



# Agenda

## Licensing Hearing

Date:	Wednesday 29 January 2020 – 10:00am
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	Councillor Angela Jacques (Convenor) Councillor Alan Clayton Councillor Shirley Green  Councillor Viv Willder (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 - Portofino, Henry Street, Lytham</b>	4 - 49

Contact: Tara Walsh - 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	29 JANUARY 2020	3
<b>APPLICATION FOR THE GRANT OF A PREMISES LICENCE PORTOFINO, HENRY 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 premises licence for Portofino. 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:

- (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.

The premises currently benefit from two Premises Licences in the name of Orlando Peracca numbers FY PL0214 (currently suspended) and FY PL0293, however these are to be surrendered upon the grant of this application and completion of works at the premises.

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 Portofino, Henry Street, Lytham
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 N W Turner

Mr P Worthington

Mr M Shaw

Ms E Clarkson

Mr H Boswell

### 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	3 <sup>rd</sup> January 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

1. Application Form
2. Operating Schedule
3. Drug Policy
4. Plans of Premises
5. Representations
6. 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** Mr Ross Robinson

*(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			
<b>Portofino</b> <b>Henry Street</b>			
<b>Post town</b>	Lytham St Annes	<b>Postcode</b>	<b>FY8 5LE</b>

Telephone number at premises (if any)	<b>To be advised</b>
Non-domestic rateable value of premises	<b>£59,000.00</b>

**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/limited liability partnership | <input type="checkbox"/>            | please complete section (B) |
|    | ii as a partnership (other than limited liability)   | <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)       | <input type="checkbox"/>            | please complete section (B) |
| c) | a recognised club                                    | <input type="checkbox"/>            | please complete section (B) |
| d) | a charity  | <input type="checkbox"/>            | 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 (by ticking yes to one box below):

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)	
<b>Surname</b> Robinson			<b>First names</b> Ross		
<b>Date of birth</b> [REDACTED]		I am 18 years old or over <input checked="" type="checkbox"/> Please tick yes			
<b>Nationality</b> British					
Current residential address if different from premises address		[REDACTED]			
Post town	Lytham St Annes			Postcode	[REDACTED]
<b>Daytime contact telephone number</b>		[REDACTED]			
<b>E-mail address (optional)</b>		[REDACTED]			
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					



**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>		
<b>Date of birth</b>			I am 18 years old or over <input type="checkbox"/> Please tick yes		
<b>Nationality</b>					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**(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			
0	1	0	1	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)

This is an application for a new premises licence for the site formerly known as Portfino, by Ross Robinson.

Licensable activities are sought until 1am daily (with an additional 30 minutes thereafter for dispersal.)

The application has been lodged following consultation with the Police.

On the grant of this licence, and on completion of the works, the two existing licences currently in force for the premises shall be surrendered.

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

--

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

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

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- |   |                                     |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A)  | <input type="checkbox"/>            |
| b) films (if ticking yes, fill in box B)  | <input checked="" 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 checked="" 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 7)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)		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 4)			
Mon						
Tue						
			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 5)			
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 6)			
Fri						
Sat						
Sun						

**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	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 4)		
Mon	11.00	01.00			
Tue	11.00	01.00			
			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 5)		
Wed	11.00	01.00			
Thur	11.00	01.00			
			<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 6)		
Fri	11.00	01.00			
Sat	11.00	01.00			
			From the end of permitted hours on New Year's Eve to the start of permitted hours on new Year's Day.		
Sun	11.00	01.00			
			By one hour on every; Friday, Saturday, Sunday and Monday of each Easter Bank Holiday, May Bank Holiday, Spring Bank Holiday and August Bank Holiday weekend; Valentine's night, Lytham Club Day and every night of Lytham Festival; every night in December (with the exception of NYE – which will be extended further by virtue of the separate provision above.		

