



# Agenda

## Licensing Hearing

Date:	Monday, 16 March 2020 – 10:00am
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	Councillor Angela Jacques (Convenor) Councillor Alan Clayton Councillor Ray Thomas  Councillor Gavin Harrison (Reserve)

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 Hearings</b>	2 – 3
3	<b>Application for the Grant of a Premises Licence at Scott's Bistro, Glebe Lane, Kirkham</b>	4 - 34

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 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. This document sets out the procedure that Fylde will normally follow.
- 1.2. A panel may decide to follow a different procedure at any hearing. If it does, it will specifically draw attention to any departures from the procedures set out in this document and the reasons for them.
- 1.3. 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
panel	A sub-committee established by Fylde Borough Council under section 10 of the act
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 convenor will identify all parties to the hearing who are present. The convenor will also identify any persons who are present who intend to assist or represent any party and any witnesses.
- 4.2. The convenor 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 convenor 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. *Listening to the parties***

- 5.1. Each of the parties will then be invited to:
  - 5.1.1. Open their case by addressing the panel;
  - 5.1.2. Give any further information requested by the panel under regulation 7(1)(d);
  - 5.1.3. Present the evidence of any witness; and
  - 5.1.4. Conclude their case by addressing the panel.
- 5.2. 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.

#### **6. *Questioning the parties***

- 6.1. 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.
- 6.2. 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

#### **7. *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 5 and 6.2. The convenor will require the party or their representative to close their case or cease their questioning immediately this time limit is reached.

#### **8. *Considering the decision***

- 8.1. The panel will consider their decision in private.
- 8.2. No officers will retire with the panel except for the committee administrator. The committee administrator may, if requested to do so, provide procedural, but not legal or technical, advice to the panel. The committee administrator will also assist the panel by drafting and finalising the wording of the panel's decision, if requested by the panel.
- 8.3. The panel may, while it is considering its decision, seek advice from legal or licensing officers. Officers will limit their advice to the specific issue identified by the panel and will leave the room where the panel is considering its decision as soon as that advice has been given and understood.

#### **9. *Announcing the decision***

- 9.1. When the panel has made its decision, the public part of the meeting will resume.
- 9.2. The convenor will read out the decision of the panel, or may invite the committee administrator to do so. The meeting will then close or move on to the next business.

## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	LICENSING PANEL	16 MARCH 2020	3
<b>APPLICATION FOR THE GRANT OF A PREMISES LICENCE SCOTT'S BISTRO, GLEBE LANE, KIRKHAM</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 premises licence for Scott's Bistro, Glebe Lane, Kirkham. There have been representations from "other persons" 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:
  - 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,
  - exclude from the scope of the licence any of the licensable activities to which the application relates,
  - refuse to specify a person in the licence as premises supervisor,
  - reject the application

### SUMMARY OF PREVIOUS DECISIONS

There are no previous decisions relating to this matter.

CORPORATE PRIORITIES	
Spending your money in the most efficient way to achieve excellent services ( <b>Value for Money</b> )	✓
Delivering the services that customers expect of an excellent council ( <b>Clean and Green</b> )	✓
Working with all partners ( <b>Vibrant Economy</b> )	✓
To make sure Fylde continues to be one of the most desirable places to live ( <b>A Great Place to Live</b> )	✓
Promoting Fylde as a great destination to visit ( <b>A Great Place to Visit</b> )	✓

## REPORT

### Application

1. The application is for the grant of a premises licence at Scott's Bistro, Glebe Lane, Kirkham
2. The matter has been referred to the panel because relevant representations have been received from "other persons" as defined by the Act.

### Papers

3. The following papers are relevant and have been made available to 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 interested parties

Mr A C Davidson JP (Retd) & Mrs M R Davidson  
Cllr E Silverwood  
Ms B Crosland  
Mr M Cottam & Mrs A Cottam  
Mr J Chapman & Mrs S Chapman

### Consideration

4. The licensing objectives are:
  - The prevention of crime and disorder;
  - Public safety
  - The prevention of public nuisance; and
  - 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 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; 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 in the hearing may wish to draw the panel's attention to other parts of the guidance.

