



DECISION NOTICE

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| Date of Hearing: | Wednesday, 25 November 2020 - 2pm |
| Applicant: | Eleanor Daniels and Timothy Jackson |
| Reason for Hearing: | The Licensing Authority had received an application from an “other person” as defined by the Licensing Act 2003 to review the premises licence at The Willows, Bryning Fern Lane, Kirkham. As such, a hearing was held to determine the application. |
| Parties in Attendance: | <p>Panel: Councillor Shirley Green- Convenor. Councillor Gavin Harrison. Councillor Ray Thomas.</p> <p>Applicants: Eleanor Daniels, the applicant.</p> <p>Representatives: Malcolm Ireland - Napthens Solicitors on behalf of The Willows. Richard Cochrane - Designated Premises Supervisor for the Willows. Thomas McDonald - Majority shareholder in the premises. Michael Goode, Neil Martin in support of the premises. Councillor E Oades (ward councillor,) Robin Tubbs for Mr A Proniewicz in support of the review application.</p> <p>Responsible Authorities: PC Emma Pritchard - Lancashire Constabulary Andrew Hill - Fylde Council Environmental Protection Team</p> |

Decision: It is the decision of the Licensing Hearing held on 25th November 2020 to impose additional conditions and modify some existing conditions within the Premises Licence Operation Schedule for

the premises at The Willows, Bryning Fern Lane, Kirkham for the promotion of the licensing objective (i) the prevention of public nuisance and (ii) the prevention of crime and disorder as set out in the final paragraph of this decision notice.

Reason for the Decision:

The Licensing Authority had received an application from an “other person” as defined by the Licensing Act 2003 to review the premises licence at The Willows, Bryning Fern Lane, Kirkham. As such, a hearing was held to determine the application.

The premises were described on the application as “a premises [which] will predominantly be used as a member’s club providing both alcoholic and non-alcoholic drinks to members as well as regular entertainment. In addition, it is intended that the premises will operate a function room to be used by members and non-members for functions such as birthdays, wakes & christenings.” A copy of the current licence was included with the papers.

In considering the application, the Panel had regard to the Licensing 2003 Act; the Guidance issued by the Secretary of State under Section 182 of that Act; the Council’s Statement of Licensing Policy and the need to promote the four licensing objectives in particular, the prevention of crime and disorder and the prevention of public nuisance.

At the hearing, the Panel heard from Eleanor Daniels (the applicant) and Mr Robin Tubbs on behalf of Mr Proniewicz and Councillor Oades (ward councillor) who supported the review of the application. Ms Daniels and Mr Proniewicz urged the panel to consider revocation of the licence. In addition, the Panel also gave due consideration to the written representations (including supporting information) presented by all parties in advance of the hearing including the responsible authorities and all the other relevant information contained in the agenda papers.

The Panel also took into consideration the video footage evidence from the applicants which was made available in advance of the hearing.

The concerns regarding the running of the premises and matters associated the level of noise emanating from the premises and crime and disorder engaged the prevention of public nuisance licensing objective and the prevention of crime and disorder licensing objective.

Following this, the Panel heard from Malcolm Ireland of Napthens Solicitors on behalf of The Willows, Thomas McDonald, (majority shareholder in the premises), Richard Cochrane (Designated Premises Supervisor), Michael Goode and Neil Martin in support of the premises. The Panel had regard to the additional material submitted on behalf of the Premises Licence Holder upon which he intends to rely, this included an updated Dispersal Policy and proposed modifications to the current conditions of the Licence.

The Panel also heard from representatives of the Police and the Environmental Protection Team (as responsible authorities) regarding issues about the operation of the premises.

The Panel was mindful of the various measures proposed to be put in place by the Designated Premises Supervisor to address some of the concerns, but felt that the on-going issues of public nuisance and the potential for crime and disorder meant that further measures were required.

On balance, the Panel decided not to revoke the licence. It was accepted that the local residents ought to be protected from public nuisance as far as possible and as such, considered that additional conditions could be imposed to achieve this. It was therefore considered appropriate to restrict activities at the premises by imposing additional conditions and modifying some existing conditions.

Having regard to paragraphs 11.19 and 11.20 of the Statutory Guidance, the Panel is satisfied that the addition of the conditions submitted by the Premises Licence Holder prior to the Hearing and the following conditions offered during the Hearing would be an appropriate and proportionate response to address the concerns that the Applicant raised.

In particular, the Panel hoped that the first additional condition would result in a considerably lower level of noise when patrons are leaving the premises. The second and third additional conditions would provide further assurance that any residual disturbance would not occur as late as it would otherwise have done. The Panel was mindful of the need to try to accommodate the legitimate activities of the premises, but also of the ability for the applicant or any other person to institute a further review should the additional conditions and those offered by the operator not be successful in solving the problems.

The Panel's decision is therefore as follows:

To not revoke the Licence but restrict activities at the premises at The Willows, Bryning Fern Lane, Kirkham by imposing additional conditions and modifying some existing conditions within the Operating Schedule as follows:

Delete condition 2.6 in annex 2 of the current Licence and replace by the following new condition in annex 3:

1. Prior to any occasion on which licensable activities are to be carried out at the premises, a risk assessment shall be carried out to determine whether door supervisors are required. An appropriate number of door supervisors shall be utilised in accordance with the said risk assessment, save that during the following times the number of door supervisors will not be less than one on each entrance to or exit from the premises that is in use during the licensable activity:

Friday 18:00 to Saturday 05:00

Saturday 18:00 to Sunday 05:00

Any bank or public holiday 18:00 to the following day 05:00

Any time on Kirkham Club Day

Door supervisors will be instructed to engage with patrons leaving the premises to ensure, so far as possible, that they do so quietly and in a manner that will not cause disturbance to residents in the locality.

2. The times for ending licensable activities will be brought forward by one-hour Monday to Sunday, including non-standard timings.

3. The time for closing the premises will be brought forward by one-hour Monday to Sunday, including non-standard timings.

4. Incorporate as conditions the changes to the Operating Schedule proposed by the licence holder in pages 13-14 of the supplementary bundle.
