or their representative) which the panel proposes to deny an opportunity to address the panel about their request. The panel will then re-consider the request.
- 4.4. The convenor may invite any officer to carry out any functions under this paragraph.

#### **5. Zoom protocols**

- 5.1. The legal officer or any other officer nominated by the convenor will act as the host for the Zoom meeting, under the overall direction of the convenor.
- 5.2. Video and audio settings would be monitored and where necessary mandated by the host as set out below, unless otherwise directed by the convenor:

	Video setting	Audio setting	Remarks
Panel member	On	Muted unless speaking	Avoids audio distractions, and (when on speaker view) avoids participant being placed "Centre stage" simply because a door had banged in their house or they have put a coffee cup down indelicately.
Officer	On	Muted unless speaking	Ditto
Representative or party representing themselves	On	Muted unless speaking	Parties can only have one representative for the purposes of this protocol
Party (unless representing themselves)	Off unless speaking	Muted unless speaking	
Witness	Off unless speaking	Muted unless speaking	
Member of the public other than a participant	Off	Muted	

- 5.3. The host will hide participants whose video is off. This ensures that the only participants on screen are panel members, officers, representatives or parties representing themselves and any witness who is addressing the panel at that particular time.

## **6. *Listening to the parties***

- 6.1. Each of the parties will then be invited to:
- 6.1.1. Open their case by addressing the panel;
  - 6.1.2. Give any further information requested by the panel under regulation 7(1)(d);
  - 6.1.3. Present the evidence of any witness; and
  - 6.1.4. Conclude their case by addressing the panel.
- 6.2. The order in which the parties will be invited to put their cases will be in the discretion of the panel, except that a party who is an applicant will be invited to put their case last.

## **7. *Questioning the parties***

- 7.1. Members of the panel may, following the conclusion of the case of each party, ask questions of that party or any witness appearing for them.
- 7.2. A party or their representative may only question another party if they have asked for permission from the panel after the panel members have finished questioning that party or their witness. The panel will only give permission if it is satisfied that the questioning will provide useful information about a matter relevant to their determination which is unlikely to be placed before the panel without such questioning.

## **8. *Time limits***

Each party will be limited to the time set by the panel under regulation 24 in which to exercise their rights provided in paragraphs 6 and 7.2. The convenor will require the party or their representative to close their case or cease their questioning immediately this time limit is reached.

## **9. *Considering the decision***

- 9.1. The hearing will conclude after all parties have presented their case and responded to any questions. The panel will then deliberate on its decision by whatever means it considers to be appropriate.
- 9.2. The panel may, while it is considering its decision, seek advice from legal or licensing officers, either verbally or in writing. Officers will limit their advice to the specific issue identified by the panel.
- 9.3. When the panel has reached its decision, it may ask the legal, licensing or committee officers to review and offer observations on the draft decision notice.

## **10. *Communicating the decision***

- 10.1. The decision will be sent in writing to all parties in accordance with the regulations.

## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	LICENSING HEARING	17 NOVEMBER 2020	3
<b>APPLICATION FOR THE GRANT OF A PREMISES LICENCE THE COURTYARD, 2 QUEEN STREET, LYTHAM</b>			

### PUBLIC ITEM

This item is for consideration in the public part of the meeting.

### SUMMARY

The Licensing Authority has received an application for the grant of a new premises licence for 2 Queen Street, Lytham. There has been a representation from an “other person” as defined by the Act and as such a hearing must be held to determine the application.

### RECOMMENDATION

That the Panel considers the application and determines to either:

- (a) grant the application subject to the conditions specified in the operating schedule modified to such extent as the panel considers appropriate for the promotion of the licensing objectives, and any mandatory condition,
- (b) exclude from the scope of the licence any of the licensable activities to which the application relates,
- (c) refuse to specify a person in the licence as premises supervisor,
- (d) reject the application

### SUMMARY OF PREVIOUS DECISIONS

There are no previous decisions relating to this matter

CORPORATE PRIORITIES	
Economy – To create a vibrant and healthy economy	✓
Environment – To deliver services customers expect	✓
Efficiency – By spending money in the most efficient way	✓
Tourism – To create a great place to live and visit	✓

## REPORT

### APPLICATION

1. The application is for a new premises licence at 2 Queen Street, Lytham.
2. The matter has been referred to the licensing panel because a relevant representation has been received from “other persons” as defined by the Act.

