



FYLDE BOROUGH COUNCIL



Meeting Agenda

**Licensing Hearing
Reception Room, Town Hall
Wednesday 19 November 2008, 10:00am**

LICENSING PANEL

MEMBERSHIP

Convenor Councillor David Eaves

Councillor Brenda Ackers

Councillor Christine Akeroyd

Reserve Councillor Angela Jacques

Contact: Peter Welsh, St. Annes (01253) 658502, Email:
peterw@fylde.gov.uk



Licensing Objectives

Fylde Borough Council will carry out its functions under the Licensing Act 2003 with a view to promoting the licensing objectives.

The licensing objectives are:

- 1. The prevention of crime and disorder;**
- 2. Public safety;**
- 3. The prevention of public nuisance; and**
- 4. The protection of children from harm.**

In carrying out its licensing functions, Fylde Borough Council must also have regard to:

- 1. Our licensing statement published under section 5 of the Licensing Act, and**
- 2. Any guidance issued by the Secretary of State under section 182 of the Licensing Act**



A G E N D A

PART I - MATTERS DELEGATED

ITEM	PAGE
1. DECLARATIONS OF INTEREST: <i>If a member requires advice on Declarations of Interest he/she is advised to contact the Legal Services Executive Manager in advance of the meeting. (For the assistance of Members an extract from the Councils Code of Conduct is attached).</i>	4
2. APPLICATION FOR A REVIEW OF A PREMISES LICENCE 1AM, PLEASANT ST, LYTHAM	9 – 58
3. APPLICATION FOR A VARIATION TO A PREMISES LICENCE: THE SPARLING AT LYTHAM, HASTINGS PLACE, LYTHAM	59 – 66

Personal interests

8.—(1) You have a personal interest in any business of your authority where either—

(a) it relates to or is likely to affect—

- (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- (ii) any body—
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

- (i) any employment or business carried on by you;
 - (ii) any person or body who employs or has appointed you;
 - (iii) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - (iv) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - (v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
 - (vi) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
 - (vii) any land in your authority's area in which you have a beneficial interest;
 - (viii) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
 - (ix) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward, as the case may be, affected by the decision;

(2) In sub-paragraph (1)(b), a relevant person is—

- (a) a member of your family or any person with whom you have a close association; or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9.—(1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

- (2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

- (5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- (6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- (7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000(d).

Prejudicial interest generally

- 10.—**(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) You do not have a prejudicial interest in any business of the authority where that business—
- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
 - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
 - (c) relates to the functions of your authority in respect of—
 - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

- 11.—** You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
 - (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

- 12.—**(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held—
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;
 unless you have obtained a dispensation from your authority's standards committee;
 - (b) you must not exercise executive functions in relation to that business; and
 - (c) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

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.

REPORT



REPORT OF	MEETING	DATE	ITEM NO
COMMUNITY SERVICES	LICENSING PANEL	19 TH NOVEMBER 2008	2

APPLICATION FOR A REVIEW OF A PREMISES LICENCE 1AM, PLEASANT ST, LYTHAM

Summary

The Licensing Authority has received an application for the review of the premises licence at 1AM, Pleasant St, Lytham.

The Licensing Authority must therefore hold a hearing to consider the application.

Report

Application

1. The application is for the review of the premises licence at 1AM, Pleasant St, Lytham.

Papers

2. The following papers are relevant and have been made available to panel members:

- The application for review together with supporting documentation
- 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:

Environmental Protection Team

- Copies of relevant representations made by the following interested parties

Christopher Smart

Consideration

3. The licensing objectives are:

- The prevention of crime and disorder;
- Public safety
- The prevention of public nuisance; and
- The protection of children from harm

4. 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 necessary for the promotion of the licensing objectives. The steps are:

- (a) to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition),
- (b) exclude from the scope of the licence any of the licensable activities to which the application relates,
- (c) to remove the designated premises supervisor,
- (d) to suspend the licence for a period not exceeding three months,
- (e) to revoke the licence
- (f) decide that no action is necessary to promote the licensing objectives

5. 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.

6. The following parts of the secretary of state's guidance appear to be particularly relevant to the application and the relevant representations:

2.1-2.18	Crime and Disorder
2.32 – 2.4	Public Nuisance
2.41 – 2.30	Protection of Children from Harm

2.51	Offences relating to the sale and supply of alcohol to children
Chapter 11	Reviews

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

7. The following parts of the council's statement of licensing policy appear to be particularly relevant to the application and the relevant representations:

19.3	Underage Drinking
21	Prevention of Public Nuisance
22	Protection of Children from Harm
22.4	Sale & Supply of Alcohol to Children
32	Review of Licences
39.5	Enforcement

8. 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.

REPORT AUTHOR	TEL	DATE	DOC ID
Stuart Handley	(01253) 658603	24 th October 2008	

Attached documents

Procedure for the conduct of hearings

The Application for a Review of the Premises Licence made by Lancashire Constabulary
Representations

Area Plan

LICENSING SERVICE

<i>For Office use only</i>	
<i>LalPac Application No.</i>	
<i>Licence Number</i>	

**APPLICATION FOR THE REVIEW OF A PREMISES LICENCE
OR CLUB PREMISES CERTIFICATE
UNDER THE LICENSING ACT 2003**

<i>Applicant Name:</i>	PC 502 Dufour on behalf of the Chief Officer of the Lancashire Constabulary
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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. You may wish to keep a copy of the completed form for your records.

1	Andrew Dufour (on behalf of the Chief Officer of Police)
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[insert name of applicant]

apply for the review of a premises licence under section 51 or apply for the review of a club premises certificate under section 87, of the Licensing Act 2003 for the premises described in part 1 below.

Part 1 – Premises Details

Postal address of premises or club premises if any, or if none the ordnance survey map reference or description.									
Premises Name and Address	1 am								
	2 Pleasant Street, Lytham								
	Lancashire	Post Code	F	Y	8		5	J	A
State the Name of the premises licence holder or the name of the club holding the club premises certificate (if known)									
Mr Beniamino ZAMPINI									
Premises Licence or Club Premises Certificate Reference Number (if known)								FY PL 0215	

Part 2 – Applicant details

I am:

1) an interested party (please also complete sections 2A and 2B below)	
a) a person living in the vicinity of the premises	
b) a body representing persons living in the vicinity of the premises	
c) a person involved in business in the vicinity of the premises	
d) a body representing persons involved in business in the vicinity of the premises	
2) a responsible authority (please also complete 2C below)	X
3) a member of a club to which this application relates (also complete	

section 2A below)

(2A) Individual Applicants (fill in as applicable)

Please tick

Title:	Mr	Mrs	Miss	Ms	Other	I am 18 years old or over	Yes	No	
Forenames					Surname				
Home address									
							Post Code		
Telephone Number					Mobile Number				
E-Mail Address									

(2B) Other Applicant or Representing Body

Name									
Address									
							Post Code		
Telephone Number									
E-Mail Address									

(2C) Responsible Authority applicant

Name	PC 502 Andrew Dufour on behalf of the Chief Officer of Lancashire Police											
Address	Licensing Department, Blackpool Central police station,											
	Bonny Street,											
	Blackpool, Lancashire						Post Code	F	Y	1	5	R
Telephone Number	01253 604153											

E-Mail
Address

andrew.dufour@lancashire.pnn.police.uk

Part 3 – Reason for Review

This application to review relates to the following licensing objective(s):

1) the prevention of crime and disorder	X
2) public safety	
3) the prevention of public nuisance	x
4) the protection of children from harm	X

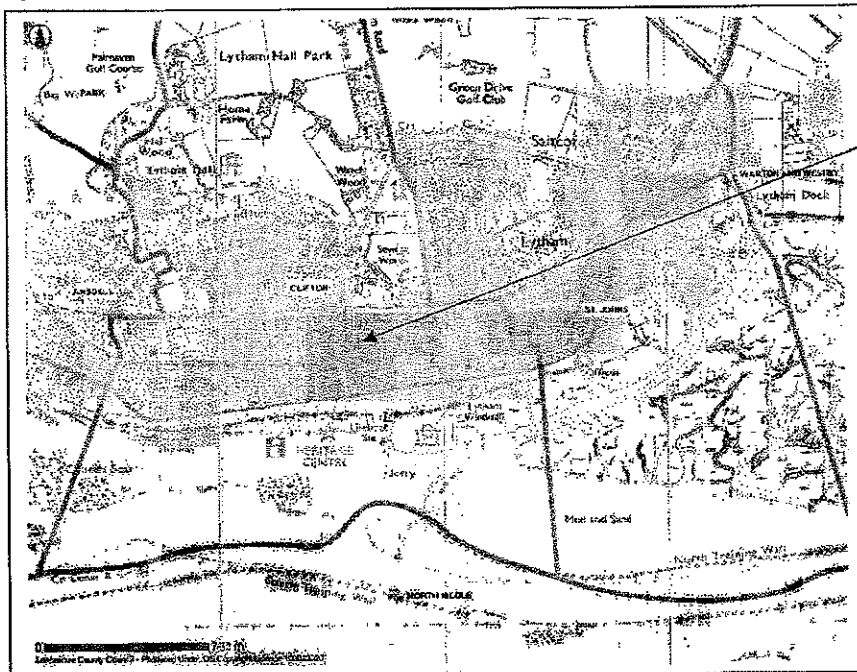
Please state the ground(s) for review (please read guidance note 1)



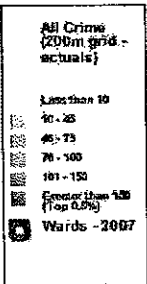
This review is brought by the Police as a result of a number of serious disorder incidents, poor management and a failed test purchase at the premises. 1 AM is located just off the main high street in a residential area. It is set over three levels and is essentially an Italian restaurant which is located on the ground floor. Levels one and two both have bars are used for functions and vertical drinking at weekends. As its name indicates the sale of alcohol by retail is until 01:00hrs closing at 01:30hrs. This is the only premises in Lytham to trade after midnight, it is locally referred to by many customers as a 'nightclub'.

Crime

The premise is situated on Pleasant Street, Lytham – just off the main road that services Lytham Town Centre. MADE (Multi Agency Data Exchange) mapping shows that this is an area that has one of the highest amounts of crime and disorder in Lytham.

