

Chris Hambly

Subject: FW: Barrique

From: Andrew Stell
Sent: 30 May 2017 21:04
To: Andy Hough <andy.hough@fylde.gov.uk>
Subject: RE: Barrique

Andy

I refer to the review detailed in your email below.

I am a little confused by the review as many of the issues raised seem to relate to the planning permission for the use of the premises, which is for a mixed use retail/drinking establishment under our reference 16/0074, rather than the terms of the premises licence. However, I provide the following comments to assist the review process using the numbers in the 'Grounds for Review' section of the submission:

1A) This relates to breaches of condition 3 of the above planning permission that controls the hours of consumption of food and drink within and outside the premises. Whilst I am aware that the premises licence allows later operating than the planning permission, I have recently been made aware of these alleged breaches. Since that came to my attention I have met with the operators of the premises to reiterated the need to comply with this planning requirement and will follow this up if needed.

1B) This refers to an alleged breach of a planning condition. I have raised this with the operators and will follow it up if needed.

1C) This refers to an alleged breach of a planning condition. The allegation in (a) is not correct in that a scheme was supplied, albeit the council never confirmed its acceptability. Having now considered that scheme and viewed it in operation I am satisfied that the scheme that was submitted is acceptable and has been operated in a satisfactory manner to address the planning condition.

There are no planning controls over the hours of waste removal from the site as raised in point (b) although this is a matter that I recently highlighted to the operators as an area of some local concern and which they are investigating with their waste contractor.

With regards to item (d), the storage of gas cylinders at the site is not a planning matter, although I have taken advice on it from the council's Environmental Protection Officers (as the appropriate enforcing body rather than the HSE or Fire Service) and advised the operators of the need for these cylinders to be secured if stored in the open.

1D) The speakers are not of a scale that I believe requires planning permission or listed building consent. There are no planning controls over the hours and volume of their use, although this is also a matter that I have recently discussed with the operators as I understand it has led to some local concern.

2) I have no comments to make on this aspect of the review other than to confirm that the allegations do not involve any breaches of planning control.

3) I am aware that the council's planning team was consulted on this application and made comments for consideration in that decision.

4) Following a recent suggestion that the premises may not be operating as a mixed use as is required by its planning permission I made a visit to the site and discussed this matter with the operators. They were adamant that the premises does trade as a mixed retail and drinking establishment, and at my visit I observed that there was a meat/cheese fridge and that parts of the premises were used for the display of wine for sale by the bottle for consumption off the premises. At that visit I was satisfied that the premises was trading in accordance with its planning permission, although will continue to keep this under review.

5) I have no comments to add under this point.

6) I have no comments to add under this point.

I trust that these comments assist the review, but if you have any queries please do not hesitate to contact me

Regards

Andrew

Andrew Stell
Development Manager
Extension: 8473

From: Andy Hough
Sent: 30 May 2017 13:32
To: EMAIL ADDRESSES WITHHELD BY LICENSING TEAM

We have received the following application for a review of a Premises Licence, your copy is attached

30th May 2017

Premises	Applicant	Reasons for Review	Comments
Barrique 2/3 Market Square Lytham	Simon Newell	Public nuisance Breaches of the operating schedule Performances of live music and recorded music without the relevant permission	Awaiting comment

Andy Hough
Technical Enforcement Officer - Licensing Team
Extension: 8606

Andy Hough

Subject: FW: Barrique review of a premises license

From: Jonathan J. Taylor xxxxxxxxxxxxxxxxxxxx
Sent: 06 June 2017 12:29
To: Andy Hough <andy.hough@fylde.gov.uk>
Subject: Barrique review of a premises license

Application for review of a premises license or club premise certificate under the Licensing Act 2003

Premises Licence Holder: Lytham Wine Company Limited

Premises: Barrique 2&3 Market Square, Lytham, FY8 5LW

Premises Licence Number: FY PL0378

We live at 13 Hastings Place and we totally agree with Simon Newell and the Application for review of Barrique's license.

Barrique has caused Public Nuisance against the conditions in the license. The following facts show what we particularly object to.

There is no permission either asked for or granted for Live Music and yet Barrique has open Mike sessions on a Wednesday. Barrique also has Sunday Sessions as Barrique's Facebook page says "Barrique presents Sunday Sessions every Sunday from 4.00 PM Darren Holme Live and Acoustic."

There is no permission for a fore court extension after 9 PM yet Barrique does not in any way try to comply.

Unfortunately both these permissions together with a number of further conditions are ignored. Simon Newell sums up in his papers the problems much better than we can.

However on Numerous occasions we have had discussions with the management our wish that the licensing conditions be adhered to. Unfortunately although agreeing they have then totally ignored the agreement.

Barrique looks over Lytham's Memorial gardens. They have placed speakers outside which play recorded Music in the Gardens. In hot weather they keep all four double doors open which has the same effect. The doors are supposed to be shut apart from the entry door. The Memorial gardens are not considered in the license but they should be considered by responsible Landlords.

The License was granted "In the interests of preserving the amenity of neighbouring and nearby residential properties as require by Policy EP 27 of the Fylde Borough Local Plan."