### PAPERS

3. The following papers are relevant and have been made available to the panel members:
  - The Application, including the plan and the Operating Schedule
  - The Statutory Guidance for Licensing Authorities issued by the Secretary of State under Section 182 of the Licensing Act 2003
  - The Council’s Statement of Licensing Policy
  - Copies of relevant representations made by the following responsible authorities:  
None received
  - Copy of Relevant Representation made by the following interested party
    - Mr R Steele

### CONSIDERATION

4. The Licensing Objectives are:
  - The prevention of crime and disorder
  - Public Safety
  - The prevention of public nuisance
  - The protection of children from harm
5. As a relevant representation has been made, it is the duty of the panel to take such of the steps set out below as it considers appropriate for the promotion of the licensing objectives. The steps are –
  - a) Grant the application subject to the conditions specified in the operating schedule modified to such extent as the panel considers appropriate for the promotion of the licensing objectives and any mandatory conditions;
  - b) Exclude from the scope of the licence any of the licensable activities to which the application relates
  - c) Refuse to specify a person in the licence as a premises supervisor; or
  - d) Reject the application
6. The Guidance issued by the Secretary of State and the Council’s Statement of Licensing Policy will be material in considering the application, but cannot override the licensing objectives.
7. The following parts of the Secretary of State’s guidance appear to be particularly relevant to the application and the relevant representations:
  - 2.15 Public Nuisance
  - 8.13 Other persons
  - 9.31 Hearings
  - 9.42 Determining actions that are appropriate for the promotion of the licensing objectives

However, the parties appearing at the hearing may wish to draw the panel’s attention to other parts of the policy.
8. The following parts of the Council’s Statement of Licensing Policy appear to be particularly relevant to the application and the relevant representations:
  - 7 General approach to licensing

- 9.5 Licensing Panel Hearings
- 18 Need for Licensed Premises
- 10.3 Conditions that the Licensing Panel may impose

However, the parties appearing at the hearing may wish to draw the panel's attention to other parts of the policy.

## PROCEDURE

- 9. The applicant and the maker of the relevant representations have been invited to attend or be represented at the hearing.
- 10. The panel is asked to use the Procedure for the Conduct of Remote Hearings in the hearing.

IMPLICATIONS	
Finance	No further implications arising directly from the report
Legal	No further implications arising directly from the report
Community Safety	No further implications arising directly from the report
Human Rights and Equalities	No further implications arising directly from the report
Sustainability and Environmental Impact	No further implications arising directly from the report
Health & Safety and Risk Management	No further implications arising directly from the report

LEAD AUTHOR	CONTACT DETAILS	DATE
Joanne Gallagher	<a href="mailto:Joanne.gallagher@fylde.gov.uk">Joanne.gallagher@fylde.gov.uk</a> 01253 658609	28 <sup>th</sup> October 2020

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
S182 Statement of licensing policy	April 2018	<a href="#">Section 182 Guidance</a>
Fylde Council Statement of Licensing Policy	January 2016	<a href="https://new.fylde.gov.uk/wp-content/uploads/2019/05/Final-Statement-of-Licensing-Policy-2016-2021.pdf">https://new.fylde.gov.uk/wp-content/uploads/2019/05/Final-Statement-of-Licensing-Policy-2016-2021.pdf</a>

## Attached documents

- 1 Application form
- 2 DPS Consent
- 3 Plan of premises
- 4 Representation
- 5 Area plan



 <b>THE   LICENSING   PRACTICE   LTD</b> Specialists in Local Authority Licensing	3 Cardinal Place, Cleveleys, Lancs. FY52SQ Telephone: 01253 858186 or 01253 7708109 Fax: 01253 858186 <b>E-mail: <a href="mailto:Licensingpract@aol.com">Licensingpract@aol.com</a> Website: <a href="http://www.licensingpractice.co.uk">www.licensingpractice.co.uk</a></b>
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## 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 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.