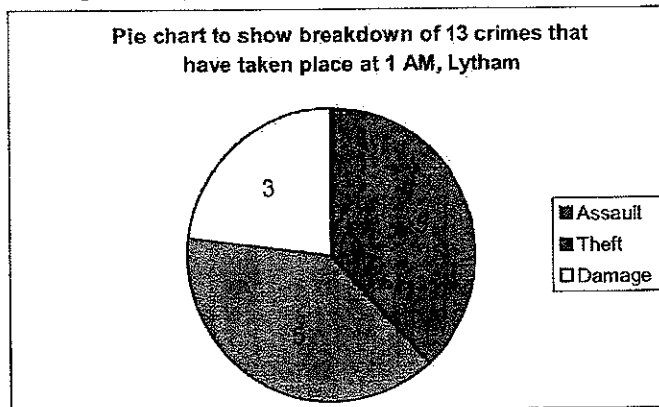


1 AM

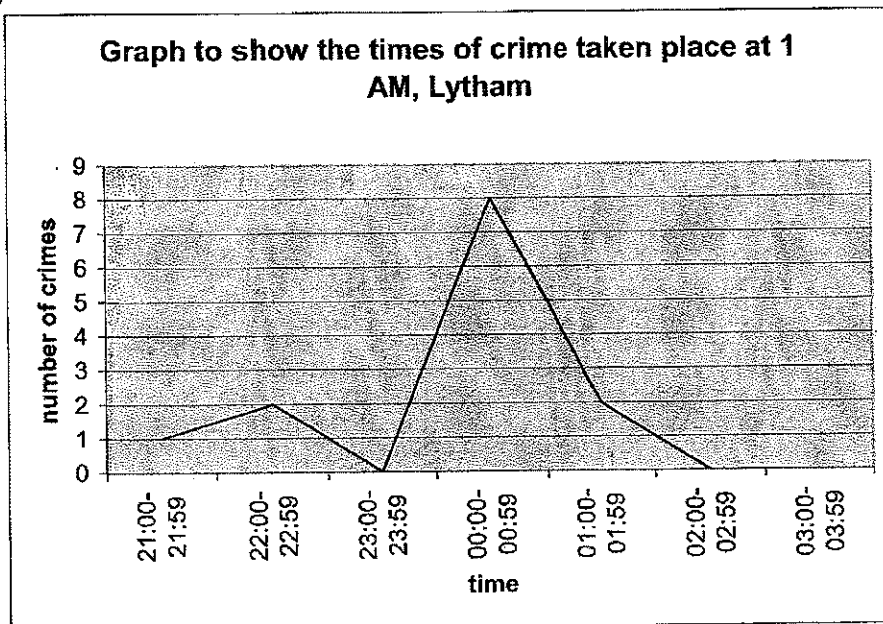


Crime Incidents (actuals) in a 200m grid for August 2007 - July 2008.
 It has positional accuracy of 100-200m (lower for street/vehicle crime) and is 98% complete.
 Crimes committed around railway stations are recorded by British Transport Police and are excluded from this layer at present.
 The grid squares have been artificially produced and the crimes counted could have been committed anywhere within each square, therefore certain 'crime hotspots' may not be apparent.

Since the 1st January 2007 there have been 13 crimes that have taken place at 1 AM (not including underage sales). A breakdown of these crimes are illustrated below:



The below graph shows a breakdown of times in which crimes have taken place at 1 AM (where a crime was only known to be between x and y time, the mid point was used)



Following a spate of thefts at the premises in November and December 2007 the premises was visited by PS Giffin and PC Dufour. The DPS was spoken with and a full licensing check completed. A warning letter was issued as the DPS was unable to prove that he had trained his staff in relation to proof of age. This is a condition of his premises licence. An action plan was agreed.

Test purchasing

Using children to buy alcohol is permitted under the Licensing Act 2003, The relevant Act and section is as follows -

Sec 152, Licensing Act 2003

(1) A person commits an offence if he knowingly sends an individual aged 18 to obtain-

A) Alcohol sold or to be sold on relevant premises for consumption off the premises, or

B) Alcohol supplied or to be supplied by or on behalf of a club to or to the order of a Member of the club for such consumption.

(2) For the purpose of this section, it is immaterial whether the individual aged under 18 is sent

to obtain alcohol from the relevant premises or from other premises from which it is delivered in pursuance of the sale or supply.

(3) Subsection (1) does not apply where the individual aged 18 works on the relevant premises in a capacity, whether paid or unpaid, which involves the delivery of alcohol.

(4) Subsection (1) also does not apply where the individual aged under 18 is sent by-

(a) A Constable, or

**(b) A Weights and Measures Inspector,
Who is acting in the course of his duty.**

(5) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Test purchasers are recruited from Local Authority and Police backgrounds, usually being the sons or daughters of serving employees from both Regulatory Sectors. It is a further prerequisite that the volunteers are no more than 16yrs and 6 months but special attempts are made to ensure all volunteers are below the age of 16.

Prior to engaging on the Test Purchase Exercises the children are photographed next to a height chart, the photograph is timed and dated by the officer who obtained the photograph.

Next the volunteers undergoes an interview which is video recorded, the interview consists of a series of questions which demonstrates that the child has been properly briefed about what to do and how to conduct themselves.

Prior to every sale covert video equipment that is installed in either the volunteers coat or bag is activated to ensure the whole procedure is captured so there can be no room for criticism by the seller and they cant say they have been forced into the sale. This also helps if the seller claims they asked for ID and were shown satisfactory credentials.

On the 16th August 2008 an alcohol test purchase was conducted at 1 AM using a 15 year old female volunteer. The 15 year old was sold alcohol on this occasion. The seller was issued a fixed penalty notice. At this time there was no staff training records in relation to proof of age available.

This is a picture of the 15-year-old volunteer used on the 16th August 2008. Her date of birth is 15/10/1992 (aged 15).

On the 6th September 2008 at approximately 00:45hrs Police were called to 1 AM after receiving a report of a disturbance. Two males (strangers) who were intoxicated inside the premises 1st floor dance area entered into an altercation. This escalated into a fight where by DJ equipment inside the venue was damaged. The fight spilled down stairs and into the street. Punches were thrown and the aggrieved sustained a number of serious injuries including the loss of teeth and a tennis ball sized lump to the forehead. Police arrested the suspect at the scene. As well as damage to the DJ equipment several glasses were broken in the mêlée. Both the Police and the council received several complaints from local residents following this incident (see supporting evidence).

11th September 2008 a further licensing visit was made. The DPS produced a certificate for each member of staff stating that they had been trained in relation to proof of age and drugs. The DPS was unable to provide the details of this training so it was not possible for PC Dufour to ascertain if members of staff had been trained to an acceptable level. In relation to the assault and disturbance on the 6th September the DPS confirmed that only 1 member of doorstaff was working and stated he was not responsible for people's actions outside his venue.

Police have grave concerns around the management and use of 1AM. It is essentially a high class Italian restaurant during the day and early evening then resorts to a 'nightclub' at weekends. The level of crime and disorder is unacceptable for this size and style of operation. The management have little or no experience in running a busy vertical drinking establishment, with their skills based around deli's and restaurants.

Problems are compounded by the fact that local's see this as a place to frequent for a 'late drink', and as such attracts a significant proportion of intoxicated clientele, who would otherwise have gone home. Issues have been identified in allowing under 18's into the premises and purchasing alcohol, thefts, assaults and noise nuisance from customers leaving.

It is evident that the DPS is unable for uphold the four licensing objectives to a satisfactory level. Police respectfully ask the committee to review the premises licence and make amendments in order to address the situation around crime and disorder, protection of children from harm and public nuisance.

Please provide as much information as possible to support the application. Continue on a separate sheet if necessary. (Please read guidance note 2)

A chronological summary of the crimes that have taken place at 1 AM since the 1st January 2007 is as follows:

AL0802693	058C - Criminal Damage To Vehicles	1 AM RESTAURANT 2 PLEASANT STREET LYTHAM ST. ANNES FY85JA	01:45 07/09/2008	UNDETECTED
<u>A AL ALCL</u>				

OFFENDER(S) DURING LARGE SCALE STREET DISTURBANCE
OUTSIDE LICENSED PREMISES BY UNKNOWN MEANS CAUSE
DAMAGE TO VEHICLE OPARKED ON STREET

AL0802662	058D - Criminal Damage Other	1 AM RESTAURANT 2 PLEASANT STREET LYTHAM ST. ANNES FY85JA	00:50 06/09/2008	UNDETECTED
<u>A AL ALCL</u>				

NAMED MALE OFFENDER DURING HOURS OF DARKNESS IN DIMLY
LIT BUSY NIGHTCLUB WAS INVOLVED IN PHYSICAL ALTERCATION
WITH ANOTHER MALE RESULTING IN BOTH MALES FALLING INTO DJ
EQUIPMENT EQUIPMENT HAS FALLEN TO FLOOR AND
SUBSEQUENTLY DRINKS HAVE LANDED ON SUCH RESULTING IN
EQUIPMENT BECOMING DAMAGED OFFENDER ARRESTED AT
SCENE BUT BOTH ASSAULT AND CRIMINAL DAMAGE

AL0802661	005A - Wounding or Carrying out an act Endangering Life	1 AM RESTAURANT 2 PLEASANT STREET LYTHAM ST. ANNES FY85JA	00:50 06/09/2008	UNDETECTED
<u>A AL ALCL</u>				

NAMED MALE OFFENDER DURING HOURS OF DARKNESS IN BUSY
DIMLY LIGHT NIGHT CLUB APPROACHED AGGRIEVED WHILST ON
DANCE FLOOR AND ASSAULTED AGGRIEVED FOLLOWING A VERBAL
ALTERCATION THE ASSAULT CONTINUED WHILST THE AGGRIEVED
WAS ESCORTED FROM PREMISES BY DOOR STAFF RESULTING IN
INJURIES CONSISTING OF LARGE SWELLING TO LEFT HAND SIDE
OF FOREHEAD AND SEVERAL TEETH BEING KNOCKED OUT
OFFENDER ARRESTED AT SCENE UPON POLICE ARRIVAL

AL0800848	008A - Other Wounding	1 AM CLUB PLEASANT STREET BLACKPOOL FY12HU	Between 00:15 22/03/2008 and 00:30 22/03/2008	UNDETECTED
<u>A AL ALCL</u> STILLS				

AGGRIEVED DURING HOURS OF DARKNESS AND HAVING ENTERED
BUSY LICENCED CLUB SITUATED ON MAIN ROAD HAS MADE WAY
TOWARDS BAR AND IN DOING SO HAS BEEN WRONGLY ACCUSED
OF TOUCHING OFFENDERS PARTNER RESULTING IN VERBAL
ALTERCATION AND ASSAULT. OFFENDER HAS MADE OFF FROM
SCENE UNDETECTED.