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 Authority May Impose

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

#### Procedure

9. The applicant and the makers of the relevant representations have been invited to attend or be represented at the hearing.
10. The panel is asked to use the attached procedure 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
Andy Hough	andy.hough@fylde.gov.uk Tel 01253 658606	19 February 2020

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
S182 Statement of Licensing Policy	April 2018	<a href="#">S182 Guidance</a>
Fylde Council Statement of Licensing Policy	January 2016	<a href="#">Statement of Licensing Policy</a>

#### Attached documents

Application Form  
DPS Consent  
Plans of Premises  
Representations  
Area Plan's



**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 that 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.

**I/We** Mark Philip Scott

*(Insert name(s) of applicant)*

**apply for a 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, ordnance survey map reference or description			
Scott's Bistro 2 Glebe Lane Kirkham Preston Lancashire			
Post town	Preston	Postcode	PR4 2YN

Telephone number at premises (if any)	None at premises at time of application
Non-domestic rateable value of premises	£5000

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as

Please tick as appropriate

- |  |   |
|--|---|
| a) an individual or individuals *        | <input checked="" type="checkbox"/> please complete section (A) |
| b) a person other than an individual *   |   |
| i. as a limited company                  | <input type="checkbox"/> please complete section (B)            |
| ii. as a partnership                     | <input type="checkbox"/> please complete section (B)            |
| iii. as an unincorporated association or | <input type="checkbox"/> please complete section (B)            |

- iv. other (for example a statutory corporation) ☐ please complete section (B)
- c) a recognised club ☐ please complete section (B)
- d) a charity ☐ please complete section (B)
- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

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

Please tick yes

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)**

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Scott			First names Mark Philip		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address		Same as premises address			
Post town	Preston		Postcode	PR4 2YN	
Daytime contact telephone number					
E-mail address (optional)					



**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

**(B) OTHER APPLICANTS**

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

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD		MM		YYYY			
2	0	0	2	2	0	2	0

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

DD		MM		YYYY			

Please give a general description of the premises (please read guidance note 1)

A small, open plan restaurant with a W/C and a small commercial kitchen. The premises is located immediately adjacent to the customer car park. The restaurant will take a maximum of 20 covers at any one time and alcohol will only be served with meals to patrons of the restaurant. The atmosphere in the restaurant will be conversational with low volume, recorded background music only. The premises previously sold off-supply alcohol during its former use as a newsagents.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

N/A

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- |   |                                     |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A)  | <input type="checkbox"/>            |
| b) films (if ticking yes, fill in box B)  | <input type="checkbox"/>            |
| c) indoor sporting events (if ticking yes, fill in box C)   | <input type="checkbox"/>            |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)  | <input type="checkbox"/>            |
| e) live music (if ticking yes, fill in box E)   | <input type="checkbox"/>            |
| f) recorded music (if ticking yes, fill in box F)   | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G)  | <input type="checkbox"/>            |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/>            |

**Provision of late night refreshment** (if ticking yes, fill in box I)

☐

**Supply of alcohol** (if ticking yes, fill in box J)

☒

**In all cases complete boxes K, L and M**

A

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue					
			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 4)		
Wed					
Thur					
			<b><u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Fri					
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue					
			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 4)		
Wed					
Thur					
			<b><u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Fri					
Sat					
Sun					

C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b><u>Please give further details</u></b> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 4)
Wed			
Thur			
Fri			<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)			
Mon						
Tue						
			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 4)			
Wed						
Thur						
			<b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)			
Fri						
Sat						
Sun						

E

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of live music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Tue					
Wed			<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					



F

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)  The speakers are located in the ceiling of the restaurant and are connected to a single Bluetooth unit that will be used to create a quiet and conversational atmosphere with low volume background music.		
Mon	9:00	20:30			
Tue	9:00	20:30			
Wed	9:00	20:30			
			<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 4)  There will be no seasonal variation.		
Thur	9:00	20:30			
			<b><u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)  There will be no variations or changes to the standard timings listed opposite.		
Fri	9:00	20:30			
Sat	9:00	20:30			
Sun	11:00	17:30			

