



Agenda

Licensing Hearing

Date:	Thursday, 14 July 2022 at 10:00 am
Venue:	Via Zoom
Committee members:	Councillor Shirley Green (Convenor) Councillor Sue Fazackerley MBE Councillor Viv Willder Councillor Gavin Harrison (Reserve)

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

Join Zoom Meeting

<https://us02web.zoom.us/j/84376159265?pwd=V0x1VFRvWEhrTk9zRk5VcFRkK0FTUT09>

Meeting ID: 843 7615 9265

Passcode: 953473

	PROCEDURAL ITEMS:	PAGE
1	Declarations of Interest: 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	Procedure for the Conduct of Remote Hearings	3 - 5
3	Application for the Grant of a Premises Licence - 75 Clifton Street, Lytham	6 - 38

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

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<http://fylde.cmis.uk.com/fylde/DocumentsandInformation/PublicDocumentsandInformation.aspx>

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LICENSING ACT 2003

THE LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005

PROCEDURE FOR THE CONDUCT OF REMOTE HEARINGS

1. Preliminary

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

2. Interpretation

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

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

3. Before the hearing

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

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

4. Opening the hearing

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

5. Zoom protocols

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

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

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

6. *Listening to the parties*

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

7. *Questioning the parties*

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

8. *Time limits*

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

9. *Considering the decision*

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

10. *Communicating the decision*

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

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF ENVIRONMENTAL AND HOUSING SERVICES	LICENSING PANEL	14 JULY 2022	3
APPLICATION FOR THE GRANT OF A PREMISES LICENCE - 75 CLIFTON STREET, LYTHAM			

PUBLIC ITEM

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

SUMMARY

The Licensing Authority has received an application for the grant of a new premises licence for 75 Clifton Street, Lytham. 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) reject the application

SUMMARY OF PREVIOUS DECISIONS

There are no previous decisions relating to this matter.

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

REPORT

Application

1. The application is for a new premises licence, situated at 75 Clifton Street, Lytham.
2. The matter has been referred to the licensing 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 the panel members:
 - The Application, including the plan and the Operating Schedule
 - The Statutory Guidance for Licensing Authorities issued by the Secretary of State under Section 182 of the Licensing Act 2003
 - The Council’s Statement of Licensing Policy
 - Copies of relevant representations made by the following responsible authorities:
None received
 - Copies of Relevant Representations made by the following interested parties
 - Cllr P Anthony
 - Cllr R Thomas

Consideration

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

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

8. The following parts of the Council's Statement of Licensing Policy appear to be particularly relevant to the application and the relevant representations:

- 7 General approach to licensing
- 9.5 Licensing Panel Hearings
- 18 Need for Licensed Premises
- 10.3 Conditions that the Licensing Panel may impose

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

Further information

9. Following mediation with the Police and Environmental Protection (who are responsible authorities) the applicant has agreed a number of conditions as detailed below to be attached to the licence. The Panel is therefore requested to consider attaching the conditions to the licence.

- 1) The primary purpose of the premises will be that of a restaurant / bistro / cafe serving food. Food will be available at all times when alcohol is supplied on the premises.
- 2) 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. Seating inside the premises will be provided for at least 70% of the total maximum capacity of the premises as determined by a risk assessment.
- 3) Any outside area used for the consumption of alcohol will cease to be so used by 10pm. In the outside area, all customers consuming alcohol shall be seated.
- 4) All furniture in the outside area to the front is to be either fixed or, if not fixed, to be removed from the outside no later than 22:30hrs.
- 5) There shall be no live entertainment, recorded music or live music to the external licensed area.
- 6) The outside area to the rear must cease being used for all activities at 21.00. All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency or for the purpose of access and egress
- 7) No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the premises.
- 8) Refuse such as bottles shall be disposed of in any external area of the premises at a time when it is not likely to cause a disturbance to sensitive premises/shall not be disposed of between the hours of 18.00- 08.00 and not on Sunday.
- 9) The licence holder, Designated Premises Supervisor or his representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause a disturbance to any sensitive premises. A written record shall be made of those assessments in a log book kept for that purpose and shall include, the time and date of the checks, the person making them and the results, including any remedial action.
- 10) There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public (or members and their guests), notices requiring customers to leave the premises and the area quietly (this may also include a reference to vehicles).
- 11) Noise from regulated entertainment at the licensed premises shall not exceed the background noise level when measured as an LAeq,5min in any one third octave band at the boundary with any noise sensitive premises.