## C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b><u>Please give further details</u></b> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 5)
Wed			
Thur			<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 6)
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	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 4)		
Mon					
Tue					
			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 5)		
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 6)		
Fri					
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of live music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	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 4)		
Mon	11.00	01.00			
Tue	11.00	01.00			
			<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 5)		
Wed	11.00	01.00			
Thur	11.00	01.00			
			<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 6) From the end of permitted hours on New Year's Eve to the start of permitted hours on new Year's Day.  By one hour on every; Friday, Saturday, Sunday and Monday of each Easter Bank Holiday, May Bank Holiday, Spring Bank Holiday and August Bank Holiday weekend; Valentine's night, Lytham Club Day and every night of Lytham Festival; every night in December (with the exception of NYE – which will be extended further by virtue of the separate provision above.		
Fri	11.00	01.00			
Sat	11.00	01.00			
Sun	11.00	01.00			



**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	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 4)		
Mon	11.00	01.00			
Tue	11.00	01.00			
			<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 5)		
Wed	11.00	01.00			
Thur	11.00	01.00			
			<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 6) From the end of permitted hours on New Year's Eve to the start of permitted hours on new Year's Day.  By one hour on every; Friday, Saturday, Sunday and Monday of each Easter Bank Holiday, May Bank Holiday, Spring Bank Holiday and August Bank Holiday weekend; Valentine's night, Lytham Club Day and every night of Lytham Festival; every night in December (with the exception of NYE – which will be extended further by virtue of the separate provision above.		
Fri	11.00	01.00			
Sat	11.00	01.00			
Sun	11.00	01.00			

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)		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 4)			
Mon						
Tue						
			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 5)			
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 6)			
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 7)			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 3)	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 4)		
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 5)		
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 6)		
Sun					


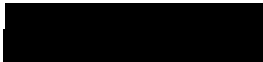

**I**

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	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 4)		
Mon	23.00	01.00			
Tue	23.00	01.00			
			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 5)		
Wed	23.00	01.00			
Thur	23.00	01.00			
			<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 6) From the end of permitted hours on New Year's Eve to the start of permitted hours on new Year's Day.		
Fri	23.00	01.00			
Sat	23.00	01.00			
			By one hour on every; Friday, Saturday, Sunday and Monday of each Easter Bank Holiday, May Bank Holiday, Spring Bank Holiday and August Bank Holiday weekend; Valentine's night, Lytham Club Day and every night of Lytham Festival; every night in December (with the exception of NYE – which will be extended further by virtue of the separate provision above.		
Sun	23.00	01.00			

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b><u>Will the supply of alcohol be for consumption – please tick</u></b> (please read guidance note 8)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input checked="" type="checkbox"/>			
Day	Start	Finish	<b><u>State any seasonal variations for the supply of alcohol</u></b> (please read guidance note 5)					
Mon	09.00	01.00						
Tue	09.00	01.00						
Wed	09.00	01.00						
Thur	09.00	01.00				<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 6)  From the end of permitted hours on New Year's Eve to the start of permitted hours on new Year's Day.  By one hour on every; Friday, Saturday, Sunday and Monday of each Easter Bank Holiday, May Bank Holiday, Spring Bank Holiday and August Bank Holiday weekend; Valentine's night, Lytham Club Day and every night of Lytham Festival; every night in December (with the exception of NYE – which will be extended further by virtue of the separate provision above.		
Fri	09.00	01.00						
Sat	09.00	01.00						
Sun	09.00	01.00						

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):**

<b>Name</b> Ross Robinson	
<b>Date of birth</b>	
<b>Address</b> 	
<b>Postcode</b>	
<b>Personal licence number (if known)</b> PER0293	
<b>Issuing licensing authority (if known)</b> Ribbles Valley	



## 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 10)**

Please see attached Operating Schedule & Policies

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

Please see attached Operating Schedule & Policies

**c) Public safety**

Please see attached Operating Schedule & Policies

**d) The prevention of public nuisance**

Please see attached Operating Schedule & Policies

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

Please see attached Operating Schedule & Policies

**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. ☒
- [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</li> </ul>
--------------------	--



	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)
Signature	<i>Kuit Steinart Levy LLP</i>
Date	03.12.2019
Capacity	Solicitors

**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 postal address for correspondence associated with this application (please read guidance note 14)

Kuit Steinart Levy LLP  
3 St Mary's Parsonage

Post town **Manchester**

Postcode **M3 2RD**

Telephone number (if any) 0161 838 7888

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)  
felicitytulloch@kuits.com

### Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:
    - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
  - Recorded Music: no licence permission is required for:
    - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and

- (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
- 3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
- 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
- 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
- 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
- 7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
- 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
- 9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
- 10. Please list here steps you will take to promote all four licensing objectives together.
- 11. The application form must be signed.
- 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- 13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
- 14. This is the address which we shall use to correspond with you about this application.