G

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)			
Mon						
Tue						
			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 4)			
Wed						
Thur						
			<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)			
Fri						
Sat						
Sun						

H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 4)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sun					

## I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue					
			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 4)		
Wed					
Thur					
			<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Fri					
Sat					
Sun					

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b><u>Will the supply of alcohol be for consumption – please tick</u></b> (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	12:00	20:30	<b><u>State any seasonal variations for the supply of alcohol</u></b> (please read guidance note 4)  There will be no seasonal variation.		
Tue	12:00	20:30			
Wed	12:00	20:30			
Thur	12:00	20:30	<b><u>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</u></b> (please read guidance note 5)  There will be no variations or changes to the standard timings listed opposite.		
Fri	12:00	20:30			
Sat	12:00	20:30			
Sun	12:00	17:30			

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

Name Mark Philip Scott	
Address Scott's Bistro 2 Glebe Lane Kirkham Preston Lancashire	
Postcode	PR4 2YN
Personal licence number (if known) FYPA0843	
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).**

**The premises will be used as a restaurant only with no changes to use that could give rise to concern in respect to children. There will be no gambling machines installed or adult entertainment on the premises.**

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b><u>State any seasonal variations</u></b> (please read guidance note 4)  There will be no seasonal variation.
Day	Start	Finish	<b><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u></b> (please read guidance note 5)  There will be no variations or changes to the standard timings listed opposite.
Mon	9:00	20:30	
Tue	9:00	20:30	
Wed	9:00	20:30	
Thur	9:00	20:30	
Fri	9:00	20:30	
Sat	9:00	20:30	
Sun	11:00	17:30	

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

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

The following steps will be taken in order to ensure all four licensing objectives are adhered by and followed. Additional staff will be employed when required during busy periods to ensure all patrons are safe from harm and the restaurant can be monitored sufficiently. CCTV will be installed and maintained with correct signage informing the patrons of the presence of CCTV. It will also retain images and footage for a period of 7 days after recording and will be available for the police during this time period upon request. A Premises Incident Book will also be filled in in the event of any crime, disorder or refusal of alcohol issue and this will be available to the police upon request. Staff working in the restaurant will be internally trained on licencing issues and laws, proof of age (check 25) policy, filling in the Premises Incident Book and on generic health and safety, fire safety and food safety and hygiene.

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

CCTV will be installed and maintained with correct signage informing the patrons of the presence of CCTV. Images and recordings taken by CCTV will be retained for 7 days after recording and will be available for use by the police. A Premises Incident Book will also be filled in in the event of any crime, disorder or refusal of alcohol issue and this will be available to the police upon request. No alcohol will be served before 12:00 and will only be served with meals to patrons of the restaurant. No drinks or glassware including bottles will leave the premises with the exception of refuse collection. Any patrons deemed intoxicated or drunk will be refused any further alcohol. Anyone found in the possession or using illicit drugs on the premises (inclusive of car park) will be removed and reported to the police.

**c) Public safety**

Staff members and the restaurant will adhere to existing Health and Safety and Fire Safety Legislation and guidelines at all times in addition to as Food Safety and Hygiene guidelines. Fire exits will be adequately signposted with the restaurant layout allowing for clear gangways to the fire exit. There will be no more the 20 covers at any one time in the restaurant, in accordance with planning conditions, to avoid overcrowding. There will be an adequately supplied, fit-for-purpose First Aid Kit available for public and staff use. Free drinking water will be available at all times during trading hours. Local taxi numbers can be provided, or taxis called, for restaurant patrons upon request.

**d) The prevention of public nuisance**

The restaurant has been soundproofed where possible and there will be no more the 20 covers at any one time in the restaurant, in accordance with planning conditions, to reduce noise and disturbance to neighbouring properties. There will be no external music played and music within the restaurant will be low volume, quiet background music to create a conversational atmosphere. Notices will be displayed at the exit requesting and reminding patrons to leave the premises quietly to reduce noise outside and disturbance to nearby properties. Alcohol will only be served to patrons with meals and will not be served before 12:00.