Procedure

10. The applicant and the makers of the relevant representations have been invited to attend or be represented at the hearing.
11. 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
Chris Hambly	chris.hambly@fylde.gov.uk 01253 658422	22nd June 2022

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

Attached documents

Appendix 1 - Application form
Appendix 2 - Operating schedule
Appendix 3 - Plan of premises
Appendix 4 - Representations
Appendix 5 - Area plan



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 Tutti Ventures Limited

(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 TBC 75 Clifton Street			
Post town	Lytham	Postcode	FY8 5ER

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£31,750

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 type="checkbox"/> | please complete section (A) |
| b) | a person other than an individual * | | |
| i | as a limited company/limited liability partnership | <input checked="" 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) ☐ 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 (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 type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth			I am 18 years old or over <input type="checkbox"/> Please tick yes		
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the '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)	
Surname			First names		
Date of birth			I am 18 years old or over <input type="checkbox"/> Please tick yes		
Nationality					
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	
Daytime contact telephone number					
E-mail address (optional)					
		Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 15 for information)			

(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 Tutti Ventures Limited
Address 71 Shelton Street Covent Garden London WC2H 9JQ

Registered number (where applicable) 14061850
Description of applicant (for example, partnership, company, unincorporated association etc.) Private limited company Private Limited Company
Telephone number (if any)
E-mail address (optional) Rebecca.egan@kuits.com

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
1	7	0 6 2 0 2 2

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)

The premises will trade as a Mediterranean restaurant and bar in accordance with the plan lodged as part of this application which shows the internal layout (top image on plan) and the rear external area (bottom image on plan). The tables and chairs shown on the rear external area are an example of how the layout will be. The rear external area falls within the premises demise.

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) ☐
- b) films (if ticking yes, fill in box B) ☐
- c) indoor sporting events (if ticking yes, fill in box C) ☐

- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☒
- f) recorded music (if ticking yes, fill in box F) ☒
- g) performances of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H) ☐

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

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Wed					
Thur					
			<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> (please read guidance note 6)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Wed					
Thur					
			<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> (please read guidance note 6)		
Fri					
Sat					
Sun					

C

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

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Wed					
Thur					
			<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> (please read guidance note 6)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon	10:00	00:00			
Tue	10:00	00:00			
			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Wed	10:00	00:00			
Thur	10:00	00:00			
			<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> (please read guidance note 6) From the start time on New Years Eve to the terminal hour on New Years Day. An additional hour on the evenings preceding a Bank Holiday.		
Fri	10:00	01:00			
Sat	10:00	01:00			
Sun	10:00	00:00			

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	10:00	00:00	<u>Please give further details here</u> (please read guidance note 4)		
Tue	10:00	00:00			
Wed	10:00	00:00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Thur	10:00	00:00			
Fri	10:00	01:00	<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> (please read guidance note 6)		
Sat	10:00	01:00	From the start time on New Years Eve to the terminal hour on New Years Day.		
Sun	10:00	00:00	An additional hour on the evenings preceding a Bank Holiday.		

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Wed					
Thur					
			<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> (please read guidance note 6)		
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) 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	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors <input type="checkbox"/>
Mon				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)	
Wed				
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)	
Fri				
Sat			<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> (please read guidance note 6)	
Sun				

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	23:00	00:30	<u>Please give further details here</u> (please read guidance note 4)		
Tue	23:00	00:30			
Wed	23:00	00:30	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur	23:00	00:30			
Fri	23:00	01:30	<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> (please read guidance note 6)		
Sat	23:00	01:30	From the start time on New Years Eve to the terminal hour on New Years Day.		
Sun	23:00	00:30	An additional hour on the evenings preceding a Bank Holiday.		