**15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

#### **Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,

- (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
- (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
- (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

#### **Home Office online right to work checking service**

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

## **OPERATING SCHEDULE**

### **PORTOFINO, LYTHAM**

#### **A) The Prevention of Crime and Disorder**

1. A CCTV system shall be maintained and operated at the premises with cameras positioned both internally and externally.
2. Recorded CCTV images will be maintained and stored for a period of twenty-eight days and shall be produced to the Police or Licensing Authority upon request.
3. CCTV will be in operation at any time a person is in the premises. Where CCTV is recorded onto a hard drive system, any DVDs subsequently produced will be in a format so it can be played back on a standard PC or DVD player.
4. Any person left in charge of the premises must be trained in the use of any such CCTV equipment, and be able to produce CCTV images to an officer from a responsible authority upon request.
5. An adequate number of licensed door supervisors will be on duty as appropriate to any risk assessment. However, there will always be at least two door supervisors employed at the premises on Fridays and Saturdays and any Bank Holiday Sundays from 22.00 hours and until close of business for that day.
6. When employed, a register of those door staff employed shall be maintained at the premises and shall include:
  - (i) the number of door staff on duty;
  - (ii) the identity of each member of door staff;
  - (iii) the times the door staff are on duty.
7. 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 drugsThe incident book shall be available for inspection by a Police Officer or authorised person.
8. The provision of food, including full meals and snacks will 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 does not become a high volume, vertical drinking establishment.
9. A Search & Drug Policy shall be implemented to the reasonable satisfaction of Lancashire Constabulary and adhered to (see attached).
10. The premises shall become a member, and participate in the local PubWatch scheme.
11. Between 9am and 10am the sale of alcohol shall be ancillary to the consumption of a meal.
12. No person shall be permitted by the designated premises supervisor or persons acting under his/her authorisation to remove alcohol from the premises in an open container.

13. Persons under the age of 18 shall only be admitted onto the premises in the company of an adult. Except for pre-arranged private functions and ticketed events, children under 16 shall vacate the premises by 21:00 unless partaking in a meal or family function.
14. Security/staff arrangements will be sufficient to discourage the sale and consumption of drugs and shall ensure such arrangements include regular checks of toilet areas.
15. Where there is reasonable suspicion that drugs are being carried, the licensee shall ensure that the outer clothing, pockets and bags of those entering the venue are searched by a trained staff member of the same sex.
16. Clearly visible notices, shall be displayed advising those attending that:
  - a) It is a condition of entry that customers agree to be searched and
  - b) Police will be informed if anyone is found in possession of controlled substances or weapons.
17. Records of incidents involving the use, and/or detection of drugs shall be maintained and those records shall be available for inspection.
18. Confiscated and found drugs shall be transferred to the police in accordance with procedures agreed with Lancashire Constabulary.
19. 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.
20. Appropriate measures will be taken to ensure staff prevent the removal of bottles or glasses from the curtilage and grounds of the licensed premises.

## **B) Public Safety**

1. Adequate first aid provision will be available at all times on the premises..
2. Regular safety checks shall be carried out by staff.
3. Management shall liaise with the Fire Authority as necessary to ensure compliance with all necessary fire regulations.
4. The premises shall maintain an Incident Log and public liability insurance.



**C) The Prevention of Public Nuisance**

1. Noise from amplified music or voices shall not be such as to cause a noise nuisance to occupants of nearby premises.
2. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to nuisance.
3. The exterior of the building shall be cleared of litter at regular intervals.
4. Notices will be positioned at the exits to the building requesting customers to leave in a quiet manner.
5. Doors and windows at the premises are to remain closed after 10pm, save for access and egress.
6. A Dispersal Policy will be implemented and adhered to (see attached).
7. A Smoking Policy will be implemented and adhered to (see attached).
8. The emptying of bins into skips, and refuse collections will not take place between 11pm and 7am.
9. Staff shall monitor customers smoking outside the premises on a regular basis and ensure patrons do not cause a public nuisance.