AL0704047	0490 - Other Theft or Unauthorised Taking	1 AM RESTAURANT 2 PLEASANT STREET LYTHAM ST. ANNES FY85JA	Between 23:30 13/12/2007 and 01:00 14/12/2007	UNDETECTED
<u>A AL ALCL</u>				

OFFENDERS APPROACHED UNATTENDED BLACK BAG LEFT ON WINDOWSILL ON THIRD FLOOR OF TOWN CENTRE BAR DURING PRIVATE FUNCTION AND AT OPPORTUNE MOMENT WHILST AGGRIEVED DISTRACTED HAVE STOLE SAME BEFORE MAKING OFF UNDETECTED

AL0704038	058B - Criminal Damage To Other Buildings	1 AM RESTAURANT 2 PLEASANT STREET LYTHAM ST. ANNES FY85JA	Between 01:15 16/12/2007 and 01:30 16/12/2007	DETECTED
<u>A AL ALCL</u>				

OFFENDER WHO HAS PREVIOUSLY BEEN BARRED FROM PREMISES HAS ATTEMPTED TO GAIN ACCESS TO FACILITY IN ORDER TO PURCHASE DRINKS BUT STAFF TOLD THE OFFENDER THAT HE WAS NOT WELCOME AT FACILITY ON LEAVING THE PREMISES IN AGITATED STATE THE OFFENDER KICKED OUT AT DOOR CAUSING TOUGHENED GLASS TO BREAK AND THE OFFENDER THEN MADE OFF UNDETECTED

AL0704010	0490 - Other Theft or Unauthorised Taking	1 AM BAR PLEASANT STREET LYTHAM ST. ANNES FY85JA	Between 00:01 14/12/2007 and 01:00 14/12/2007	UNDETECTED
<u>A AL ALCL</u>				

OFFENDER APPROACHED BAG LEFT UNATTENDED ON WINDOWSILL OF BUSY NIGHT CLUB AND TOOK SAME MAKING OFF UNDETECTED

AL0703754	0490 - Other Theft or Unauthorised Taking	1 AM RESTAURANT 2 PLEASANT STREET LYTHAM ST. ANNES FY85JA	Between 22:30 17/11/2007 and 22:35 17/11/2007	UNDETECTED
<u>A AL ALCL</u>				

OFFENDERS UNKNOWN WITH LEGITIMATE ACCESS TO TOWN CENTRE RESTAURANT SITUATED OFF MAIN STREET APPROACHED UNATTENDED HANDBAG AND CONTENTS STOLE SAME AND MADE FROM SCENE UNDETECTED SOME PROPERTY LATER RECOVERED IN THE GENTS TOILETS AND IN OTHER AREAS OF THE RESTAURANT

AL0703726	0490 - Other Theft or Unauthorised Taking	1 AM RESTAURANT CLUB 2 PLEASANT STREET LYTHAM ST. ANNES FY85JA	Between 21:00 17/11/2007 and 22:00 17/11/2007	UNDETECTED
<u>A AL ALCL</u>				

OFFENDER APPROACHED CLOAK ROOM AREA OF LICENSED PREMISES DURING PRIVATE FANCY DRESS PARTY MADE TO AGGRIEVEDS BAG WHICH HAD BEEN HIDDEN UNDER CLOTHING AND UNDER CHAIR OPENED BAG REMOVED MOBILE PHONE AND CIGARETTES MADE OFF WITH SAME UNDETECTED

AL0703719	0490 - Other Theft or Unauthorised Taking	1 AM RESTAURANT 2 PLEASANT STREET LYTHAM ST. ANNES FY85JA	Between 22:00 17/11/2007 and 22:20 17/11/2007	UNDETECTED
<u>A AL ALCL</u>				

OFFENDERS WHILST IN BUSY RESTAURANT MADE UP TO SECOND FLOOR APPROACHED UNATTENDED PROPERTY LEFT ON CHAIR WHILST FUNCTION PARTY GOING ON NEARBY OFFENDERS OPENED BAG REMOVED PROPERTY FROM WITHIN LEFT THE BAG IN SITU AND MADE OFF UNDETECTED

AL0702697 <u>A AL ALCL</u>	008A - Other Wounding	1 AM RESTAURANT 2 PLEASANT STREET LYTHAM ST. ANNES FY85JA	Between 00:30 24/08/2007 and 00:45 24/08/2007	DETECTED
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OFFENDER WHILST IN LOCAL WINE BAR IN LYTHAM TOWN CENTRE APPROACHED THE AGGRIEVED WHILST STOOD IN GROUP OF FOUR AND WITH LEFT HAND PUNCHED THE AGGRIEVED TO SIDE OF FACE CAUSING AGGRIEVED TO FALL TO THE GROUND OFFENDER EVENTUALLY ESCORTED FROM THE PREMISES BY WIFE

AL0700575 <u>A AL ALCL</u>	008A - Other Wounding	1 AM RESTAURANT FIRST FLOOR BAR 2 PLEASANT STREET LYTHAM ST. ANNES FY85JA	Between 00:30 25/02/2007 and 00:45 25/02/2007	UNDETECTED
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AGGRIEVED WHILST AT 1AM BAR NOTICES FRIEND AT THE OPPOSITE END OF THE BAR BEING ATTACKED BY TWO MALES AGGRIEVED WALKS OVER TO ASSIST HIS FRIEND HE IS PUSHED OVER FROM BEHIND AND AS HE IS GETTING UP IS KICKED TO HIS CHEEK AGGRIEVED THEN BECOMES DISORIENTATED AND IS TAKEN FROM THE SCENE BY STAFF OFFENDERS UNKNOWN LEAVE THE SCENE

AL0700574 <u>A AL ALCL</u>	008A - Other Wounding	1 AM RESTAURANT FIRST FLOOR BAR 2 PLEASANT STREET LYTHAM ST. ANNES FY85JA	Between 00:30 25/02/2007 and 00:45 25/02/2007	DETECTED
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AGGRIEVED WHILST STOOD AT THE BAR AT THE 1AM CLUB IS APPROACHED BY OFFENDER APPROACHES AGGRIEVED PUNCHES HIM TO HIS RIGHT CHEEK CAUSING BRUISING TO HIS EYE OFFENDER THEN ACCUSES THE AGGRIEVED OF BEING DANNY WHITESIDE AGGRIEVED IS THEN HEADBUTTED BY OFFENDER AGGRIEVED THEN RECEIVES SEVERAL PUNCHES BELIEVED TO BE FROM BOTH OFFENDER AND HIS FATHER THE CROWD THEN DISPURSES OFFENDERS LEAVE THE SCENE UNDETECTED

Statements from local residents

The following pages contain statements from local residents. Residents have made mention to anti social behaviour and disorder arising from the 1AM venue.

RESTRICTED (written complete)

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

Statement of:

Age if under 18: OVER 18 (if over 18 insert 'over 18') Occupation: RETIRED.

This statement (consisting of THREE page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Signature:

Date: 11th September 2008.

Tick if witness evidence is visually recorded

(supply witness details on rear)

SIRS, RE "I AM" LICENSING GENERAL APPLICATION

I LIST SOME OF MY CONFESSIONS AND OBSERVATIONS BELOW.

1. "I AM" IS AS MUCH A RESTAURANT AS IT IS BUCKINGHAM PALACE. SINCE ITS INCEPTION IT HAS OPERATED AS A LATE NIGHT BINGE DRINKING AND DRUG RELATED EXPENSIVE VENUE.

2. "I AM" SELLS ALCOHOL TO UNDER AGE MALES AND FEMALES POLICE STAFF OPENLY IMPORTUNE FOR CUSTOM SMOOTHS OUT HALF PRICE DRINKS, NO FOOD REQUIRED, COME INSIDE.


3. ALCOHOL IS SERVED WAY AFTER 2AM EACH WEEK END. DRINKS ARE CONSUMED OUTSIDE IN PULSANT ST, THE ROTARY HOUSE FOOT COURT AND ACROSS THE ROAD IN THE MUNICIPAL CAR PARK.

Signature:

Signature witnessed by:

PTO

RESTRICTED (when complete)

Page No. TwoContinuation of Statement of: 

4. THE REAR OF LYTHAM POST OFFICE AND ROSTRON'S SOLICITORS BAR PARK ARE USED AS A TOILET AND LOO/PULATION AREAS.

5. ON SUNDAY MORNINGS THERE ARE REMNANTS OF A BOMB SITE, BROKEN GLASSES, BOTTLES, SPOTS AND PILES OF CIGARETTES, UNDER GARMENTS, CIGARETTES AND AND DISCARDED PACKETS OF ALL DESCRIPTIONS LITER PLEASANT ST. I REGULARLY CLEAN UP SOME OF THE MORE DARKER OBJECTS MYSELF. VOMIT IS USUALLY DOWN THE EXTERIOR WALLS OF "IAM" AND ON THE ADJACENT PAVEMENTS. I HIRE FIVE STREET CLEANERS, IN THREE TEAMS, NEVER DOG HAVE I SEEN STAFF SWEEPING OR CLEANING UP OUTSIDE "IAM".