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish		Both	X
Mon	07:00	00:00	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Tue	07:00	00:00			
Wed	07:00	00:00			
Thur	07:00	00:00	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 (please read guidance note 6) From the start time on New Years Eve to the terminal hour on New Years Day. An additional hour on the evenings preceding a Bank Holiday.		
Fri	07:00	01:00			
Sat	07:00	01:00			
Sun	07:00	00:00			

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):

Name Sacha Camilleri	
Date of birth	
Address	
Postcode	
Personal licence number (if known) FYPA0297	
Issuing licensing authority (if known) Fylde 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 9).

n/a

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	<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> (please read guidance note 6) From the start time on New Years Eve to the terminal hour on New Years Day. An additional hour on the evenings preceding a Bank Holiday.
Mon	07:00	00:30	
Tue	07:00	00:30	
Wed	07:00	00:30	
Thur	07:00	00:30	
Fri	07:00	01:30	
Sat	07:00	01:30	
Sun	07:00	00:30	

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 10)

Please see attached Operating Schedule and Policies.

b) The prevention of crime and disorder

Please see attached Operating Schedule and Policies.

c) Public safety

Please see attached Operating Schedule and Policies.

d) The prevention of public nuisance

Please see attached Operating Schedule and Policies.

e) The protection of children from harm

Please see attached Operating Schedule and 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.**

Declaration	<ul style="list-style-type: none"> • [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). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or
--------------------	--

	her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	Kuit Steinart Levy LLP
Date	19 th May 2022
Capacity	Solicitors and Authorised Agents

For joint applications, signature of 2nd applicant or 2nd 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) 3 St Mary's Parsonage			
Post town	Manchester	Postcode	M3 2RD
Telephone number (if any)	0161 832 3434		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) Rebecca.egan@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 issued to an individual or an individual in a partnership which is not a limited liability 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 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 the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensing activity.

They do this in one of two ways:

- 1) by providing with this application copies or scanned copies of documents which an applicant has provided, to demonstrate their entitlement to work in the UK (which do not need to be certified) as per information published on GOV.UK and in guidance.
- 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).

Home Office online right to work checking service

As an alternative to providing a copy of the original documents, 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 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 shared digitally. 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 copies of documents as set out above.

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.

OPERATING SCHEDULE
75 CLIFTON STREET

Staff shall be trained in the requirements of the Licensing Act 2003 with regard to the Licensing Objectives.

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. [Plans indicating the position of CCTV cameras to be submitted to the Police prior to the premises opening.]
6. SIA registered door staff shall be employed at the premises, in accordance with a risk assessment, to be carried out by the DPS. When employed, door staff will wear high visibility armbands.
7. 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.
8. Open containers of alcohol shall not be removed from the premises, save for consumption in any delineated external area.
9. Staff will be trained in the laws relating to under age sales, and that training shall be documented and repeated at 6 monthly intervals.
10. A refusals book will be maintained at the premises, and made available to an officer of a responsible authority upon request.

B) Public Safety

1. A first aid box will be available at the premises at all times.
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.

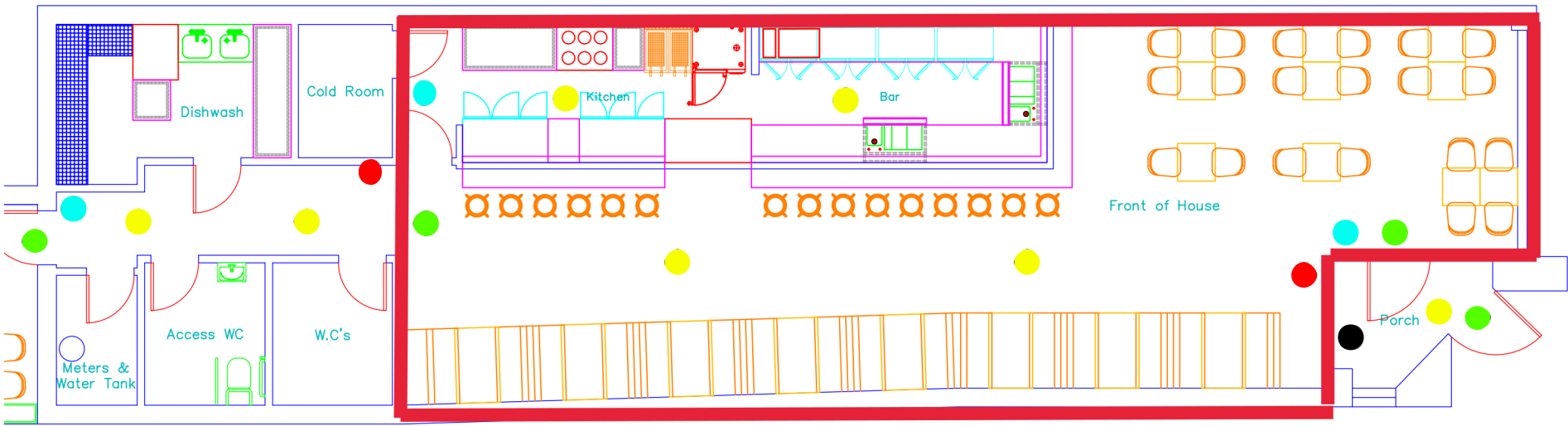
4. The premises shall maintain an Incident Log and public liability insurance.