**D) The Protection of Children From Harm**

1. A "Challenge 25" Policy shall be implemented in full and appropriate identification sought from any person who appears to be under the age of 25. The only acceptable forms of ID are photographic driving licences, passports, HM forces warrant cards, EU/EEA national ID card or similar document or a form of identification with the "PASS" hologram.
2. Staff training will include the Challenge 25 Policy and its operation. In particular, staff shall be trained to take such action as is necessary to prevent the sale of alcohol to persons over the age of 18 where those customers are engaged in the distribution of alcohol to persons under the age of 18. The training must be given to a new member of staff before they commence employment and all staff must receive refresher training every 6 months.
3. Notices advising what forms of ID are acceptable must be displayed.
4. Notices must be displayed in prominent positions indicating that the Challenge 25 policy is in force.

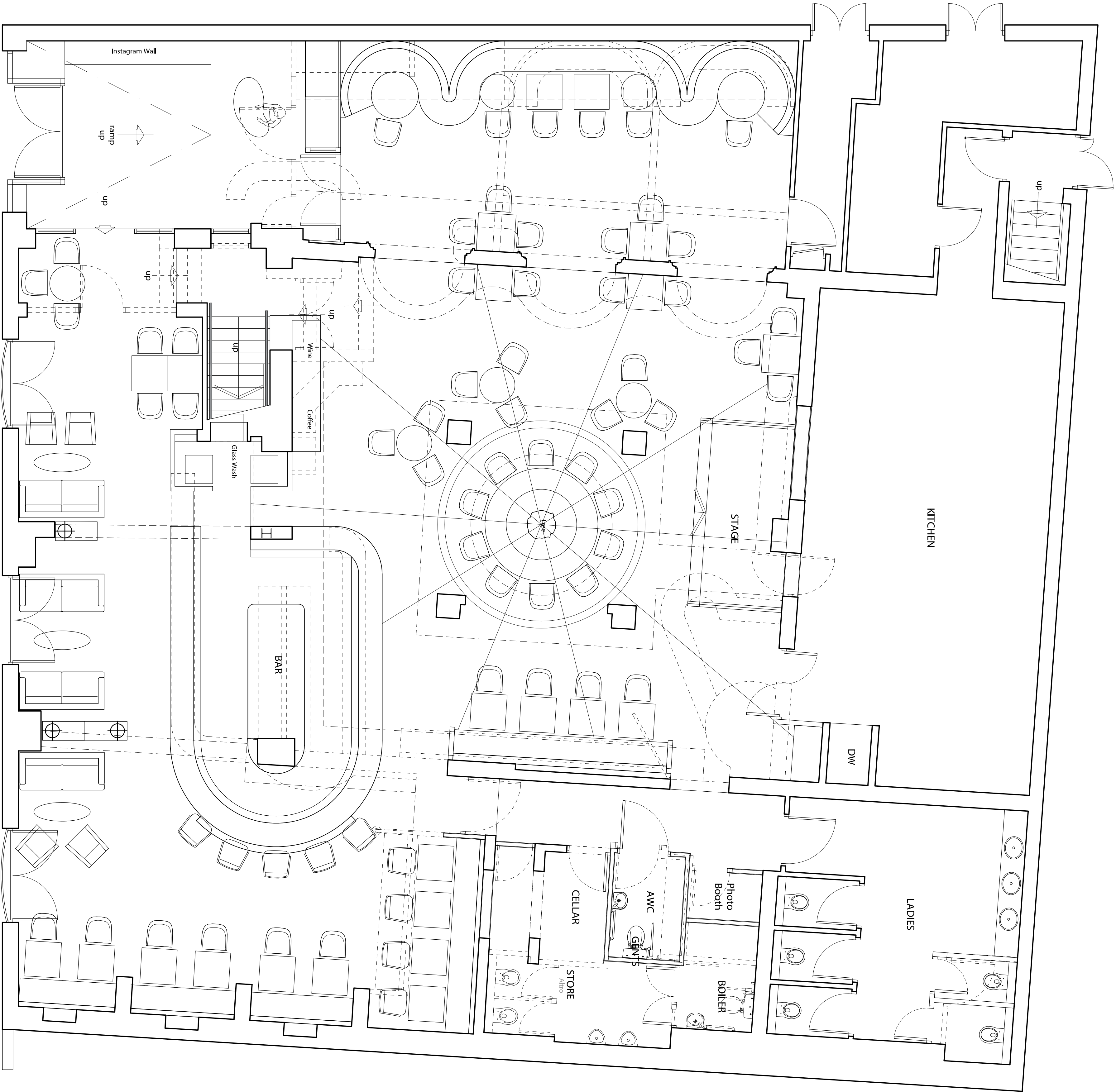
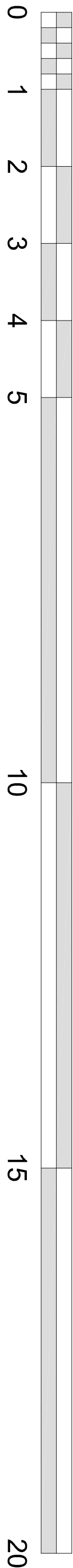
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**PORTOFINO, LYTHAM  
SEARCH POLICY**