We are also aware that a condition of other license premises in Lytham are: "Patrons shall not be permitted to consume drinks in the external areas to the front and rear of the premises after a set time. Signs shall be displayed in prominent positions warning customers that they will not be permitted to eat or drink in the area after this time." Why was Barrique not asked to do the same?

It is more than apparent that Barrique feels that it is above the law. We hope that you can ensure that the law is not some sort of joke which can be ignored when not convenient.

Mr Jonathan and Dr Karen Taylor

Chris Hambly

Subject: FW: Barique wine store and deli

-----Original Message-----

From: Johnny Gaunt [mailto:XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX]

Sent: 12 June 2017 15:47

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

Subject: Barique wine store and deli

Dear Mr Hough,

We live at number 14 Hastings Place, Lytham, fy8 5lz and have done for many years. We have been substantially affected by the opening of the licensed premises known as Barique, and the manner of the operation of these premises.

This has caused nuisance, annoyance and distress. It interferes to a considerable extent with peaceful enjoyment of our residential property.

We have read the application made by Simon Newell at number 10 Hastings Place, to review the premises licence held by the Lytham wine company, and are fully aware of the feelings of our neighbours Jonathan and Karen Taylor, who also live on Hastings Place.

We are aware of the licensing objectives. As a result of the misrepresentations made by the company, their breaches of planning regulations, licensing regulations and their continuing failure to comply with orders made by the local authority and their disregard for the rights of local residents, we take the view that they are and have not complied with the licensing objectives.

We will file personal evidence statements particularising the above no later than 12th July.

Yours sincerely

Jonathan Gaunt

Sent from my iPad

Andy Hough

Subject: FW: Barrique review of a premises license

-----Original Message-----

From: Johnny Gaunt [xxxxxxxxxxxxxxxxxxxxxxxxxxxx]
Sent: 26 June 2017 15:46
To: Andy Hough <andy.hough@fylde.gov.uk>
Subject: RE: Barrique review of a premises license

Mr Hough

We live at 14 Hastings Place Lytham, and we totally agree with Simon Newell and the application for review of Barriques license. We are also aware of the feelings of the other residents of Hastings Place.

We understood that Barrique was to open as an upmarket quite sophisticated wine shop and deli. " There would be absolutely no noise or disturbance to the neighbours whatsoever, the noisy clientele was to be catered for on Henry Street." The words of one of the partners when Barrique first opened.

Unfortunately we feel Barrique no longer represents the image it was hoping to create. We strongly feel Barrique has caused public nuisance against the conditions of the license.

We object to the fact there is no permission either asked for or granted for live music, and yet Wednesday holds an "open mic" session, and Sunday from 4pm, there is live music which is advertised on social media such as Facebook twitter etc.

The Sunday session is particularly loud, often sounding like karaoke when the clientele join in singing and on some occasions dancing.

On one occasion the music was so loud it disrupted our afternoon sitting in our back garden. This resulted in our neighbour Mr Jonathan Taylor furiously crossing the road to complain. We all as neighbours received an apology from a young female bar person who seemed to have no control over the afternoon situation. We discovered no senior management were on the premises at the time, and have still not received an apology from them. Sunday sessions still remain the same, and in the hot weather all the doors are wide open.

There is no permission for a forecourt extension after 9pm, yet Barrique does not in any way try to comply. The forecourt is very close to our houses and the noise can be heard very clearly in the front bedroom which we sleep in. We also find that a wine bar overlooking the memorial gardens is quite disrespectful. Parents drinking whilst allowing their children to run around and screech can be quite infuriating. We have an elderly neighbour who often sits in the gardens, along with many other Lytham residents and visitors. The memorial gardens are not considered in the license but they should be considered by responsible landlords.

Our neighbour has on numerous occasions had discussions with the management, that the licensing conditions be adhered to, but unfortunately after agreeing with him to his face, have totally ignored his request. Since this review, we all have received an invite to Barrique with refreshments to discuss any concerns. Apparently this is something they want to do regularly because we as neighbours are their first priority, and would hate to cause us harm. We were amused by the timing of this invite. Unfortunately we will be working and will be unable to attend. I must add that Mr Crimmin who sent the invite has yet to even acknowledge myself or my wife, that again amuses me why he would say he's concerned about our feelings.

The license was granted " in the interests of preserving the amenity of neighbouring and nearby residential properties as require by Policy EP 27 of the Fylde Borough Local Plan."

We are also aware that a condition of other license premises in Lytham are: patrons shall not be permitted to consume drinks in the external areas to the front and rear of the premises after a set time. Signs shall be displayed in prominent positions warning customers that they will not be permitted to eat or drink in the area after this time" Why was Barrique not asked to do the same?

It is very disappointing when you have worked hard to live in such a beautiful area as Lytham to have it being spoilt by greed. Lytham has been overdosed with bars and restaurants and we've been informed by a reliable source that the value of our property has decreased.

