



DECISION NOTICE

Date of Hearing:	Monday, 10 June 2024 – 11:00am
Reason for Hearing:	The licensing authority received an application for a premises licence at 61/63 Clifton Street, Lytham. There had been representations from the Lancashire Constabulary and from an “other persons” and as such the panel had to determine the application.
Panel:	Panel members: Councillor Sandra Pitman - Convenor Councillor Martin Evans Councillor Noreen Griffiths Officers supporting the panel: Carly Smith, Chris Hambly, Sharon Wadsworth
Parties in Attendance:	Applicant: Loungers UK Ltd - represented by Robert Botkai of Winckworth Sherwood Solicitors and David Matthews, Operations Director.
	Responsible Authorities: Lancashire Constabulary - represented by PC Guy Harrison.
Parties not in attendance	Katherine Clayton had made a representation but was not in attendance for the hearing.

Decision: Grant the premises licence subject to the specified conditions stated below.

Reason for the Decision:

The Licensing Authority had received an application from Lounger UK Ltd for the grant of a new premises licence at 61/63 Clifton Street, Lytham. The application had been referred to the Panel because representations had been received from Lancashire Constabulary and from another person.

In considering the application, the Panel had to consider whether granting the licence as requested would promote the four licensing objectives which are:

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

The Panel heard that the applicant had been in negotiations with the Police and had reached a mutual agreement on the conditions that had originally been put forward, apart from one. No other representations were received from the other responsible authorities. Relevant representations had been made by one 'other persons' and these were included in the agenda papers.

The Panel had before it all of the written material contained in the agenda papers, and listened carefully to the verbal submissions offered by all of those who attended the hearing. The Panel also had regard to the Council's Statement of Licensing Policy and the statutory guidance issued under section 182 of the Licensing Act 2003.

The issues and concerns raised by the interested parties mainly centered around the protection of children from harm and an increase in noise and disturbance, within the vicinity of the premises, associated with alcohol consumption. As such, the prevention of public nuisance and the protection of children from harm licensing objectives were engaged.

The Panel heard no further evidence to support the concerns made in the representation as submitted by the "other person".

Mr. Botkai, on behalf of the applicant, explained to the Panel why they were not in favour of accepting the condition "*after 20:00 hours, any children under the age of 18 must be partaking in a meal and must be accompanied by an adult. Staff are not allowed to be in sole supervision of children*" as recommended by the Police. The applicant felt that it would be excessively burdensome and went against their views to support mixed communities and the council policies to create a diverse environment.

Mr. Matthews summarised the business model for the use of the venue, reiterating that the emphasis was on a family diner concept, serving food throughout the day. Front of house staff would greet and seat patrons upon entering. There would be no provision for drinking at the bar.

The applicant had already agreed to the condition put forward by the Environmental Protection team and the police regarding "*All outside tables and chairs shall be rendered unusable after 2200 each day.*"

PC Harrison did not agree that the proposed condition, in relation to unaccompanied children, would be over burdensome but was prepared to compromise for the hour to be increased to 21:00 hours. Concerns were raised in relation to protecting children and the condition would reduce the likelihood of minors being in an area late in the evening when other establishments were closing.

Having heard the representations

from the applicant and the Police the Panel retired to consider their decision.

Having regard to the submissions, both written and oral, the Panel was satisfied that they had no evidence that the prevention of public nuisance licensing objective would not be promoted by granting the licence.

With regards to the protection of children from harm objective the Panel agreed that it would be appropriate for an alternative condition to be included as "No unaccompanied minor under the age of 18 will be admitted on the premises after 21:00 hours". The Panel felt that the condition as worded would not be over burdensome for the applicant and provided the reassurances that the Police were seeking for limiting the likelihood of minors being in the area come turning out time of the late night economy.

The Panel were therefore satisfied that it would be appropriate for the promotion of the licensing objectives to grant the licence with the addition of the conditions agreed between Environmental Protection, the Police and the applicant and condition as provided by the panel.

The Panel's decision was therefore as follows:

To grant the new premises licence at 61/63 Clifton Street, Lytham subject to the conditions specified in the operating schedule and the inclusion of the additional conditions as below.

1. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive appropriate training, such training to cover age restricted sales.
 - Induction training must be completed and documented prior to the sale of alcohol by the staff member.
 - Refresher/reinforcement training must be completed and documented at intervals of no more than 6 months
 - Training records will be available for inspection by a police officer or other authorised officer on request
 - Training records will be retained at the premises or at the offices of the licence holder for a minimum period of 12 months.
2. At least one personal licence holder will be available (this does not mean necessarily present at the premises) at all times that alcohol is on sale.
3. A written delegation of authority record will be kept at the premises whereby non personal licence holders are authorised to make sales on behalf of a personal licence holder.
4. Another member of staff shall be nominated to act for the DPS in their absence whose identity is known by all staff when such absence occurs.
5. An authorisation, signed and dated by the Designated Premises Supervisor, shall be kept at the premises showing all persons authorised by them to make sales of alcohol at the premises.
6. All outside tables and chairs shall be rendered unusable after 2200 each day.
7. No unaccompanied minor under the age of 18 will be admitted on the premises after 21:00 hours.

The Panel also accepted the amended New Year's Eve condition as proposed by the applicant :-

8. The premises may remain open for the sale of alcohol and the provision of late-night refreshment from the terminal hour for those activities on New Year's Eve through to 0200 on New Year's Day. Should the premises opt to take advantage of these hours there shall an SIA approved door supervisor working at the premises from 20:00 on New Year's Eve until the premises are closed on New Year's Day.