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

Staff members and the restaurant will adhere to existing Health and Safety and Fire Safety Legislation and guidelines at all times in addition to as Food Safety and Hygiene guidelines. Children under 18 must be supervised at all times by a responsible adult. No alcohol will be served by or to anyone under 18 in accordance with existing licencing laws and guidelines. Anyone found to be purchasing or providing alcohol to a child under 18 will be removed from the premises and the alcohol in question will be confiscated. Staff will be internally trained in the proof of age (check 25) policy and on suitable types of legal identification. Staff will also be trained to fill in the Premises Incident Book in any case of refusal of alcohol. No gambling machines or adult entertainment will be installed or take place on the premises.

**Checklist:**


Please tick to indicate agreement

- 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 designated 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. ☒

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**Part 4 – Signatures** (please read guidance note 10)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (see guidance note 11).  
**If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	16/01/2020
Capacity	Not Applicable

**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 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 13)

Mark Philip Scott  
 Scott's Bistro  
 2 Glebe Lane  
 Kirkham

Post town	Preston	Postcode	PR4 2YN
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			



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

I MARK PHILIP SCOTT  
[full name of prospective premises supervisor]

of 2 GLEBE LANE  
KIRKHAM  
PRESTON  
PR4 2YN

-----  
[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

PREMISES LICENCE  
[type of application]

by

MARK SCOTT  
[name of applicant]

relating to a premises licence

-----  
[number of existing licence, if any]

for

SCOTT'S BISTRO  
2 GLEBE LANE  
KIRKHAM  
PRESTON  
PR4 2YN

-----  
[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

MARK SCOTT  
[name of applicant]

concerning the supply of alcohol at

SCOTT'S BISTRO  
2 GLEBE LANE  
KIRKHAM  
PRESTON  
PR4 2YN

[name and address of premises to which application relates]

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.

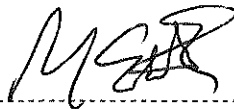
Personal licence number

FY PA0843  
[insert personal licence number, if any]

Personal licence issuing authority

FYLDE COUNCIL  
[insert name and address and telephone number of personal licence issuing authority, if any]

Signed



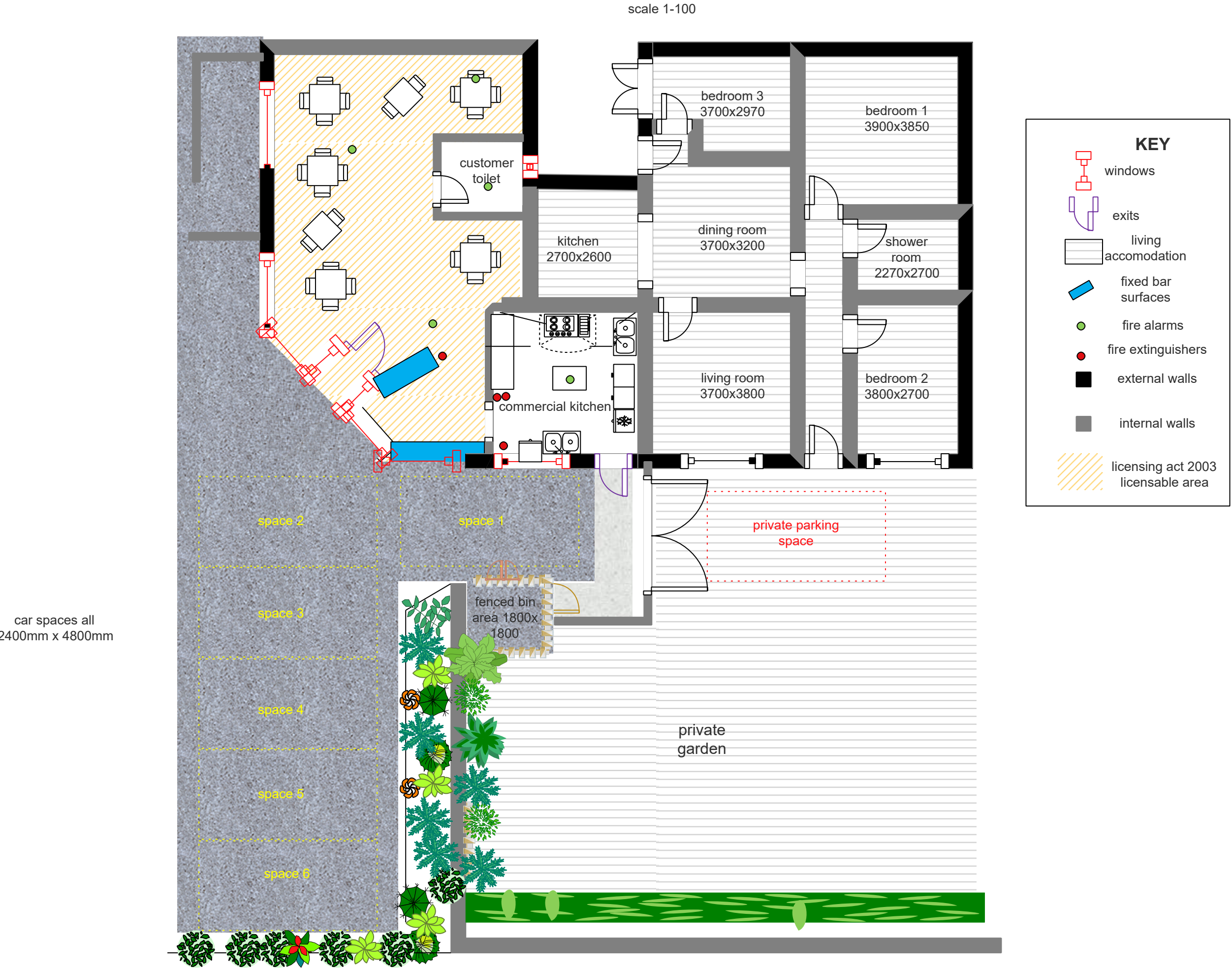
Name (please print)