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1. When employed, door staff will monitor customers as they queue and enter the premises.
2. Random searches will be carried out to deter customers from bringing drugs and/or offensive weapons onto the premises. The volume of searches will depend on prevailing conditions, risk assessments and/or police advice.
3. Those displaying any signs of being under the influence of drugs will be refused entry to the premises. If drugs of any sort are seized, the police will be informed.
4. If weapons are seized or if anyone is reasonably suspect of carrying a weapon, the police will be informed.
5. Door staff will be vigilant to the fact that adapted articles can be used as weapons but can be more difficult to detect. If any such items (e.g. jewellery, belt buckles) give cause for concern, access to the premises will be denied.
6. Self-sealed numbered bags will be used to safely and securely store any drugs/weapons that are seized. Wherever possible, the bag will be sealed and signed in the presence of the individual(s) from who they were seized.
7. All seizures will be fully recorded by the CCTV system and will be entered into the premises' incident log book.
8. No items whatsoever will be permitted to be sold on the premises by any third party.

SCALE IN METERS 1:1



NOTES

This drawing is copyright and must not be reproduced without the written permission of the designer. It is intended for use on the site only and is not to be used for any other purpose. Any errors or discrepancies to be reported to the designer.

CDM 2015 Designers Risk Assessment  
All works to be carried out under CDM regulations.  
The designer is not responsible for the design and construction of the proposed works unless specifically stated with the attached schedule.  
Do not scale off this drawing.

REVISIONS  
DATE  
00.00.00

Rev: Description 00.00.00

TITLE  
Proposed Ground Floor Plan  
DRAFT

PROJECT:  
Portofino,  
Henry Street,  
Lytham, FY8 5LE

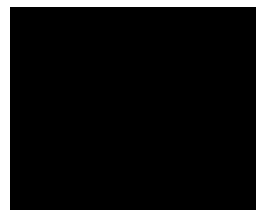
CLIENT:  
Ross Robinson / David Thompson

DRAWN BY: SCALE: 1:50 @ A1

DATE: 11.09.19 DWG NO: 1365.03 REV: .







The Licensing Authority  
Fylde Council  
Town Hall  
Lytham St Annes FY8 1LW

Dear Sirs,

I refer to the application from Mr R Robinson in respect of Supply of Alcohol 09.00 – 01.00, Regulated Entertainment 11.00 – 01.00 and Late Night Refreshment 23.00 – 01.00, seven days per week, fifty-two weeks per year at Portofino, Henry Street, Lytham.

I think that, if this was granted, it would result in an unacceptable level of noise and drunken behaviour quite inappropriate at this location close to many residences and a few hotels. It is not just the disturbance up until 01.00 EVERY night that I dread but the inevitable racket beyond this time following drinking-up time, exit from the premises, shouted farewells to friends, fighting arguing vomiting and urinating in the street, phoning taxis on mobile phones, slamming of car and taxi doors, roaring engines, sounding of horns, etc. I wonder how Mr Robinson would feel about such behaviour outside his house EVERY night.

I recognise that there are other licensed establishments nearby and therefore would, somewhat reluctantly, accept the granting of such licences on Friday and Saturday nights only but not EVERY night.

I trust you will take my views into account when considering this application,

Yours faithfully,



Neil W Turner

**Andy Hough**

---

**From:** Peter Worthington [REDACTED]  
**Sent:** 28 December 2019 19:17  
**To:** Licencing  
**Subject:** R. ROBINSON. PORTOFINO LICENSING APPLICATION.