6. THE POLICE ARE CALLED OUT REGULARLY AND ONLY LAST WEEKEND 6.9.08 THERE WAS YET ANOTHER BRAWL OUTSIDE "IAM" HALF NAKED FEMALES. SOME 15 OR 16 YRS OLD WERE FIGHTING AND SPEAKING FOUL LANGUAGE, SOME UNABLE TO STAND BECAUSE THEY WERE BEING DRUNK, AS WERE YOUNG LADS. AT ONE STAGE THERE WERE SOME 15 OR 20 DRUNKS

Signature: 

Signature witnessed by: _____

Jan 03

RESTRICTED (when complete)

Page No. THREE

Continuation of Statement of:



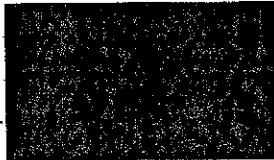
OUTSIDE 'I AM' WATCHED AND LAUGHED AT 134
I AM STAFF WHO ONLY DISAPPEAR BEHIND LOCK
DOORS WHEN THE POLICE WERE CALLED.

7. NOISE FROM THE DISCO IS UNBENEFICIAL. ALONG WITH
THE FIGHTING AND SCREAMING RESIDENTS ARE CALLED
TO GET A WINK OF SLEEP UNTIL MONDAY NIGHTS.

8. DESPITE NUMEROUS PROTESTATIONS TO MANAGEMENT,
NOTHING IS EVER DONE ABOUT THE ABOVE.

TO SUMARISE, 'I AM' IS A LANDER IN THE VERY
HEART OF LUTHAM WHICH SHOULD BE REMOVED
FORTHWITH. FOR THE MAISTRATES TO RESTORE
PEACE AND TRANQUILITY TO A ONCE VERY
PLEASANT STREET AND NEIGHBOURHOOD WOULD
INDEED BE A BLESSING FOR US ALL.
THANK YOU MOST SINCERELY IN ANTICIPATION
OF YOUR CONSIDERATIONS.

Signature:



Signature witnessed by:

RESTRICTED (when complete)

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

Statement of: [Redacted]

Age if under 18: Over 18! (If over 18 insert 'over 18'). Occupation: Retired

This statement (consisting of page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is false, I am liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Signature: [Redacted] Date: 10/9/08

Tick if witness evidence is visually recorded (supply witness details on rear)

I am a LUTHERAN RESIDENT AND HAVE LIVED IN LUTHERAN FOR THE PAST FOURTEEN YEARS, MY PROPERTY IS THE FIRST END OF A ROW OF OLD TERRACED COTTAGES NEAREST TO THE JUNCTION OF PLEASANT STREET FACING PLEASANT STREET CARPARK. OVER THE PAST TWO YEARS I HAVE HAD TO CONSTANTLY ENDURE NOISY AND UNBEARABLE FRIDAY AND SATURDAY EVENINGS DUE TO LOUD MUSIC AND YOUNG TEENAGERS / ADULTS USING ABUSIVE LANGUAGE, FIGHTING IN THE STREET, ALONG WITH OVER TAXIS WHICH CONSTANTLY COME UP OUTSIDE THE PREMISES DESPITE IT NOT BEING A TAXI RANK, THE PREMISES BEING I AM ON PLEASANT STREET, WHICH MARKETS ITSELF AS BEING A RESTAURANT AND CHAMPAGNE BAR HOWEVER I WOULD DESCRIBE IT AS A NIGHTCLUB, I REGULARLY OBSERVE LARGE GROUPS OF YOUNG ADULTS ARRIVING AT THE PREMISES

Signature: [Redacted] Signature witnessed by:

PTO

RESTRICTED (when complete)

Continuation of Statement of: [Redacted]

MAINLY AFTER 12PM UNTIL I RECENTLY SEEN
 DRUNKEN PEOPLE STAGGERING IN THE DOORWAY AND
 STILL ASKING ADMISSION, I TRY MY BEST TO STOP
 BUT THE NOISE PENETRATES THE ENTIRE CAR PARK
 AND THE SURROUNDING PROPERTIES, AT ABOUT
 0130HRS AND 200HRS MOST OF THE CUSTOMERS
 LEAVE AND HANG AROUND OUTSIDE CHATTING AND
 MAKING A GENERAL NUISANCE OF THEMSELVES,
 I HAVE MANY OF THESE CUSTOMERS USING MY SIDE
 DRIVEWAY TO URINATE AND CAUSE VARIOUS
 PROBLEMS, I AM SO FED UP OF LISTENING TO VULGAR
 LANGUAGE AND WITNESSING STREET FIGHTS BETWEEN
 DRUNKEN MEN AND ON OCCASION DRUNKEN WOMEN
 I FEEL THAT DUE TO THIS PREMISES HAVING NO
 ENTERTAINMENT AND A LATE LICENCE IT IS AFFECTING THE
 HEALTH AND THE QUALITY OF LIFE FOR ME AND
 I KNOW FROM SPEAKING TO MY NEIGHBOURS THAT
 AS WELL, I FEEL THAT SOMETHING URGENTLY NEED
 TO BE DONE AND WILL ATTEND ANY LICENSING
 MEETINGS OR COURT ACTION WHICH WILL
 AID THE POSITION WE ARE IN AT THE MOMENT
 DESPITE ME BEING UNDER CHARGE BOARD

[Redacted]

Signature: [Redacted]

Signature witnessed by: _____

RESTRICTED (When complete)

WITNESS STATEMENT

(CI Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

Statement of: [Redacted]
Age if under 18: OVER 18 (if over 18 insert 'over 18') Occupation: RETIRED

This statement (consisting of ... page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Signature: [Redacted] Date: 10/9/08

Tick if witness evidence is visually recorded [] (supply witness details on rear)

I AM A LUTIAN RESIDENT AND HAVE BEEN FOR 87 YEARS LIVING AROUND LUTIAN TOWN CENTRE... IN 1984 TO SHELTERED ACCOMODATION ON PLEASANT STREET... DURING THE TIME I HAVE LIVED IN MY FLAT IT HAS BEEN A WONDERFUL PLACE TO LIVE AND I HAVE FELT SAFE AND SECURE IN MY HOME... THIS WAS UNTIL LAST OPENED AND HAD A LATE NIGHT DISCO DIRECTLY OPPOSITE MY HOME ON PLEASANT STREET... DURING THE WEEK I HAVE NO CAUSE TO COMPLAIN AS IT IS A NICE QUIET RESTAURANT AND DURING THE WEEK AT AN EVENING I DON'T HEAR ANY NOISE OR ANY DOUBLE HONKING AND HERE SO RECENTLY THE SITUATION ON MY STREET IS GETTING UNBEARABLE TO A POINT WHERE I AM NOT GETTING TO SLEEP UNTIL THE EARLY HOURS OF THE MORNING FOR THE FOLLOWING WEEKS.

Signature: [Redacted] Signature witnessed by: PTO

(If S.P.R.C. 11.13 (when complete))

Page No. 2

Continuation of Statement of

PERSONS. I Regularly hear excessive noise from the premises which I believe is a D.J. playing loud sounds like the same music, I have to listen to numerous taxi's lined up in the street to remove these customers, and the cause bad language and anti social behaviour in the street as a result of these customer leaving the building at 01.30 - 01.45 and remaining out until about 03.00 hrs.

I am an elderly lady who lives on my own and these premises are really affecting my quality of life.

I will support the council and police to have these issues resolved and I am very strong about it I would be willing to attend court if I had to.

Signature: _____

[Redacted Signature]

Signature witnessed by: _____

RESTRICTED (when complete)

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

Statement of: [Redacted]

Age if under 18: over 18 (if over 18 insert 'over 18') Occupation: Business

This statement (consisting of _____ page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully signed anything which I know to be false or do not believe to be true.

Signature: [Redacted] Date: 12/2/08

Tick if witness evidence is visually recorded (supply witness details on back)

I AM A WITNESS RESIDENT AND HAVE LIVED ON NORTH
CLAYTON STREET IN WILTON FOR THE PAST 23 YEARS
I AM PLEASED THE POLICE HAVE GIVEN ME AN OPPORTUNITY
TO GIVE AN ACCOUNT OF THE PREMISES AND MY STANDARD
OF LIFE HAS BEEN EFFECTED BY THE PREMISES IN WILTON
KNOWN AS I AM AN PARENTS STRAIN
DURING THE WEEK THE PREMISES ARE EXTREMELY
QUIET AND I HAVE NO ISSUES WITH AN NOISE OR
ANTI SOCIAL BEHAVIOUR AS IT APPEARS TO BE A RESPECTABLE
RESIDENCE HOWEVER ON A Friday & Saturday
GIVING MY OPINION OF THE PREMISES CHANGES WHOLLY
TO A PREMISES FROM HEAVEN AND VIBRATING IT IS COSTING
MONEY AND NOISE TO A SITUATION WHERE I BELIEVE
SOMEONE IS GOING TO GET SERIOUSLY HURT OR
EVEN KILLED.
THE NOISE FROM THE DIS IS INCREDIBLY LOUD AND
THE QUOTE OFTEN THE WINDOWS ARE SHAKEN / OPEN
Loud

Signature: [Redacted] Signature witnessed by: _____

PTO

RESTRICTED (when complete)

Continuation of Statement of



AND THE MUSIC I CAN HEAR FAR LOUDER THAN IF I WAS PLAYING MUSIC IN MY OWN HOME, I CANNOT SLEEP UNTIL AFTER THREE AM WHEN THE NOISE AND THE CUSTOMERS HAVE GONE FOR ON MANY A WEEKEND NIGHT THE CUSTOMERS WHO ARE ON MANY OCCASION HEAVILY INTOXICATED CONGREGATE ON THE CAL PALK AND IN THE SIDE WALK I REGULARLY HAVE TO USE VERBAL ABUSIVE LANGUAGE, AND SOME BEHAVIOR INCLUDING PUNCHING WALLS SCRAMBLING UP AND DOWN THE CAL PALK, URINATING IN THE RUCK/W AND OUTSIDE MY HOUSE, AND I EVEN WITNESS A YOUNG MALE GETTING BATTERED UP OUTSIDE THE PREMISES WITHIN A COUPLE OF FEET OF THE DRIVEWAY CLEARLY IN VIEW OF MANAGEMENT STAFF OF THE PL. WHILE THEY MADE NO ATTEMPT TO STOP THE BEAT OF ONE THE POLICE TO ASSIST AND AS THIS THE TRUCK WAS ABOUT 9 INDIVIDUALS ASSAULTING THE MALE WITH TWO FEMALES SCREAMING AT THEM TO STOP I FEEL THAT A CLEARER POLICE PRESENCE WOULD BE WELCOMED AS I OFTEN DO NOT SEE A POLICE PRESENCE UNTIL THE DISTURBANCE IS OVER, I AM HAPPY TO GO TO COURT OR GIVE MY ACCOUNT AS I AM CONCERNED I AM EXPERIENCING EXHAUSTION INCLUDING MYSELF AND MY WIFE