MARK SCOTT

Date

20/1/2020

proposed restaurant floor plan



**1 – MR & MRS DAVIDSON**

FAO Mr A Hough

We wish to submit our strong objection to the above application on 3 main grounds:

**1.2. Protection of children**

Glebe Lane is a very short access road to Manor Drive. This is a quiet residential area totally unsuited to this type of development. Manor Drive is extremely narrow, it is a single track road with barely room for 2 cars to pass. Parking is very limited even for residents. Several young families live on the Drive and especially as the days lighten children enjoy riding up and down the road on their cycles, scooters etc. Everyone takes care on this road. From April through to October ponies graze in the adjoining paddock, and are a great attraction for young children. To have people driving around having consumed alcohol presents a very real danger to young and old alike. The consequences of drivers with an excess of alcohol driving on this road would be an accident waiting to happen.

**2.3. Public safety**

Further to the above, as there is totally insufficient parking at 2 Glebe Lane, vehicles exiting Glebe Lane on to Dowbridge need to be extremely careful – without their capabilities being impaired by alcohol; it doesn't take much! Dowbridge has become an extremely busy road and will only get worse when the Brook Farm development is completed. Cars simply fly round the bend as you approach Glebe Lane – and we have witnessed several near misses and one dreadful accident in recent years. It comes down to people deciding to drink and drive – or leaving their vehicle parked where it causes an obstruction.

**3. Prevention of public nuisance**

Further to the foregoing, we understand this "Bistro" will have 20 covers. Assuming 4 covers on each of say 5 tables, if 2 couples each take their own vehicle, that is approx. 10 cars. Inevitably they will try and park on Manor Drive and if they park on both sides and leave cars overnight, residents will simply not be able to get through and go about their daily business taking children to school, going to work etc. Double that number when further patrons arrive looking to park and the scenario is horrendous. There is also the noise element - always worse when alcohol is involved and totally inappropriate for a residential area – these premises adjoin private homes and are opposite 2 others. Additionally ponies/horses graze in the paddock adjoining the drive in the summer months and excessive noise/traffic will distress them.

We stress we do not know Mr Scott and have nothing against him personally, but for the above (we believe perfectly valid reasons) we do not believe a licence to sell alcohol to patrons should be granted in this instance.