We **The Courtyard Lytham Limited** apply for 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, ordinance survey map reference or description	
<b>The Courtyard 2 Queen Street</b>	
Post town <b>Lytham St Annes</b>	Post code <b>FY8 5LQ</b>
Telephone number of premises (if any)	
Non domestic rateable value of premises	<b>£ 8900</b>

### Part A2 - Applicant Details

Please state the capacity in which you are applying to convert your existing licence

**Please tick**

<b>a)</b> an individual or individuals		please complete section(A)
<b>b)</b> a person other than an individual		please complete section (B)
i. as a limited company	<input checked="" type="checkbox"/>	please complete section (B)
ii. as a partnership		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)
<b>c)</b> a recognised club		please complete section (B)
<b>d)</b> a charity		please complete section (B)
<b>e)</b> the proprietor of an educational establishment		please complete section (B)
<b>f)</b> a health service body		please complete section (B)
<b>g)</b> a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital		please complete section (B)
<b>h)</b> the chief officer of police of a police force in England and Wales		please complete section (B)

## Appendix 1 - Application

\*If you are applying as a person described in (a) or (b) please confirm:

Please tick ✓

- 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)

Mrs										Other title (for example, Rev)	
Surname						First names					
Please tick ✓ yes											
I am 18 years old or over											✓
Current postal address if different from premises address											
Post Town						Postcode					
Daytime contact telephone number											
Email address (optional)											

**SECOND INDIVIDUAL APPLICANT (IF APPLICABLE)**

Mr		Mrs								Other title (for example, Rev)	
Surname						First names					
Please tick ✓ yes											
I am 18 years old or over											
Current postal address if different from premises address											
Post Town						Postcode					
Daytime contact telephone number											
Email address (optional)											

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In case of a partnership or other joint nature (other than a body corporate), please give the name and address of each party concerned.

Name	<b>The Courtyard Lytham Limited</b>
Address	<b>2 Queen Street Lytham St Annes FY8 5LQ</b>
Registered number (where applicable)	<b>12883101</b>
Description of applicant (for example, partnership, company, unincorporated association etc.)	<b>Limited Company</b>
Telephone number (if any)	<b>07771935338</b>
E-mail address (optional)	

**Part 3 Operating Schedule**

	Day		Month		Year			
When do you want the premises licence to start?	1	5	1	0	2	0	2	0

	Day		Month		Year			
If you wish the licence to be valid only for a limited period, when do you want it to end?								

If 5000 or more people attend the premises at any one time, please state the number expected to attend	<b>N/A</b>
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Please give a general description of the premises (please read guidance note 1)
The premises, comprise a long established small cafe on the corner of Queen Street and Henry Street close to the town centre of Lytham. Besides the cafe there is an orangery and open courtyard to the rear with kitchen and toilet facilities for patrons together with an outside seating area to the front of the building.

What licensable activities do you intend to carry on from the premises?  
(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Please tick ☒ Yes

**Provision of regulated entertainment**

a) plays	
b) films	
c) indoor sporting events	
d) boxing or wrestling entertainment	
e) live music	
f) recorded music	
g) performances of dance	
h) anything of a similar description to that falling within (e), (f) or (g)	

<b>Provision of late night refreshment</b> (if ticking yes, fill in box I)	
<b>Sale by retail of alcohol</b> (if ticking yes, fill in box J)	✓

In all cases complete boxes K, L and M

**Boxes A to I not applicable in this application**

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption on or off the premises or both</b> – please tick (✓) (please read guidance note 7)	<b>On the premises</b>	
				<b>Off the premises</b>	
				<b>Both</b>	✓
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)  None		
<b>Mon</b>	08.30hrs	19.00hrs			
<b>Tue</b>	08.30hrs	19.00hrs			
<b>Wed</b>	08.30hrs	19.00hrs			
<b>Thur</b>	08.30hrs	19.00hrs			
<b>Fri</b>	08.30hrs	19.00hrs	<b>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.</b> (please read guidance note 5 )  From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.  The terminal hour for this licensable activity is to be extended by one hour every;- <ul style="list-style-type: none"> <li>Friday, Saturday, Sunday and Monday of each, Easter Bank Holiday, May Bank Holiday, Spring Bank Holiday, and August Bank Holiday weekend.</li> <li>Valentines Night, Christmas Eve, Boxing Day, Lytham Festival and Club Day and</li> <li>Every night in December</li> </ul>		
<b>Sat</b>	08.30hrs	19.00hrs			
<b>Sun</b>	08.30hrs	19.00hrs			