Hello Andy,

I acknowledge your function in this process but, nevertheless would appreciate if you will submit this representation as presented.

Regards,

[REDACTED]

Peter Worthington



## Licensing Act 2003 – Representation Form

### 1. In what capacity are you making this representation:

- A person ☒  
 A body representing a persons ☐  
 A person involved in a business ☐  
 A body representing a business ☐

### 2. Details of Person/Body Making Representation

Mr ☒ Mrs ☐ Miss ☐ Ms ☐ Other ☐

Surname: WORTHINGTON		First Names: PETER THOMAS	
Postal address: [REDACTED]			
Post Code: [REDACTED]		Phone: [REDACTED] Mobile: [REDACTED] e-mail: [REDACTED]	

### 3. Details of the Premises/Club

Name: PORTOFINO	
Postal address: PORTOFINO, 11, HENRY STREET, LYTHAM.	
Post Code: FY8 5LE	Reference Number (If Known):

### 4. Which of the Licensing Objectives does your representation refer to?

- The prevention of crime & disorder ☐ Public Safety ☐  
 The prevention of public nuisance ☒ The protection of children from harm ☐

**5. What are your concerns?**

Please provide full details of your concerns regarding the premises. Please include or enclose any evidence you may have in support of your concerns:

I AM CONCERNED THAT THE PREMISES, PORTOFINO, ARE INTENDED TO BE A MULTIFUNCTIONAL ENTERTAINMENT VENUE OFFERING LIVE AND RECORDED MUSIC, ALCOHOL AND FOOD WITH EXPECTED HEAVY FOOTFALL MORE OR LESS 15 HOURS PER DAY INTO THE LATE NIGHT AND EARLY MORNING (+EXTENSIONS) 7 DAYS PER WEEK.

EFFICIENT ELIMINATION OF NOISE ASSOCIATED WITH THE VENUE IS ESSENTIAL TO PREVENT ALL EFFECTS WHICH WOULD OTHERWISE BE DETRIMENTAL TO THE NEIGHBOURING RESIDENTS.




(Please continue on a separate sheet if necessary)

**6. Suggested amendments?**

Could the licence be amended in any way to remedy your concern? If so, how?

SEE ATTACHED DOCUMENT

(Please continue on a separate sheet if necessary)

<b>Signature</b>	
<b>Capacity</b>	NEIGHBOURING RESIDENT AT   LYTHAM.
<b>Date</b>	28 DECEMBER 2019

Your representation will be passed to the applicant, to allow them the opportunity of addressing your concerns. Also it will be published in the report available to the Licensing Committee, which will be publicly available.

Please return this completed form to:  
The Licensing Team  
Town Hall  
Lytham St Annes  
Lancashire  
FY8 1LW



Peter Worthington

Tel:

Mob:

E:

Lancashire.  
FY8 5LJ

Licensing Application. Representation. 28 December 2019  
R. Robinson. Portofino. 11, Henry Street. Lytham. FY8 5LE

Reference Mandatory Prevention of Public Nuisance. NOISE.

- 1). The close down/end hours must be as follows:  

Premises open hours.	Sunday to Thursday	Time to close	00.30 (Friday).
Perform live music.	Sunday to Thursday	Time to end	23.00 (Thursday)
Play recorded music.	Sunday to Thursday	Time to end	00.00 (Thursday)
Provision of facility	Sunday to Thursday	Time to end	23.00 Thursday)
Late night refreshment	Friday to Sunday		23.00 to 01.00
Sale of alcohol	Sunday to Thursday	Time to end	00.00
Sale of alcohol	Friday and Saturday	Time to end	01.00
Performance of dance	None	None	None
- 2). The applicant must provide a noise impact assessment carried out by an approved source.
- 3). The Premises License Holder must 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.
- 4). The volume of amplified sound used in connection with entertainment must at all times be under the control of the management.
- 5). Regular measurement of the noise coming from the premises must be conducted when the premises are used for regulated entertainment and permanent records must be kept for reference and scrutiny.
- 6). The level of noise and vibration emanating from the premises operating during permitted hours must not exceed the levels which are present in the area when the premises are not operating.
- 7). Nuisance must not be caused by noise coming from the premises or vibration transmitted through the structure of the premises.
- 8). Appropriate double/triple glazing to STC 50+ must be provided and maintained to all windows to all elevations, door glazing and the glazed roof area/atrium.
- 9). All windows, roof openings/atrium and doors must not be kept open after 20.00 hours on any day whatsoever and for whatever reason and -  
 All doors, windows and roof/atrium must be closed during the performance of regulated musical entertainment except for door access and egress, or in the event of emergency.
- 10). There must be notices placed at all exits from the premises, where they can be easily seen and read, requiring customers to leave the premises and the area quietly.
- 11). Customers must be advised to leave the premises in a quiet and orderly manner.
- 12). The departure of customers from the premises must be effectively managed by staff who will request them to leave quietly and avoid causing noise, nuisance or disturbance to local Residents.
- 13). Storage of refuse and disposal of refuse must be arranged so as not to cause nuisance.
- 14). Deliveries, removal of bottles, refuse and all other commercial vehicle movements must not take place before 07.30 hours and/or after 20.00 hours.