Signature



Signature witnessed by:

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN [] [] [] []

Statement of [REDACTED]

Age if under 18: 018 (if over 18 insert 'over 18') Occupation Building Contractor

This statement (consisting of page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: [Signature] Date: 6.08.08

Tick if witness evidence is visually recorded [] (supply witness details on rear)

This is my account of an incident that occurred at a night club in Lytham called IAM. I will mention my friend [REDACTED] who I was out with and I will describe some other males who I do not know. We went out about 8pm and went to the Seaside Club in St Annas. We then went to the Taps, The Ship and then the station after that we went on to the nightclub IAM. I would say that during the evening I had consumed about eight or nine drinks varying from G&A to vodka and red bull. By the time I arrived at club IAM I would say I was merry. When we went in we went straight to the bar and got a drink. I like to dance when I go out so after a short time I

Signature: [REDACTED] Signature witnessed by: []

Continuation of Statement of [REDACTED]

Page No. 2 of [REDACTED]

went to the dance floor. As I approached the dance floor I recall having a bit of beer with about three lads.

I don't recall what it was about and didn't even think anything of it.

The only thing at this time I can say about the males is that one had short blackish or gingerish hair. He was quite stocky. I really can't recall anything else.

I remember being on the dance floor and the males being in front of me. The next thing it just all kicked off.

I recall being dragged down the stairs and as I was, I was being smacked about the face. I know immediately that I had lost some teeth because I felt them go.

When I got outside there were probably about twenty or thirty people stood about.

The ambulance and Police arrived and I was taken to Blackpad Victoria Hospital.

I have received injuries to my face and head. I have several teeth missing, I have a large bump to left side of my forehead and swelling to my nose.

Unfortunately due to not feeling myself I cannot recall anything else.

I wish to make a formal complaint in relation to this assault.

Signature: [REDACTED]

Signature witnessed by: [REDACTED]

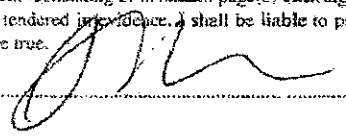
RESTRICTED (when complete)

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

Statement of: [REDACTED]Age if under 18: 00018 (if over 18 insert "over 18") Occupation: STUDENT

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated anything which I know to be false or do not believe to be true.

Signature:  Date: 06/09/08

Tick if witness evidence is visually recorded

(supply witness details on rear)

I am the above named person and live at the address overleaf.

On Saturday 6th September 2008 I was working in 1 AM CLUB on PLEASANT ST, LYTHAM as a DJ.

At around 00:50 hrs I was standing upstairs in the club near the DJ equipment. I saw two males wrestling. I saw one male who I will call MALE 1 ~~was~~ ^{and} push the second male who I will call MALE 2 causing MALE 2 to collide into the DJ equipment. MALE 2 had a pint of beer in a glass and when he was pushed the beer has gone all over the DJ equipment.

The security has then separated the two males and took them outside.

I went outside a short time later and saw male 2 ~~wrestling~~ ^{resting} ~~on~~ ^{Arresting} against a wall with his head on his arm

Signature:  Signature witnessed by: _____

PTO

RESTRICTED (when complete)

Page No. 2

Continuation of Statement of: [REDACTED]

and I could see a swelling on his forehead and it looked like he had received a blow to the nose.

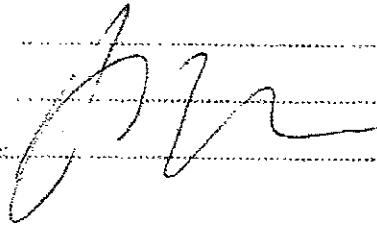
MALE 1 was being aggressive to another couple and I heard him say to them: "Come on!",

Police then arrived and arrested MALE 1.

I would describe male 1 as being around 38 years old with a medium build and about 5'10" tall. He was wearing a denim jacket and jeans and was clean shaven. He had a shaven head and had no distinguishing features.

Male 2 I would describe as being around 40-45 years old with a large build and around 5'11" tall. I cannot remember what he was wearing. He had long curly hair.

The amount of time that I saw the males wrestling was about a couple of minutes. The furthest away they were from me was a few metres and the closest was when they were near to the DJ equipment. The visibility was good with normal lighting inside. I do not know these males previously.

Signature: 

Signature witnessed by:

RESTRICTED (when complete)

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)


Statement of: 


Age if under 18: OVER 18 (if over 18 insert 'over 18') Occupation: Student

This statement (consisting of 3 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true

Signature: *  Date: 6-9-08

Tick if witness evidence is visually recorded (supply witness details on rear)

I am the above named person and I currently reside at an address disclosed to Police.
This statement refers to an incident which occurred at 1AM BAR AND RESTAURANT, PLEASANT STREET, LYTHAM ST ANNES at 00:50hrs on Saturday 6th September 2008.
At 00:50hrs I was DJ'ing at 1AM BAR in company with my friend Adam 
As I was mixing the tracks I had my head down looking at the DJ equipment and I noticed that Adam - who was to my right handside - push his hands out in front of him as if someone was coming towards him.
As I looked up I saw 2 males who had hold of one another and were wrestling. These males then fell towards me and

Signature: *  Signature witnessed by: N/A

PTO

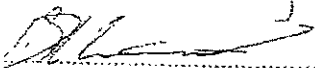
Continuation of Statement of Daniel James HOWARDPage No. 2 of 3

landed on the DJ equipment. The table which the equipment was held on collapsed and fell towards me. I tried to stop the table falling however the force of the 2 males landing on it, was too much and forced me to fall back. The incident lasted so quick that the only description I could give is that they were white males, about 35-40 years old. I cannot remember any further description.

The males did have 1 or 2 drinks in their hands whilst wrestling. This unfortunately spilled all over my equipment which consisted of 2 x Pioneer CDJ 400's and 1 x American Audio Mixer. This totals to an amount of ~~£974⁰⁴~~ £1074. I checked my equipment

shortly afterwards and noticed that the mixer did not work and 1 of the CDJ's had broken. The other CDJ was also unresponsive.

As I gained my bearings - having been knocked backwards - I noticed both of the males had entered the main part of the dancefloor and I witnessed the security guard grab one of males by the neck and drag him out of the club. I did not witness any further incidents involving the 2 males however when outside the club I noticed one of the males who had been

Signature Signature witnessed by: N/A

Continuation of Statement of [REDACTED]

fighting - roughly 6', stocky build, with long grey hair in a ponytail, wearing a denim jacket - had a massive lump to the left of his forehead roughly the size of an egg. I also noticed a large amount of blood coming from his mouth.

From initially seeing Adam push his hand out till witnessing the males injuries, the incident last about 10 minutes.

The nearest I was to the 2 males was 2-3 feet, the furthest was 8-9 feet.

The room was dimly lit however it provided adequate lighting and I could see the males clearly.

I was looking down during most of the incident therefore I only saw 3-5 seconds worth.

I have never seen these males before and I would only recognise the male with the injuries again.

[REDACTED]
[Signature]

PC 3961 MOTTASHED

Signature [Signature]

Signature witnessed by: N/A

Witness Statement

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of Jody BIRCHALL

URN

Four empty rectangular boxes for URN entry.

Age if under 18 Over 18 (if over 18 insert "over 18"). Occupation Police Constable 813

This statement (consisting of FOUR page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false or do not believe to be true.

Dated the 6th day of September 2008

Tick if witness evidence is visually recorded
(supply witness details on rear)

Signature

Handwritten signature of Jody Birchall with '813' written below it.

I am the above named currently based at St Annes Police Station as a Police Constable for the Lancashire Constabulary.

On the 06/09/08 at approx 00:52hrs I was on fully uniformed mobile patrol and in a fully liveried Police Van when I had cause to attend the area of PLEASANT STREET, LYTHAM and the 'I AM CLUB'. A report had come in to Police that a fight had broken out at that location. I was on a nearby street (CLIFTON STREET) so was there at the scene within seconds of the incident being broadcast. As I pulled up in my Police van, a large male in an orange Hi Vis style jacket was waving at me. As I parked up he explained that he was doorstaff and that the male responsible for swinging out at people was walking away across a nearby car park. The male in question was pointed out to me by the guard and I walked towards this male to speak with him. This male is a male who I now know to be [REDACTED] [REDACTED] turned round when asked and I immediately noticed that he had a small amount of blood on his face around his mouth. Due to the information that I was given, I escorted [REDACTED] to the back of my Police van and sat him in the secure cell area. He was compliant with my request and understood that I had to speak with others at scene to ascertain what had occurred.

Signature

Handwritten signature of Jody Birchall with '813' written below it.

Signature witnessed by [Handwritten initials]

I then spoke very briefly with a number of people who confirmed what the member of security had earlier said – that the male that was placed into my van was involved in some sort of an altercation.

I then saw a male who I now know to be [REDACTED]. He was stood next to the main door of the club and was clearly injured. I briefly spoke with [REDACTED] but from a distance due to possible contamination issues. He had a large tennis ball sized lump on the front left side of his forehead, blood coming from his mouth and stated that his teeth had been knocked out. An ambulance arrived very shortly after that so my details were left with an associate to pass to [REDACTED] as he was due to depart for hospital. My colleagues, PC 3941 MOTTASHED and PC 4080 MORRIS then arrived and assisted with the large number of potential witnesses that were still at scene. At 01:18hrs as a result of the injuries I had seen on [REDACTED] I arrested [REDACTED] on suspicion of a Sec 20 assault and on suspicion of criminal damage (as I had also been made aware of damage caused by a male matching [REDACTED] description knocking into DJ equipment and causing approx £1000 of damage whilst fighting). [REDACTED] was cautioned, to which he made no reply. He was searched by myself and handcuffed to the front. He was then conveyed through to BLACKPOOL CENTRAL POLICE STATION where he was booked in a short time later and his detention authorised.