**State the name and details of the individual whom you wish to specify on the licence as premises supervisor**

Name: **Elaine Nabridnyj**

Address: **50 Westby Street, Lytham St Annes. FY8 5JG**

Personal licence number (if known) **to be applied for.**

Issuing licensing authority (if known) **Fylde Borough 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 8)**

**None**

**L**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)
Day	Start	Finish	None
Mon	08.30hrs	19.00hrs	
Tue	08.30hrs	19.00hrs	
Wed	08.30hrs	19.00hrs	
			<b>Non standard timings. Where you intend to open the premises to the public at different times from those listed in the column on the left, please list.</b> (please read guidance note 5) From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.  The terminal hour for closure of the premises is to be extended by one hour every;- <ul style="list-style-type: none"> <li>• Friday, Saturday, Sunday and Monday of each, Easter Bank Holiday, May Bank Holiday, Spring Bank Holiday, and August Bank Holiday weekend.</li> <li>• Valentines Night, Christmas Eve, Boxing Day, Lytham Festival and Club Day and</li> <li>• Every night in December</li> </ul>
Thur	08.30hrs	19.00hrs	
Fri	08.30hrs	19.00hrs	
Sat	08.30hrs	19.00hrs	
Sun	08.30hrs	19.00hrs	

**M**

**Describe the steps you intend to take to promote the four licensing objectives:**

**a) General – all four licensing objectives (b, c, d, e) (please read guidance note 9)**

The primary purpose of the premises will be that of a cafe serving food. The sale of alcohol will be ancillary to this use.

The provision of food shall form a substantial element of the operation of the premises with sufficient furniture and seating provided and set out in such a way that it shall not become a high volume, vertical drinking establishment.

Whenever licensable activities are available at the premises a waiter/waitress service shall be available.

**b) The prevention of crime and disorder**

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

No person in possession of a drink in a sealed or unsealed container will be allowed to enter the premises except for the purposes of delivery.

No drink will be removed from the premises or outside area in an unsealed container save for unfinished bottles of wine which must be re-corked before being taken away from the premises.

CCTV shall be installed at the premises and will comply with the following:

1. 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 entrance door and will be capable of providing an image which is regarded as identification standard.
2. The system will display the correct date and time
3. The system will make recordings during all hours the premises are open to the public
4. VCR tapes or digital recordings shall be held for a minimum of 21 days after the recording is made and will be made available to the Police or any authorised persons for inspection upon request.
5. The system will, as a minimum, record images of the head and shoulders of all persons entering the premises.
6. A staff member who is conversant with the operation of the CCTV system will be on the premises at all times the premises are open to the public. This staff member will be able to show recent data or footage with the absolute minimum of delay when requested to by a Police Officer or a Local Authority Enforcement Officer.

Appropriate signage alerting customers to CCTV recording shall be displayed in conspicuous positions on the premises.

Frequent collection of glasses and bottles shall be undertaken to ensure that empty containers do not accumulate in or around the licensed premises.

Appropriate measures shall be taken to ensure staff prevent the removal of bottles or glasses from the curtilage and grounds of the licensed premises or any outside area under the control of the premises licence holder.

Any person who appears to be intoxicated or who is behaving in a disorderly manner shall not be allowed entry to the premises. Any person within the premises who appears to be intoxicated or who is behaving in a disorderly manner shall be given care and consideration in leaving the venue.

Any risk assessments carried out by or on behalf of the Licence holder, which relate to a licensing objective shall be available for inspection by an officer of a Responsible Authority.

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 and drunken persons
- c. A record of any person asked to leave the premises or removed from the premises
- d. Details of occasions on which the police are called to the premises

The book will be available for inspection by a police officer.