**Andy Hough**

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**From:** Elizabeth Clarkson <[REDACTED]>  
**Sent:** 30 December 2019 19:59  
**To:** Licencing  
**Subject:** Objection  
**Attachments:** Document (35).docx

I attach an objection to the 1am music and alcohol licence at Portofino's Henry street on behalf of Mick Shaw, [REDACTED]  
[REDACTED] who has no computer.

He has posted a signed copy on 30th Dec on 30 Dec at FY8

Led Borough Council St Anne's

Sent from my iPad

**Objection letter for late night music and drink licence by Ross Robinson, Portofino's.**

**Mick Shaw**  


**To officers and members of Licensing Committee.**

**I live at the above address which is directly behind and within feet of Portofino's rear entrance.**

**I am regularly disturbed by music from Marvins until the early hours but since Portofino closed life is a little more peaceful as having 2 bars playing loud music directly opposite each other seriously affected my sleeping and thus my health.**

**The kitchen door was opened regularly by staff as there is a storage unit at the rear thus the noise intensified.**

**I would accept an 11pm license but children and working people need regular sleep and 1 am in a shared residential area is totally unacceptable.**

**When the bars close crowds of customers gather on Henry street and often trouble starts.**

**People are queuing for taxis who often leave their engines running causing pollution in such a narrow, enclosed street. Slamming of taxi doors and people shouting .**

**Customers have used my boat which was stored in my carport to hide and store drugs .**

**On several occasions I have witnessed groups coming to snort cocaine which they spread on my boat.**

**I have witnessed them in my neighbours garage doing the same.**

**I have had to move my boat as I was a little scared to report or confront them . . But that has eased off since Portofino closed.**

**Even now there are pools of vomit down Thomas street and Henry Street and men urinate in Thomas street.**

**Perhaps as well as earlier closing time an older age limit may minimise the probable disruption**

**There are 6 garages with their entrance from Thomas Street which was regularly blocked by customers smoking and socialising , taxis and cars blocking the entrance.**

**Please consider the residents when you make your decision.**

**We vote for you and trust you to support us.**

**Yours**

**Mick Shaw**  






## Andy Hough

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**From:** Elizabeth Clarkson <[REDACTED]>  
**Sent:** 30 December 2019 20:04  
**To:** Licencing  
**Subject:** Objection letter Portofino's lytham Fy8 5 EL  
**Attachments:** Objection Portofino.docx

I attach an objection letter for the application for a late license for the former Portofino restaurants Lytham

Sent from my iPad

**Licensing application**  
**Ross Robinson**  
**Portofino's.**  
**Henry S t**  
**Lytham**  
**FY8 5LE**

**Objector**  
**Elizabeth Clarkson**



**Supply of alcohol and music licence**  
**Monday to Sunday 09.00 – 01.00**

**To the Public Protection Committee,**

**I object to the granting of the 1am requested license for music and alcohol at the above establishment.**

**My rear door leads directly down the side of the restaurant and my bedrooms are within hearing distance of any loud music , particularly when the front and rear doors are opened which they are on a continual basis by customers and Kitchen staff at the rear.**

**Henry Street is a short, narrow street which already boasts 4 licensed premises.**

**There is a retirement home and several residential properties on this short stretch of road.**

**Henry street is but yards away from the other 8 licensed premises in the square, 3 of which belt out loud music.**

**When both Velvetines( now Marvins) and Portofino's were blasting out music and serving alcohol until the wee small hours Henry Street was often like a war zone with people getting injured in drunken fights.**

**Another late night venue would entice back the very young and underage drinkers as it did previously. It became a stags and hens venue. I witnessed, with my grandchildren, dangerously drunken women staggering , falling over and one flat out in the square- this was 5 pm in the afternoon. There were other incidences.**

The entrance to my home and garage is on Thomas street , a very short , private road up the side of Portofino's and I have suffered abuse and anger whilst trying to drive through the throng of smokers and phone users outside the restaurant.