Johnny and Kathy Gaunt
Sent from my iPad

Andy Hough

Subject: FW: Sunday session Barrique

From: Johnny Gaunt [xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx]
Sent: 28 June 2017 11:05
To: Andy Hough <andy.hough@fylde.gov.uk>
Subject: Re: Sunday session Barrique

Sorry about that Andy don't no why it's showing upside down because it's not in my Sent box can you turn it the right way on your computer the film was taken from my Front garden 14 Hastings Place 7th May 18.48

On 28 Jun 2017, at 09:57, Andy Hough <andy.hough@fylde.gov.uk> wrote:

Thank you for your email.

It is still upside down, can you please confirm time, date and where you filmed it from please.

Thanks Andy

Andy Hough
Technical Enforcement Officer - Licensing Team
Fylde Borough Council

DDI: 01253 658606

Main: 01253 658658

How are we doing? Have your say and fill in the residents survey here:
<http://www.fylde.gov.uk/council/performance/residentssurvey/>

Want to be kept up to date with news from your council? Sign up here -
<http://www.fylde.gov.uk/e-alerts>

Fylde Borough Council's email disclaimer can be found at:
<http://www.fylde.gov.uk/disclaimer>

Visit our website for all the latest information at your fingertips:
<http://www.fylde.gov.uk>

From: Johnny Gaunt [xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx]
Sent: 28 June 2017 09:44
To: Andy Hough <andy.hough@fylde.gov.uk>
Subject: Sunday session Barrique

Download Attachment
Available until 28 Jul 2017

Click to Download

IMG_7851.MOV
0 bytes

Sent from my iPad

REVIEW OF LICENCE OF BARRIQUE, 2-3 MARKET SQUARE, LYTHAM

WITNESS STATEMENT OF

1. My name is Michael Bonney. I live at 1 Willows Avenue, Lytham St. Annes, FY8 5QT .
This is not in proximity to Barrique and is approximately 1 mile away.
2. I am a regular customer of Barrique. My wife I go in Barrique usually on Friday/Saturday evening between 17:00 and 19:00 and occasionally on Sunday afternoons between 15:00 and 16:00
3. In my opinion Barrique is a bar predominately frequented by professional older people of my age group (I am 54) who seek a sophisticated quiet bar that has a great selection of fine wines served by a highly competent, polite and friendly set of staff. It's a place to go for a conversation, a light bite to eat and a very good glass of wine. By its very nature it does not attract people who wish to drink beer and listen to music, there are lots of other outlets in Lytham that cater for that.
4. I understand that the licence of Barrique is being reviewed. I also understand that it is being said that there is loud music outside Barrique, that music playing inside is causing a disturbance to neighbours, and that there has been loud, aggressive behaviour on the forecourt. I am asked to comment on that, as far as I can.
5. At no time I have witnessed bad behavior or heard loud music in Barrique and I have certainly never heard loud music outside the bar. I have used the bar since it first opened. As sated at Point 3 above I believe it to be one of the quietest bars in Lytham.
6. Specifically regarding the afternoon of the 30th of April 2017 between the time of 15:37 and 16:45 as I recall I was enjoying a quiet drink with my wife and stepdaughter and as per my

comments above it was a usual quiet afternoon at Barrigue with a relaxed pleasant atmosphere and I certainly did not witness any disturbance from any other patrons.

7. The contents of this statement are true.

Signed:

Name:

MICHAEL BONNEY

Date

26-6-2017



5 HASTINGS PLACE
LYTHAM FY8 5SA
26/6/17

DEAR MR HOUGH,

I AM WRITING TO SUPPORT MY
NEIGHBOUR MR SIMON NEWELL OF 10 HASTINGS
PLACE LYTHAM REGARDING THE PREMISES KNOWN AS
BARRIQUE 2 AND 3 MARKET SQUARE LYTHAM.

I HAVE READ HIS SUBMISSION TO THE COUNCIL
AND AGREE WITH HIS POINTS RAISED. I WOULD
LIKE TO FURTHER AND THE ACCESS FROM THE
FOOTPATH ADJACENT TO THE PREMISES IS NOT FIT
FOR PURPOSE FOR MOTHERS WITH WHEELCHAIRS OR
DISABLED PEOPLE. THE STORING OF CAROR GAS BOTTLE
BY THE BIN ON THE SIDE OF THE PREMISES, MUST
BE A FIRE HAZZARD OF SOME TYPE.

WHEN THE PREMISES WAS A BUTCHERS, TAKEN

SANDWICH SHOP ALL WASTE BINS WERE STORED
INTERNALLY.

THE NOISE IN AN EVENING AT WEEKENDS
AT TIMES IS NOT GOOD. AND WITH SPEAKERS
FIXED TO OUTSIDE THE PREMISES IS NOT HELPING
THE MATTER.

I FEEL MOST STRONGLY ABOUT
ALL THIS GOING ON IN AN EVENING ADJACENT
TO LYTHAMS MEMORIAL TO THE DEAD. WHY ON
WHY WAS THIS OUTSIDE AREA BE ALLOWED
TO BE USED IN AN EVENING

YOURS SINCERLY

John Semblton

JOHN SEMBLETON