All staff who are involved in the sale of alcohol shall be trained in relation to the licensing objectives so as to reduce crime and disorder, promote public safety, prevent public nuisance and promote the protection of children from harm. Said training shall be documented and shall be made available to an authorised officer upon request.

A well designed physical barrier of approximately 1.0 metre in height shall be erected around the outdoor licensed area whenever it is in use, and regular checks of the site must be made at not less than 30 minute intervals. The external seating area at the front of the premises shall not be used for the consumption of food and drink beyond 20:00hrs. All tables and chairs in the outside area shall be stacked and removed promptly and in any event no more than 30 minutes after the time at which patrons are no longer permitted to consume drinks in the area

In the outside area, all customers consuming food or drink must be seated.

#### **c) Public safety**

The Premises shall be operate in accordance with all relevant legislation which promotes the public safety objective including, but not limited to, the Health and Safety at Work etc Act 1974 and associate regulations, the Food Safety Act 1990, the Regulatory Reform (Fire Safety) Order 2005 and the Disability Discrimination Act 1995.

Adequate first aid provision and fire-fighting will be available at all times on the premises.

#### **d) The prevention of public nuisance**

The Premises Licence Holder shall operate in accordance with all relevant legislation which promotes the public nuisance objective including but not limited to the Environmental Protection Act 1990 and the Noise Act 1996.

Noise or vibration shall not be allowed to emanate from the premises, such as to cause persons in the neighbourhood to be disturbed.



**e) The protection of children from harm**

A Challenge 25 proof of age policy shall be implemented and adhered to. All staff to have received suitable training in relation to the Challenge 25 proof of age scheme. Records to evidence this will be made available to an authorised officer upon request.

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. A recognised proof of age card accredited under the British Retail Consortium's Proof of Age Standards Scheme (PASS)
- ii. Photo driving licence
- iii. Citizen card supported by the Home Office
- iv. Official ID card issued by HM Forces or European Union bearing a photograph and date of birth of the holder.

If no suitable identification is provided, the sale of alcohol to them will be refused.

All staff who are involved in the sale of alcohol shall be trained in relation to the Challenge 25 policy upon commencement of their employment following which they will undertake refresher training at suitable intervals. Records to evidence this will be made available to an authorised officer upon request.

Suitable signage will be displayed to specify that a Challenge 25 Policy is in place.

Please tick ✓ Yes


- 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 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.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>[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 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).</li> <li>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, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)</li> </ul>
Signature	
Date	<b>22nd September 2020</b>
Capacity	<b>Authorised Agent</b>

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> 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	
Capacity	

Contact Name (where not previously given) and address for correspondence associated with this application (please read guidance note 19)

**Rodger Wightman or Robin Atkinson**  
**The Licensing Practice,**  
**3 Cardinal Place,**

**Tel: 01253 858186 or 01253 770810**

Post town **Cleveleys**

Post code **FY5 2 SQ**

Telephone number (if any) **01253 858186 or 01253 770810**

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)



THE LICENSING PRACTICE LTD  
Specialists in Local Authority Licensing

3 Cardinal Place, Cleveleys, Lancs. FY52SQ  
Telephone: 01253 858186 or 01253 7708109  
Fax: 01253 858186  
E-mail: [Licensingpract@aol.com](mailto:Licensingpract@aol.com).

**Consent of individual to being specified as premises supervisor**

---

I **Elaine Nabridnyj** of

**50 Westby Street, Lytham St Annes. FY8 5JG**

hereby confirm that I give my consent to be specified as the designated premises supervisor  
in relation to the application for a new **Premises Licence**

by **The Courtyard Lytham Limited**

relating to a Premises Licence for

**The Courtyard, 2 Queen Street, Lytham St Annes. FY8 5LQ**

and any premises licence to be granted or varied in respect of this application made by  
**The Courtyard Lytham Limited**

concerning the supply of alcohol at

**The Courtyard, 2 Queen Street, Lytham St Annes. FY8 5LQ**

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to  
apply for or currently hold a personal licence, details of which I set out below

Personal licence number: **to be applied for.**  
Personal licence issuing authority: **Fylde Borough Council**  
Phone: **01253 658658**