Yours faithfully A C Davidson JP (Retd) and Mrs M R Davidson

## 2 - CLLR SILVERWOOD

**From:** Cllr Elaine Silverwood <cllresilverwood@fylde.gov.uk>

**Sent:** 06 February 2020 07:56

**To:** Andy Hough <andy.hough@fylde.gov.uk>

**Subject:** Re: Licensing application Mark Scott 2 Glebe Lane Kirkham

Morning Andy

Thank you for your time yesterday explaining to me the licensing objectives in more detail.

I would like to bring to the Committee's attention that the business that is applying for a license is in a built-up residential area.

I am concerned that if the license is granted it could have a negative effect on the residents quality of life because of potential public nuisance. This is a quiet location and it would be impossible for the neighbourhood to be unaware of the Bistro users.

Thank you for your advice.

Kind regards

Elaine

### Email Disclaimer



**Elaine Silverwood**

Elected Member

t: 01772 683444

e: [cllresilverwood@fylde.gov.uk](mailto:cllresilverwood@fylde.gov.uk)

**Fylde Borough Council**

[www.fylde.gov.uk](http://www.fylde.gov.uk)

**3 - MRS CROSLAND**

11.02.20

Ref: Application for Licence Premises  
Scott's Bistro, 2 Glebe Lane

Dear Sir

I am writing with my concerns regarding the licencing application at the above address. I was not pleased when I found out planning permission had been granted allowing a Bistro in this residential area. Now the possibility of it being a licenced premise gives me even more concern. I strongly object to permission being given on the following grounds:-

**Public Nuisance:**

Glebe Lane/Manor Drive are quiet residential streets where parking is already a serious problem for residents. I am concerned that customers using the bistro will leave their cars parked on the local streets, especially overnight, due to being unable to legally drive home. Customers will have no choice but to use nearby roads to park when using the Bistro as it is only possible to park four cars in the Bistro parking bay!

Customers may think that the designated turning area opposite my house on Manor Drive may be used for parking. This would result in vehicles unable to use the turning area, so would then use my drive way for turning which I consider to be unacceptable. This extra parking on the local roads will become a public nuisance. The issue regarding parking seems to have been ignored when planning permission was granted.

All houses in the area would also be affected by additional noise, from people talking, opening/closing of car doors or engine noise.

**Safety of Children**

Several of the houses in the area have young children. Manor Drive is considered to be a quiet, safe road where children (rightly or wrongly) often ride their bikes/scooters.

Additional traffic, especially at weekends would be a danger to the children who live on Manor Drive. Also, pupils of Carr Hill School use Manor Drive to access the school grounds prior to school and when walking back onto Dowerbridge after school. The safety of the pupils would be compromised. Safety of all children I would hope is an issue the Council takes very seriously.

I would appreciate that my address is not given to the owner of the premises, as I would be concerned I might be contact directly by the owner of the Bistro.

I would appreciate notification on receipt of this email.

Yours sincerely

Barbara Crosland

**4 – MR & MRS COTTAM**

14<sup>th</sup> February 2020

Ref: 028702

**Objection to: Supply of alcohol application for a premises licence to be granted under the Licensing Act 2003**

**2 Glebe Lane, Kirkham PR4 2YN**

Dear Sir / Madam,

We are writing to formally submit our objection to the proposed supply of alcohol at 2 Glebe Lane Kirkham (as listed above).

Glebe Lane is a small residential road consisting of 3 residential bungalows and the now to become café/restaurant.

When we purchased our home in October 2000 we were completely aware that our house was semi-detached to a local newsagent / off licence. The selling of alcohol from the off licence had no impact on our home or the residential area as the customers did not consume the alcohol on the premises or in the surrounding neighbourhood.

However, the prospect of a café/restaurant selling alcohol attached to our home is a completely different matter, and we are objecting on the following grounds:

**Public safety**

There is limited parking at the café/restaurant and it has already been confirmed that their customers will have to park on the street and the cars will have to park partially on the pavements. If these customers, then choose to consume alcohol their vehicles may possibly remain parked on the street until they return to collect them at a later time/day. This will continue to cause an obstruction to pedestrians, particularly those with pushchairs or wheelchairs, who will have difficulty manoeuvring along the pavements.