At 01:50hrs I then seized the outer clothing of [REDACTED] as some of it was clearly bloodstained.

The items are as follows –

JB/813/01 – right shoe, white 'DC' trainer

JB/813/02 – left shoe, white 'DC' trainer

JB/813/03 – green polo shirt

JB/813/04 – black 'SUPERDRY' jacket with grey army style markings

Signature



Signature witnessed by [REDACTED]

Continuation of Statement / Interview of Jody BIRCHALL

JB/813/05 -- light blue stonewash jeans.

All the above items were placed into Police evidence bags and secured and sealed.

Due to the nature of the offence and the potential involvement in a fight, hand swabs were then taken from the offender. These were taken with [REDACTED] consent and in the Nurse's treatment room at BLACKPOOL CENTRAL CUSTODY. I ensured that the area and surfaces used were fully cleaned with steri-wipes prior to swabbing. At 03:05 I commenced taking hand swabs from [REDACTED]. By 03:30hrs the procedure was finished. The following list itemises the swabs and evidence bags used -

JB/813/06 -- Control bag

JB/813/07 -- bag for left hand palm swabs wet and dry

JB/813/08 -- bag for right hand palm swabs wet and dry

JB/813/09 -- control swab

JB/813/10 -- left palm swab wet

JB/813/11 -- left palm swab dry

JB/813/12 -- right palm swab wet

JB/813/13 -- right palm swab dry

JB/813/14 -- Control bag

JB/813/15 -- bag for left hand rear of hand swabs wet and dry

JB/813/16 -- bag for right hand rear of hand swabs wet and dry

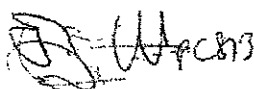
JB/813/17 -- control swab

JB/813/18 -- left back of hand wet

JB/813/19 -- left back of hand dry

JB/813/20 -- right back of hand wet

Signature



Signature witnessed by [REDACTED]

Part 4 – Other relevant information

Have you made an application for review relating to this premises before?	Yes	No
		X
If yes please state the date of that application		

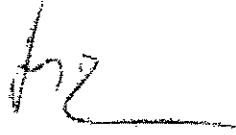
If you have made representations before relating to this premises, please state what they were and when you made them.

I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate.	X
I understand that if I do not comply with the above requirements my application will be rejected	X

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent. (Please read guidance note 4) If signing on the behalf of the applicant please state in what capacity.

Signature:	Capacity:	Date:		
		Day	Month	Year
	Police Constable 502	24	09	2008

Contact name and address for correspondence associated with this application. (Where not previously given) (See guidance note 5)						
Title:	Mr	Mrs	Miss	Ms	Other	
Forenames					Surname	
Address for Correspondence associated with this application						
						Post Code
Telephone Number					Mobile Number	
E-Mail Address						

Notes for Guidance

1. The grounds for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems that are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf, provided that they have actual authority to do so.
5. This is the address that we shall use to correspond with you about this application.

ADDITIONAL EVIDENCE

1AM – PLEASANT STREET LYTHAM

- Letter from Fylde Borough Council dated 21st December 2006 detailing a breach of licence condition in relation to fire exits.
- Letter from Fylde Borough Council dated 6th September detailing three noise complaints from local residents.
- Letter from Fylde Borough Council dated 27th August 2008 detailing a breach of licence condition in relation to training records for 'Challenge 21'.
- MG 11 from Andrew Hough Licensing Technician, Fylde Borough Council outlining the visit above.



FYLDE BOROUGH COUNCIL

Mr B Zampini & Mr A Costanza
1AM
2 Pleasant Street
Lytham
FY8 5JA

Our Ref: CWP/HSL/AH

Your Ref:

Please Ask For: Andy Hough

Telephone: 01253 658422

Email: andyh@fylde.gov.uk

Date: 27th August 2008

Dear Sirs

1AM, Pleasant Street, Lytham

I refer to my visit to your premises of 22nd August 2008 following the failed test purchase on the evening of 16th August 2008

During the visit the conditions attached to the Premises Licence reference FY PL0215 were discussed and I would make the following observations regarding the following conditions attached to the licence:-

"All staff shall have received suitable training in relation to the proof of age scheme to be applied upon the premises. Records to evidence this shall be made available to an authorised officer upon request."

No staff training records were available, and you have now arranged for an external training organisation to train your staff in this respect and that course is to take place on 5th September 2008. I would recommend that you provide your staff with refresher training every two to three months.

"There shall be in place for the premises a policy to prevent the sale or supply of alcohol to persons under 18 years of age. That policy shall require any person who appears to be under the age of 21 years to produce a recognised proof of age card accredited under the Proof of Age Standards Scheme (PASS) or if a proof of age card is not available a photo driving licence or passport indicating that they are over 18 years of age."

I would remind you that all your staff need to be aware of the proof of age scheme operated on the premises and they should request proof of age from any person who appears to be under the age of 21.

"A notice or notices shall be displayed in the premises where they can be clearly seen and read and shall indicate that it is unlawful for persons under 18 to purchase alcohol or for any person to purchase alcohol on behalf of a person under 18 years of age."

No such notices were on display in the premises.

"The premises shall be operated in participation with the 'Pubwatch' scheme."

The premises is not in the "Pubwatch scheme" and you therefore need to join the local scheme. The contact telephone number is 01253 476156 and the next meeting is at the Queens, Lytham on Tuesday 16th September 2008 at 10.30 am.

"The premises shall be equipped with a closed circuit television system, which is appropriate to its purpose and is provided and maintained to the satisfaction of the enforcement authorities."

A CCTV system is installed at the premises and I feel that it would be beneficial to ensure that a member of staff who is fully trained in operating the system is available at all times the premises is open to the public.

Records of incidents involving the use and/or detection of drugs shall be maintained and those records shall be available for inspection.

Confiscated and found drugs shall be stored, disposed of and transferred in accordance with procedures agreed with the Lancashire Constabulary.

There is no incident book and I would advise that an incident book is required. I would also recommend that you contact Lancashire Constabulary to discuss the procedures regarding the storing and disposal of any drugs found at the premises.

I would advise you that the Council receives noise complaints regarding the premises from time to time and would advise you that the following conditions on your licence relate to noise nuisance:-

"During the final hour of daily trading appropriate announcements shall be made or images are projected to remind patrons of the need to leave the premises without causing annoyance, nuisance or disturbance to local residents and to advise patrons of any taxi free-phone or collection arrangements available upon the premises.

No nuisance shall be caused by noise coming from the premises or vibration transmitted through the structure of the premises.

The volume of amplified sound used in connection with entertainment shall at all times be under the control of the licensee or management and the controlling mechanism shall be operated from a part of the premises inaccessible to the public.

Regular assessments of the noise coming from the premises shall be conducted on every occasion the premises are used for regulated entertainment and steps shall be taken to reduce the level of noise where it is likely to cause a disturbance to local residents.

There shall be placed at exits from the premises, in a place where they can be seen and easily read by patrons, notices requiring customers to leave the premises and the area quietly."



FYLDE BOROUGH COUNCIL

I would also advise that in accordance with Section 136(1) of the Licensing Act 2003, "a person commits an offence if a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than in accordance with an authorisation b) he knowingly allows a licensable activity to be so carried on."

The maximum penalty for this offence is six months imprisonment and/or a fine not exceeding £20000. I would also stress, that the Licensing Act 2003 has introduced a power of review, where a responsible authority or interested party, such as a resident living in the vicinity of a premises, may ask the Licensing Authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives, in this instance "Protection of Children from harm".

The Guidance issued in accordance with the Licensing Act does comment that licence holders should be given early warning about problems identified at a premises and that a failure to respond to such warnings would lead to a decision from one of the responsible authorities to request to a review.

I look forward to receiving your co-operation in this matter and should you require any further information then please do not hesitate to contact me on the above telephone number.

Yours faithfully

Andy Hough
Licensing Technician
CC: P S Giffin, Lancashire Constabulary



FYLDE BOROUGH COUNCIL

Mr B Zampini & Mr A Costanza
1AM
Pleasant St
Lytham
FY8 5JA

Our Ref: CWP/HSL/CH

Your Ref:

Please Ask For: Chris Hambly

Telephone: 01253 658422

Email: chris2@fylde.gov.uk

Date: 21st December 2006

Dear Sirs

1AM, Pleasant St, Lytham

I refer to my visit to your premises during the evening of 1st December 2006.

During the visit, it was observed that the fire exit to the rear on the ground floor of the premises was obstructed with a clothes rail and general clutter. Furthermore, "A" Boards and a brush were noted on the stairwell and that a number of the green "running man" emergency lights were not in operative order

May I remind you of the following condition attached to your premises licence:

"All exits and escape routes to those exits (including external escape routes) from the premises shall be maintained in good repair, correct working order and kept free from all obstructions when the public are on the premises."

I would also advise that in accordance with Section 136(1) of the Licensing Act 2003, "a person commits an offence if a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than in accordance with an authorisation b) he knowingly allows a licensable activity to be so carried on."

The maximum penalty for this offence is six months imprisonment and/or a fine not exceeding £20000. I would also stress, that the Licensing Act 2003 has introduced a power of review, where a responsible authority or interested party, such as a resident living in the vicinity of a premises, may ask the Licensing Authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives, in this instance public safety.

The Guidance issued in accordance with the Licensing Act does comment that licence holders should be given early warning about problems identified at a premises and that a failure to respond to such warnings would lead to a decision from one of the responsible authorities to request to a review.

As such, I look forward to receiving your co-operation in this matter and should you require any further information then please do not hesitate to contact me on the above telephone number.