C) The Prevention of Public Nuisance

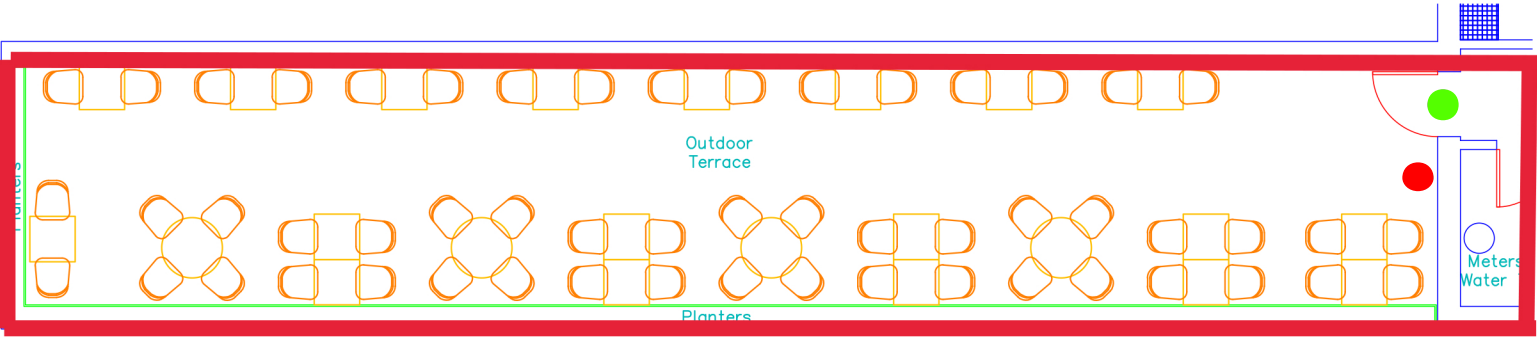
1. Noise from amplified music or voices shall not be such as to cause a noise nuisance to occupants of nearby premises.
2. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
3. The exterior of the building shall 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 11pm, save for access and egress.
6. A Dispersal and Smoking Policy will be implemented and adhered to (see attached).
7. The emptying of bins into skips, and refuse collections will not take place between 11pm and 7am.

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.



Proposed Ground Floor Layout - Option 1
1-100 @ A3



Proposed Ground Floor Terrace Layout - Option 1
1-100 @ A3

Extinguishers

Call points

Emergency lighting

Emergency Exit signs

Alarm Panel

Appendix 3 Plan of Premises

This drawing is to be read in conjunction with all relevant drawings.

The main contractor/builder is to interpret the requirements in relationship to the site conditions encountered and as agreed with the Building Control officer.

All dimensions and sizes to be verified on site, any discrepancies to be reported to the client/project manager. These annotations were prepared for planning and/or building control submission only.

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A	For Client Approval	PB	05.04.22
Rev	Description	By	Date
Initial Issue: 05.04.2022			

CLIENT Apricot Cafe 73a Clifton Street Lytham St Ann's	
PROJECT TITLE Re-Fit	
DRAWING TITLE Proposed Ground Floor Layouts Options 1 & 2	
Drawn by: PB	Checked by: RH
Date: 05.04.2022	Scale: 1:100@A3



COMMERCIAL KITCHEN & BAR

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www.commercialkitchenandbar.com
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Job Ref.	Drawing No.	Revision
JR	100	A

From: [Cllr Peter Anthony](#)
To: [Cllr Ray Thomas](#); [Chris Hambly](#)
Subject: Re: Late night/early morning licence application for the old Santander bank building, Clifton Street, Lytham.
Date: 16 June 2022 14:06:57

Hi Chris,

If it requires a formal representation on behalf of the residents concerns, then yes, please take this as exactly that.

I know some residents are reluctant to put pen to paper for whatever reasons, but they have certainly asked myself and Cllr. Ray Thomas to let their views be known.

Once again, I think the only issue here is the late night license whereas customers could cause noise or create anti-social behaviour under the influence of alcohol in the early hours of the morning. That is the only concern they all seem to have, other than that they seem very supportive of the change of use to a hospitality premises.