I witness men using Thomas street as a urinal and have seen people, snorting coke in my neighbours car porch and also in my neighbours garage.

As a woman living alone it makes me feel very scared and vulnerable as they are just yards from my door

Residents are dodging pools of sick the following morning.

Lytham is a small ,village-like town , with a mix of business and residential properties sharing the centre of town.

To allow any more late night drinking and music licences on our doorstep would infringe on our human right to the peaceful enjoyment of our possessions and if you actually grant this late drink and music licence you the public authority, I believe, would infringe our basic human right to live peacefully in our homes .

We have already been deprived of living peacefully and without excess noise and fear by your continuous granting of late licences in such a small built up residential area.

Your role as a public protection committee is to provide a high standard of public safety for the residents of Fylde.

I ask that when you consider this application that you put your constituents health and safety first.

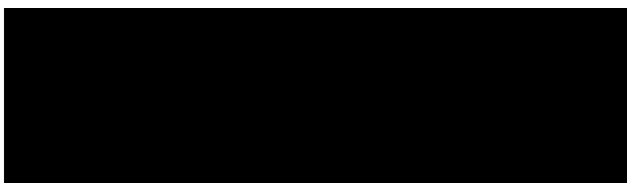
The applicant ,I expect ,will have his own legal representatives to support him and rely on.

We have you.

Please think very carefully and consider the ongoing distress this will cause .

Regards

Elizabeth Clarkson





**Joanne Gallagher**

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**From:** [REDACTED]  
**Sent:** 31 December 2019 12:04  
**To:** Joanne Gallagher  
**Subject:** Portofinos Objection  
**Attachments:** Portofinos Objection.docx

31-12-2019

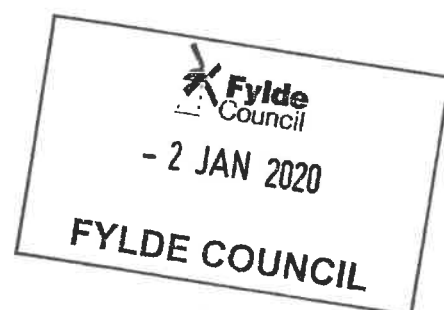
Licensing Team, Fylde Borough Council.

Re: Portofino, Henry Street, Lytham, FY8 5LE. License Application.

I strongly object to any extension of Licensed Hours of the above property. It has been closed for twelve months which has given the nearby residents some relief from the disturbances created from Portofino already excessive licensing hours. Customers come out for a smoke or to get some fresh air, this blocks our entrance to Thomas Street, they are very reluctant to move and generally become abusive and on a few occasions cigarettes have been flicked at the car. Thomas Street also becomes a urinal and convenient area to vomit, the doormen take no notice of this behaviour, I have had to put security lights up to try and discourage this behaviour but I feel this has made little difference. I have also had to put a security lock on my back gate after it was being used for dealing drugs and on occasions sexual acts. With present licensing it used to be about 1 a.m. before some sense of normality resumed this would extend to 2 a.m. which is already happening with another licensed premise on Henry Street of which there have been numerous complaints of loud music and antisocial behaviour outside of the premises again ignored by the doormen. When I first moved into this property there was Henrys Restaurant and the Drunk Buffalo Club, the restaurant was fine and only the occasional incident at the club, Portofino was okay but gradually the clientele must have changed as that became louder with the behavioural problems listed above. Since then the fabric of Henry Street has changed completely unfortunately for the worse with regular visits from the police.

I feel any further licensing hours in Henry Street will be a retrograde step and infringes on our rights to enjoy our property in a peaceful manner.

Howard Boswell





## Appendix 6 - Area Plan's



**Districts**

- Other District/Unitary Authority
- Lancashire Districts

### Portofino's