Yours faithfully

Chris Hambly
Licensing Officer



FYLDE BOROUGH COUNCIL

Mr B Zampini & Mr A Constanza
1AM
2 Pleasant St
Lytham
FY8 5JA

Our Ref:

Your Ref: CWP/LIC/CH

Please Ask For: Chris Hambly

Telephone: 01253 658422

Email: licensing@fylde.gov.uk

Date: 6th September 2007

Dear Sirs

Licensing Act 2003 – 1AM, Pleasant St, Lytham

I write to advise that I am in receipt of a complaint concerning noise from patrons of the above mentioned premises when leaving the premises.

The complainant states,

"Over the past two years, there have been many instances of loud music being played into the small hours of both Saturday and Sunday mornings, together with noise and disturbance created by customers leaving the premises when they close after 2am. It is not unusual for loud music with a deep base tone to be played in the premises until the early hours of Sunday morning, so that the residents of 9, 9a, 11 and 11a Pleasant Street, suffer loss of sleep, disturbance and general noise when patrons are leaving the premises.

Since 1st July 2007, it has become common practice for clientele of the 1AM Restaurant to leave the premises, up to and after 1am, in order to smoke. Whilst doing so when the weather is fine, they tend to sit on the wall of Rotary House, talking loudly, before returning to the restaurant. Sometimes, they carry on a conversation across the road with the door staff at the restaurant whilst doing so.

Over the past few weekends, the noise and disturbance, during the early hours of Sunday morning's has become progressively worse. On one occasion, customers from 1AM were seen to leave the premises and stand on the car park at the rear of the Post Office where they consumed from a bottle before returning to the restaurant. On other occasions, customers leaving to have a smoke have been seen to relief themselves on the adjacent office car parks, before returning to 1AM."

May I take this opportunity to remind you of the four licensing objectives of the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm and would comment that the Guidance issued in accordance with the Licensing Act states at 11.8 that,

"It is good practice for authorised persons and responsible authorities to give licence holders early warnings of their concerns about problems identified at the premises concerned and of the need for improvement. A failure to respond to such warnings is expected to lead to a decision to request a review."

I therefore look forward to receiving your co-operation in this matter in relation to the concerns of your neighbours. Should you have any queries in relation to this matter then please do not hesitate to contact me on the above telephone number.

Yours faithfully

Chris Hambly
Licensing Officer

CC Licensing Unit, Blackpool CPO, Bonny St, Blackpool
Environmental Protection, Fylde Borough Council, Town Hall, St Annes

FYLDE BOROUGH COUNCIL

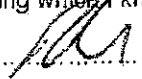
STATEMENT OF WITNESS


(CJ ACT 1967, S9; MC ACT 1980, SS5A(3)(A) AND 5B, MC RULES 1981, R.70)


Statement of:.....ANDREW HOUGH.....

Age if under 18:.. 18+... (if over 18 insert over 18) Occupation:.. LICENSING TECHNICIAN.....

This statement (consisting of ... 1... page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signed.....  Date..... 1/12/08.....

I am the above named, currently employed as a Licensing Technician within the Consumer Wellbeing and Protection Unit of Fylde Borough Council. As such, I am duly authorised to enforce legislation relating to the provisions of the Licensing Act 2003. On the morning of Friday 22nd August 2008, I visited the premises known as 1AM, 2 Pleasant Street, Lytham, FY8 5JA following a failed "test purchase" on the evening of Saturday 16th August 2008. During that visit I discussed the conditions of Premises Licence number FY PL0215 issued under the Licensing Act 2003 with Mr Beniamino Zampini, the Designated Premises Supervisor and Premises Licence holder, and Mr Antonio Costanza, Premises Licence holder. During the course of this discussion I became aware that conditions of the Premises Licence number FY PL0215 were being breached and advised Mr Zampini and Mr Costanza of these breaches, and also advised them that I would write to them to confirm these breaches in writing. I wrote a letter to Mr Zampini and Mr Costanza, the premises licence holders, and this was posted on 27th August 2008 and submit this letter as evidence (AH1). 

Signature:.....  Signature witnessed by.....



FYLDE BOROUGH COUNCIL

Memorandum

To: Chris Hambley

From: P R Dent

Your Ref:

Our Ref: 162305

Date: 20th October 2008

Premises Licence Review

1AM, Pleasant Street Lytham

With reference to your memorandum dated 25th September 2008, there are the following representations from Environmental Protection:

There have been complaints received to this Department regarding excessive noise from music originating at the premises particularly when an extension/temporary event was taking place. Despite written warnings and visits complaints have continued.

5th June 2006 – Loud music and shouting

28th August 2007 – Loud music and shouting until early hours

11th February 2008 – Loud music and shouting

5th March 2008 – Loud music and shouting from previous weekend.

2nd June 2008 – Loud music and shouting from previous weekend.

1st August 2008 – Loud music and shouting.

The activities continue into the early hours of the following morning causing disturbances to nearby residents. It is my opinion that noise is not effectively controlled and further conditions ought to be in place:

1. All windows and doors to be closed during the performances of regulated amplified entertainment.
2. All amplified music to cease at midnight.

P R Dent

Environmental Health Officer (Environmental Protection)

FYLDE BOROUGH COUNCIL
15 OCT 2008



FYLDE BOROUGH COUNCIL

Licensing Act 2003 – Representation Form

1. In what capacity are you making this representation:

- A person living in the vicinity of the premises
- A body representing a person in the vicinity of the premises
- A person involved in a business in the vicinity of the premises
- A body representing a business in the vicinity of the premises

2. Details of Person/Body Making Representation

Mr Mrs Miss Ms Other

Surname: SMITH		First Names: CHRISTOPHER	
Postal address: 15 NORTH CLIFTON STREET LYTHAM, LANCs			
Post Code: FY8 5HW		Phone: Mobile: e-mail: JM	

3. Details of the Premises/Club

Name: 1 AM	
Postal address: PLEASANT STREET, LYTHAM LANCS	
Post Code:	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:

LOUD NOISE AND TROUBLE AT EARLY HOURS.
WHERE MY NIECES HAVE BEEN WOKEN UP
NUMEROUS TIMES, WHEN THEY STAY AT WEEK-
ENDS


(Please continue on a separate sheet if necessary)

7. Suggested amendments?

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

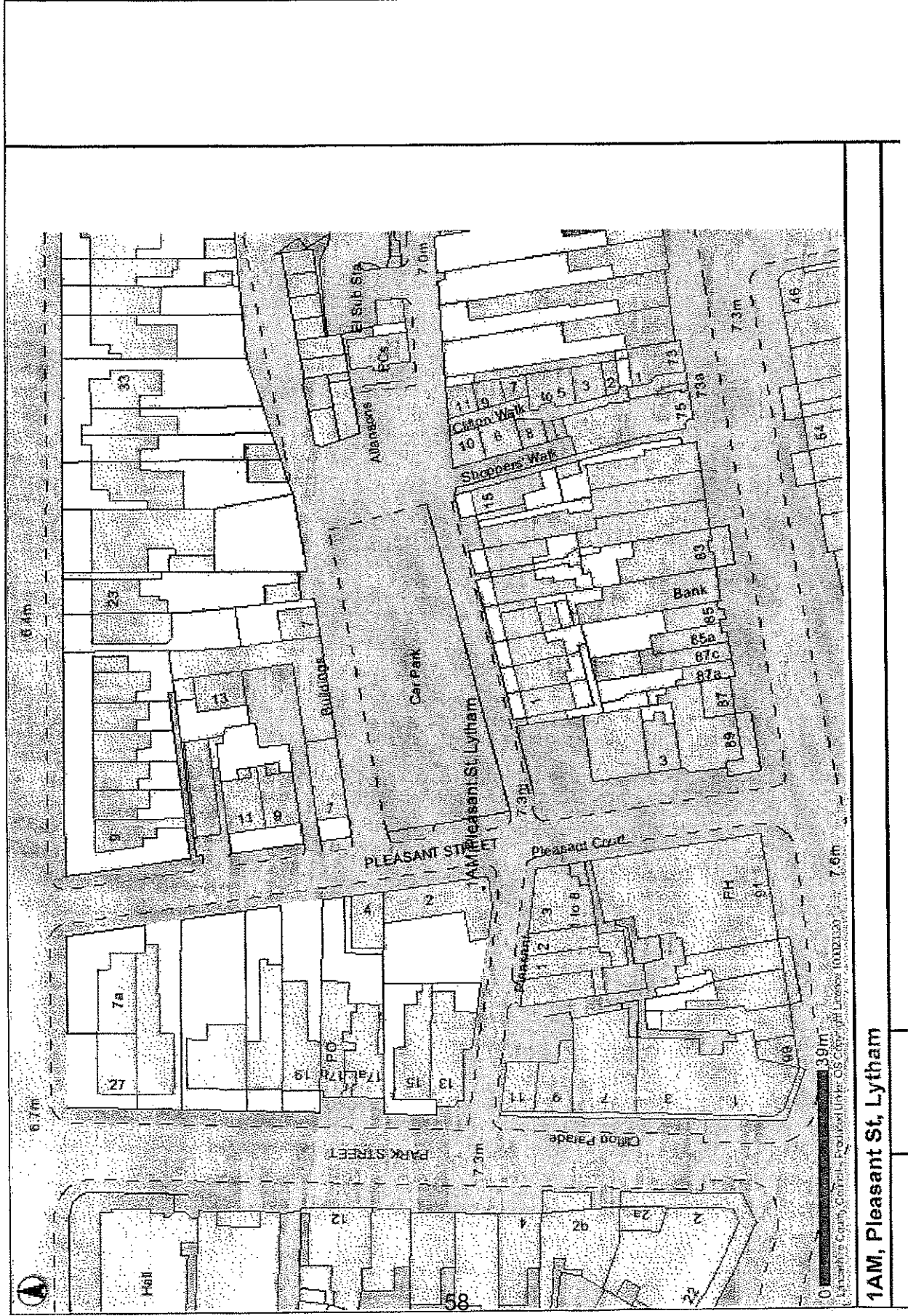
EARLIER CLOSING TIMES

(Please continue on a separate sheet if necessary)

Signature	
Capacity	LOCAL RESIDENT
Date	13.10.08

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



1AM, Pleasant St, Lytham



REPORT

FYLDE BOROUGH COUNCIL

REPORT OF	MEETING	DATE	ITEM NO
COMMUNITY SERVICES DIRECTORATE	LICENSING PANEL	19 TH NOVEMBER 2008	3

**APPLICATION FOR VARIATION TO A PREMISES LICENCE:
THE SPARLING AT LYTHAM, HASTINGS PLACE, LYTHAM**

Summary

The Licensing Authority has received an application for the variation to a Premises Licence at the Sparling at Lytham, Hastings Place, Lytham.