Kind regards,
Peter

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From: Cllr Ray Thomas <crr.rthomas@fylde.gov.uk>
Sent: Wednesday, June 15, 2022 9:36:15 PM
To: Chris Hambly <chris.hambly@fylde.gov.uk>
Subject: Re: Late night/early morning licence application for the old Santander bank building, Clifton Street, Lytham.

Dear Chris,

Hope you are feeling better and no longer testing positive!

When I spoke to you in your office I expressed my concerns and those of my colleague, Cllr Peter Anthony, regarding this application.

I can only concur with him regarding numerous residents in that area who have expressed their worries, especially regarding the licensing hours, certainly over the weekend and together with possible anti-social behaviour that might occur. Certainly there are, as has been stated, numerous residential properties both at the front and rear of the building.

.

As stated by Cllr Anthony, I don't think people are against the development of a licenced hospitality business, rather their concerns over the late licencing hours, at the week-end. Certainly, the licensing objective, 'prevention of public nuisance' could clearly apply here. I also agree with the EP Team, that the external area be closed at 21:00 rather than the 22:00 that the business is applying for on this occasion. I realise I cannot as a Ward Councillor on the Licensing Committee be involved, but would, nevertheless, make this a formal representation for the application to be decided by the Licensing Committee. As with Cllr Anthony's views, as Ward Councillors, we have to represent our resident's views and concerns in

the assessment of all applications.

Thank you, Chris, for your response and further information.

Kind Regards,

Cllr Ray Thomas.

I

From: Chris Hambly <chris.hambly@fylde.gov.uk>
Sent: 15 June 2022 15:51
To: Cllr Peter Anthony <cllr.panthony@fylde.gov.uk>
Cc: Cllr Ray Thomas <cllr.rthomas@fylde.gov.uk>
Subject: RE: Late night/early morning licence application for the old Santander bank building, Clifton Street, Lytham.

Hi Councillors, thanks for your message and I note the concerns.

May I clarify if this is a formal representation – if so, as Councillor you may make representation relating to the likely effect of the grant of the licence on the licensing objectives of the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm. You may wish to consider suggesting that the residents that expressed concerns to make representations themselves and they can then nominate someone such as yourself to speak on their behalf at the Licensing Panel.

In terms of this application, the applicant has agreed conditions with the police which will create a strong food led emphasis on the premises and closing the outside area at 2200. Our EP team have submitted a representation asking for a number of conditions but also that the external area is closed at 2100 rather than 2200 but we are yet to hear back from the applicants solicitors.

The hours requested for the sale of alcohol are sun – thurs – 0700 – 0000 and fri – sat 0700 – 0100 , + 30 mins for drinking up time.

Please let me know whether this is a formal representation or you will direct concerns towards us. The closing date for representations is the 16th June.

Thanks
Chris

From: Cllr Peter Anthony <cllr.panthony@fylde.gov.uk>

Sent: 15 June 2022 15:24

To: Chris Hambly <chris.hambly@fylde.gov.uk>

Cc: Cllr Ray Thomas <cllr.rthomas@fylde.gov.uk>

Subject: Late night/early morning licence application for the old Santander bank building, Clifton Street, Lytham.

Hello Chris,

I just wanted to pass on the concerns of numerous residents in the vicinity of Clifton Street close to where the above application applies.

Myself and my colleague Cllr. Ray Thomas have both been approached by numerous residents who are quite concerned about noise levels and potential anti-social behaviour in the early hours of the morning. They also feel that the concentration of existing late night licenses tend to be around Lytham square and that this would start to extend the nightlife culture further into other areas of the town centre. Every one of the residents i have spoken to are not against the development of the building into a licenced hospitality business, their concerns have all been around the subject of the late licence application.

There are quite a number of residential properties in the area around the application address, including cottages at the rear of the building, a collection of flats above the Boots building, the old Talbot pub apartments, the central beach cafe apartments, as well as many others above a host of retail premises.

It would be irresponsible of me, as a councillor representing these local residents, to not pass on their concerns so as you can consider them during the assessment of this application.