The owners are expecting this to occur as they state: *“Local taxi numbers can be provided, or taxis called, for restaurant patrons upon request.”*

Also this may result in the owners having to move their cars into the car park, taking two of the ‘five spaces plus 1 disability parking space’, or parking on the street, as their Private parking space may be blocked by a customer’s car.

**Prevention of public nuisance**

If alcohol is permitted to be served this can cause the volume of customer noise to increase along with the possibility of drunken behaviour in our residential neighbourhood, upon customers leaving the premises.

Also, there is no guarantee that they will not be hosting private parties/functions where the serving of alcohol will increase the volume of noise created by customers whilst both inside and outside the building.

*“Notices will be displayed at the exit requesting and reminding patrons to leave the premises quietly to reduce noise outside and disturbance to nearby properties.”*

The putting up of signs to ask their customers to respect their neighbours will have very little impact, as these signs are easily and often ignored! There will be a significant rise in the noise around the area. From the volume of noise from the café/restaurant as customers are leaving to the slamming of car doors and talking outside one of our bedrooms and living room that fronts onto Glebe Lane.

Customers who smoke and have been consuming alcohol will have to leave the premises which will also increase noise and possible drunken behaviour outside our property or on Glebe Lane.

What also concerns us is that the application states that the supply of alcohol will be: Monday to Saturday 12.00 – **20.30**, Sunday 12.00 – **17.30**, yet their operating hours are to be from 09:00 to **20:30** Monday to Saturday and 11:00 till **17:30** Sunday. It is our understanding that the café/restaurant will be closed at 20:30 Monday to Saturday and 17:30 on Sunday. If they are still permitted to sell alcohol up to the closing time of the premises, there will be no guarantee that customers will be gone by these times and therefore the premises will not be able to close at these stated hours.

In conclusion the selling of alcohol at the café/restaurant will cause disruption to ourselves and other residents in the close vicinity in what is a completely residential area where there are no other businesses nearby.

We do hope that you will take our objections seriously into consideration.

Yours sincerely,

Mr Mark Cottam  
Mrs Angela Cottam



**5 – MR & MRS CHAPMAN**

Dear Mr Hough

In respect to the above application (this has been sent but was rejected by email so am hoping this lands before midnight on the 18th) please find our objections on the following grounds:

1 - parking is already a premium on the drive and was a key concern and objection in regards to the premise application. Where cars are double parked on Glebe Lane then residents on Manor Drive are unable to turn on to Glebe Lane for access and egress - directly impacting daily life. Notwithstanding emergency and public vehicles that already struggle to access the drive - if there are cars left due to individuals consuming alcohol I fail to see how this will not impact us as residents.