There has been a representation from an Interested Party and as such, the committee must consider the application.

Report

Application

1. The application is for the variation to a premises licence for the Sparling at Lytham, Hastings Place, Lytham (previously the Hastings Club).
2. The variation is described as being submitted to alter the layout of the premises and to remove 6 conditions from Annex 2 of the Licence, largely referring to the premises previous use as a proprietary members club.
3. Those conditions are:
 - a) The style and operation of the premises shall not differ significantly from that of a Proprietary Members Club.
 - b) Membership may be granted at the discretion of the management and shall be retained by members observing the Club Rules.
 - c) The Club Rules shall be so designed to ensure appropriate and correct behaviour when members are in the premises or its vicinity.
 - d) In the event of the public being permitted to the premises, the Club Rules shall also apply.

- e) Members of the Club shall be aged a minimum of 18 years of age and any minors or young persons must be accompanied by an adult and only be permitted in the dining area during food service hours.
 - f) Persons aged under 18 are permitted in the Function Room and Bistro in the evenings under adult supervision.
4. There are no additional licensable activities sought, and no changes in operating hours.
5. The application has been referred to the panel because a relevant representation has been received from an interested party.

Papers

6. 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 responsible authorities:

None Received

- Copies of relevant representations made by the following interested parties

1

Mrs S J Byrne

Consideration

7. The licensing objectives are:
- The prevention of crime and disorder;
 - Public safety
 - The prevention of public nuisance; and
 - The protection of children from harm
8. 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 necessary for the promotion of the licensing objectives. The steps are:
- (a) grant the application,

- (b) modify the conditions of the licence,
- (c) reject the whole or part of the application

9. 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.

10. The following parts of the secretary of state's guidance appear to be particularly relevant to the application and the relevant representations:

2.32- 9	Public Nuisance
9.19 – 28	Hearings
Annex D, Part 4	Conditions relating to the Prevention of Public Nuisance

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

11. The following parts of the council's statement of licensing policy appear to be particularly relevant to the application and the relevant representations:

17	Licence Conditions
19.7	Crime, Disorder and Nuisance around licensed premises
21	Prevention of Public Nuisance
27	Hearings

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

Additional Information

12. Representation has been made to the application by the Police and who are a Responsible Authority. However, the applicant has confirmed their agreement to the following condition which will address the Authority's concerns. This condition for consideration and approval by the Panel is:

The licence holder and/or DPS is to support and rigorously enforce the Challenge 21 Proof of Age Policy. Any person who looks or appears to be under the age of 21 shall be asked to provide identification that they are over the age of 18. The following are the only forms of identification acceptable: UK photo driving licence, passport, Proof of Age Standards Scheme Card, or any other nationally or locally approved card which may be introduced in the future.

Procedure

13. The applicant and the makers of the relevant representations have been invited to attend or be represented at the hearing.

14. The panel is asked to use the attached procedure in the hearing.

REPORT AUTHOR	TEL	DATE	DOC ID
Ian Curtis and Chris Hambly	(01253) 658406/648422	27 th October 2008	

Attached documents

Application for Variation of a Premises Licence

Representation

Area Plan



FYLDE BOROUGH COUNCIL

Licensing Act 2003 – Representation Form

1. In what capacity are you making this representation:

- A person living in the vicinity of the premises
- A body representing a person in the vicinity of the premises
- A person involved in a business in the vicinity of the premises
- A body representing a business in the vicinity of the premises

2. Details of Person/Body Making Representation

Mr Mrs Miss Ms Other

Surname: BYRNE		First Names: SUSAN JANE	
Postal address: 10 AENEW STREET LYTHAM LANCS			
Post Code: FY8 5NJ		Phone: Mobile: e-mail:	

3. Details of the Premises/Club

Name: THE HASTINGS CLUB SPALDINGS	
Postal address: 26 HASTINGS PLACE LYTHAM LANC	
Post Code: FY8 5LZ	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 ⁶³The 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:

See attached.

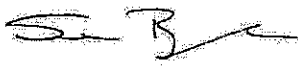
(Please continue on a separate sheet if necessary)

7. Suggested amendments?

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

- a) The licence should be restricted to an 11pm finish.
- b) As it is to be a restaurant, the licence should be limited to only allow sale of alcohol with food.
- c) If the premises are to have function then rooms must be sound proofed
- d) The smoker's area should be removed.
- e) The rear side door and alleyway should not be used as an exit or entrance.

(Please continue on a separate sheet if necessary)

Signature	
Capacity	Resident
Date	20/10/08

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

Attachment to Licensing Act 2003 Representation Form for Susan Byrne

What are your concerns?

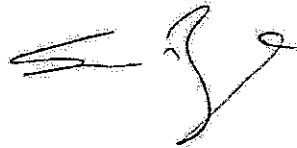
The premises is surrounded by residential properties and as such is not suitable to be awarded a full "pub licence"

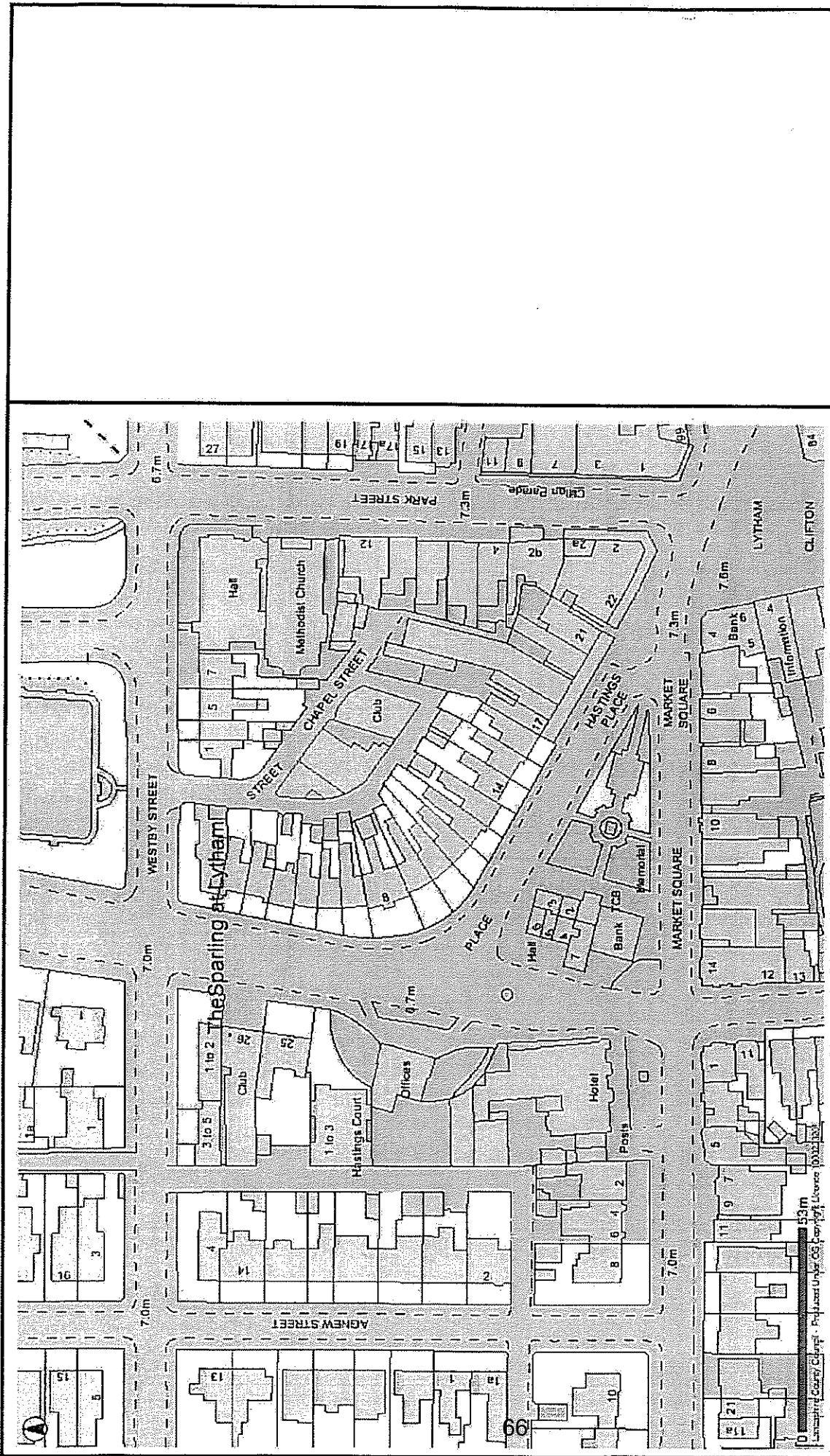
When it was trading as "The Hastings Club" the noise from the club regularly awoke me or prevented me from sleeping and I have made many complaints to Phil Dent of the Environmental Health Department about this; I understand that he has successfully prosecuted the former licensee on our behalf.

The problems are caused by:

- a) The main premises function room is at the rear of the club, which is only a few meters away from our bedrooms. This room is obviously NOT soundproofed so my family and I were disturbed EVERY time they had a function. As the previous licence was until 12pm the noise was a constant invasion causing many nights without sleep, and a lot of stress to our family.
- b) The former club created a "smoker's" area to the rear of the club (despite having a garden at the front). This meant that we were regularly disturbed by the noise of smoker's being raucous and being verbally offensive and profane within earshot of my children's bedrooms. In addition this rear door started to be used as an entrance/exit to the club; so even if the club was quiet the noise of people exiting and shouting their goodbyes etc was a guaranteed nightly awaking.

Given the problems that have been experienced in the past, I fail to see how the licence could be justifiably extended; in fact I wholeheartedly think the opposite should be true and the licence should be restricted.


2011/01/08.



The Sparling at Lytham, Hastings Place, Lytham

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