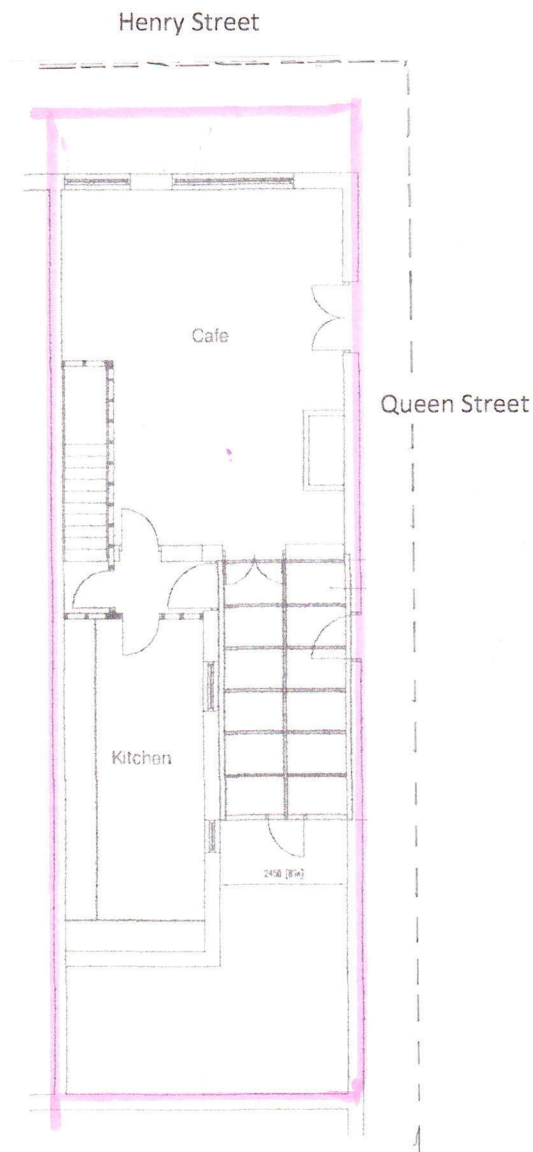
Signed 

Name (please print): **ELAINE NABRIDNYJ**  
Date **22<sup>nd</sup> September 2020.**

LICENSING ACT 2003

2 QUEEN STREET LYTHAM ST ANNES.

LICENSING PLAN



Licensed area



Scale 1: 50

I am writing this Representation in relation to the application for a premises licence at The Courtyard, 2 Queen Street, Lytham St Annes, FY8 5LQ ('the Courtyard'). My name is Robert Steele and I am the Owner of 14 Henry Street which directly adjoins and shares a Party Wall with the Courtyard.

In short, I object to the granting of a premises licence for the Courtyard on the basis that it is contrary to promotion of the licensing objectives as set out in the Licensing Act 2003, and is also contrary to the Council's 'Statement of Licensing Policy 2016 -2021' ('the Policy') which reflects and applies those objectives.

My concern primarily relates to the 'Prevention of public nuisance'. As a preliminary point, it is important to understand the location to the Courtyard. Queen Street acts as a separator between a busier more commercial area on one side (with premises such as the Taps) and a residential area. The Courtyard sits at the edge but within the residential area where there are no premises serving alcohol. It is (as fits its residential nature) a quiet part of Henry Street filled with listed buildings and sitting within the Lytham Conservation Area. This section of Henry Street has maintained and as reflecting planning intent and restrictions, a uniqueness by recognising this is not the place for the sale or consumption of alcohol or later evening commercialisation. That amplifies its inherent charm and is recognised for that as being untouched by the cumulative impact of premises serving alcohol elsewhere of which there are many.

It has rightly withstood the slow creep of alcohol supply/consumption and inherent nuisance such brings (despite some proprietors having used best efforts or genuine intent) and recognising the important heritage and historical noteworthiness of this section of Henry Street.

While previously, 2 Queen Street has been a café, it has never been allowed to serve alcohol. The natural concern was that the introduction of a premises serving alcohol into a residential area would lead to a significant rise in public nuisance.