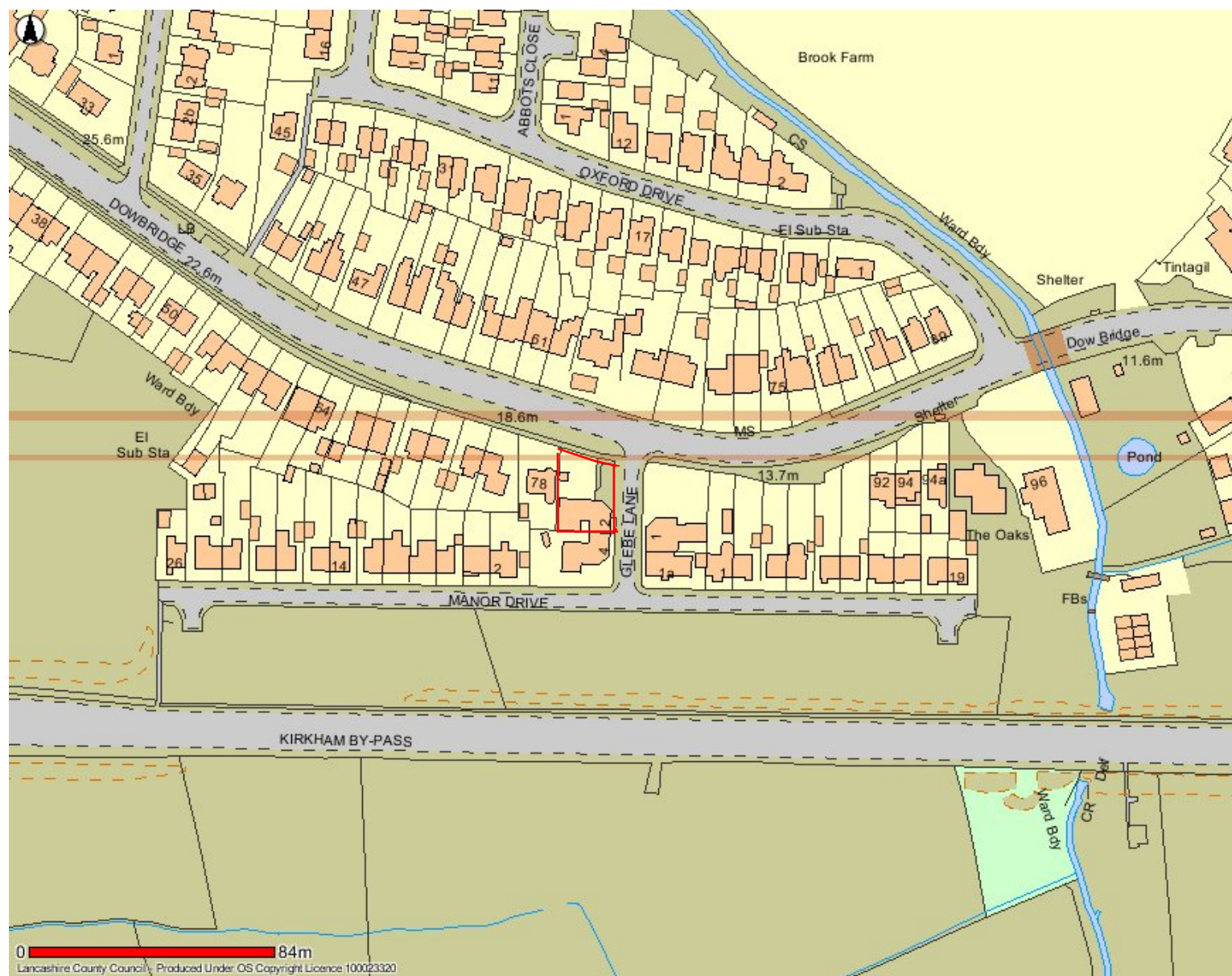
2 - increase in cars parked or driven on the drive which as with point one will invariably happen as the proposed venue does not have enough parking to satisfy the covers in their premises, is the impact on the safety of children on the drive. Manor Drive due to its unique access and egress has always been considered a safe drive and the main reason families seek to reside there. As a parent of a 7 year old who enjoys riding his bike and scooter in safety i am extremely worried about his and other children's safety with increased volume of cars on the drive - and potentially increase of individuals driving having had one or two units.

Notwithstanding the above, I firmly believe introducing alcohol to a venue with limited parking that will impact the Drive and surrounding roads including Dowbridge is an accident waiting to happen.

We object on these grounds in the strongest terms.

James & Sarah Chapman

## Appendix 5 - Location Plan



### Districts

- Other District/Unitary Authority
- Lancashire Districts

### MasterMap Labels

### MasterMap Lines

- 10018; 10019
- 10041; 10075; 10083-; 10125; 10157; 1017-3
- 10046; 10058; 10124-; 10155; 10160; 1018-9; 10208; 10216
- 10052; 10168; 10175
- 10087; 10092
- 10095; 10097; 10101-; 10103
- 10098; 10104
- 10113; 10114
- 10163
- 10164
- 10211
- 10212
- Other

### MasterMap Polygons

- Building
- Multiple Surface
- General Surface
- Glasshouse
- Historic Interest
- Inland Water
- Landform
- Slope
- Cliff
- Natural Environment
- Path: Step
- Path
- Rail
- Road or Track
- Roadside
- Structure
- Tidal Water
- Unclassified

Scott's Bistro