Kind regards,

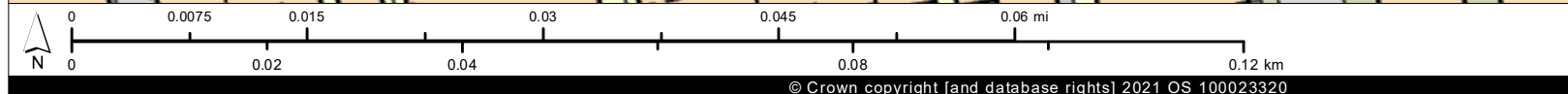
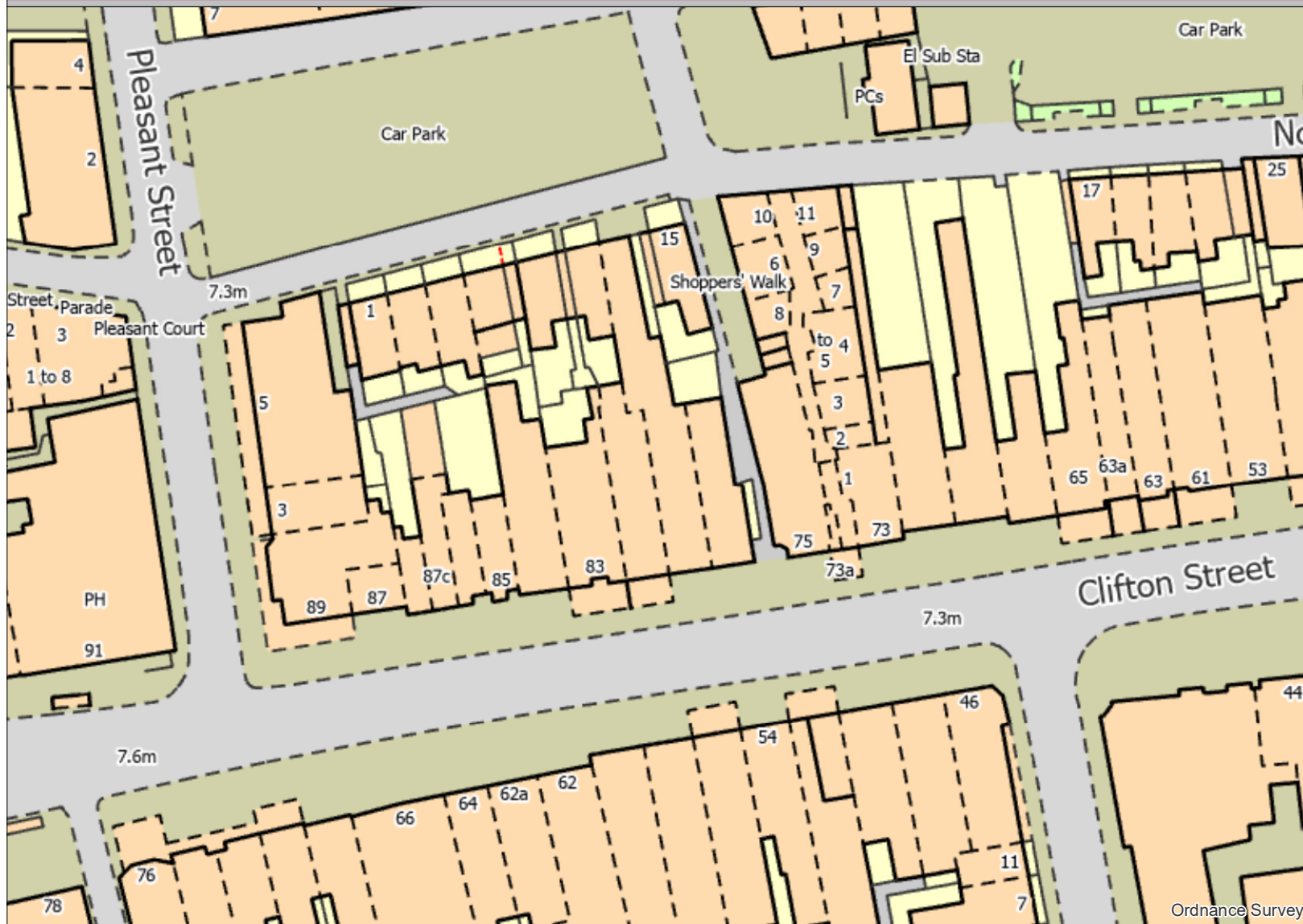
Cllr. Peter Anthony

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75 Clifton St

Author:

Date Created: 22/06/2022



Map Scale: 1:750
Map Centre: 336,679 427,203