This is a point that is reflected in the Policy at 14.3:

*Licensed premises have a significant potential to cause public nuisance.....*

*„.....It is accepted that such disturbance could affect small numbers of people and does not need to cause a major disturbance to the whole community. Issues which could be considered as public nuisance include noise, light pollution and litter.*

In this case it is important to be aware that the Courtyard involves outdoor seating both to the front and back, and furthermore the toilets are accessed by going outside and through the rear courtyard. This is a licence for both on and off premises sales of alcohol and the use of the rear courtyard for both drinking and also the accessing of the toilets radically increases the potential for noise nuisance. The change of the premises name to 'The Courtyard' appears to signify (albeit the application is bereft of any details over intended configuration or numbers of tables/chairs, lighting and possible heaters, or any intention to play music, or permitted smoking areas) an intention to focus on the outdoor space which as stated, is directly proximate to 14 Henry Street and will directly impact on the amenity value of those premises with risk of common law and statutory nuisance which may result in ongoing enforcement issues and affect premises functionality. It is not clear what public safety considerations have been considered by extending opening hours and increasing external usage and given the very constricted configuration of the premises.

I therefore have a general concern about any Premises Licence being granted.

However I have a particular concern in relation to the operating hours. While the operating hours applied for are between 8.30am and 19.00 I am particularly concerned by the 'non-standard' timings applied for. This asks for the permitted hours to be extended to 20.00 during an extensive range of occasions including the whole of December and during the Lytham Festival.

This is worrying because it runs directly contrary, and would be in breach of, Condition 4 on Permission 5/80/1109 which prevents operation between 7pm and 8.30am and of course only permits operation as a café/coffee shop prohibiting alcohol or any off sales of food/drink.

I am aware that the Planning and Licensing regimes are separate and that the Applicant would still be required to accord with any relevant planning conditions regardless of any licence.

However that does not mean that planning permission is an irrelevant consideration to the licensing process. As recognised in a Key Message of your Policy at 6.1:

*Licence applications should normally be from premises where*

- *The activity to be authorised by the licence is a lawful planning use*
- *The hours sought do not exceed those authorised by any planning permission; and*
- *any existing hours are appropriate for the use of the premises.*

In this case the granting of the licence applied for would be contrary to this key message.

The relevance of the Permission is this – the intention and rationale behind the imposition of Condition 4 on the Permission equally applies to this licensing determination. The concern of the Council was that the use of 2 Queen Street past 19.00 would, even without alcohol, cause an unacceptable nuisance on the surrounding residential properties (and again there is no detail in the Operating Schedule as to how the business intends to ensure the quiet enjoyment of neighbours or in terms of risk assessing and mitigating external and internal noise). This is why the terminal hour of 19.00 was chosen to protect those proximate residents from impact of noise and disturbance.

The same logic must be applied to this application. If the operation of 2 Queen Street, without the serving of alcohol, was unacceptable for the area, then the operation of the Courtyard to 20.00 with the service of alcohol (and the associated increased nuisance that comes with it) must also be unacceptable. I would simply ask that the Council apply the same rational and logic as they did previously.

My overall fear is that the granting of such a Premises Licence is the first step on the road towards a much noisier and busier area which completely undermines the long-standing intention to preserve this unique area of Henry Street. We know historically that businesses often seek to gradually increase operating hours through a slow chipping away/creeping process. However genuine the intent may be to only have consumption of alcohol as an ancillary part of the business and not to open into the later evening hours, that sadly is a risk which should not be taken and it is in the objective best interests for this section of Henry Street that the Premises Licence application is refused.

By granting this first step, the Council would be introducing the service of alcohol into a residential area within which such a licensable activity does not exist. Further, by allowing for the

hours to extend beyond that which is permitted on the planning permission, such would lead to an application to vary/or remove such a condition. The overall effect would be the transformation of a café that closes at 19.00 and causes minimal noise nuisance, to a late-night bar that has a damaging effect both on the amenity of Number 14 and the amenity of the wider Henry Street community.

On that basis, I object to the premises licence on the basis that it would be contrary to the Licensing Objective of the 'Prevention of Public Nuisance' and it would be contrary to the Council's Policy.

I would respectfully ask that the Council refuse this application.



## Appendix 5 - Location Plan



2 Queen Street