

# Agenda

## Licensing Hearing



Date:	Wednesday 23 April 2014 at 2:00 pm
Venue:	Town Hall, St Annes
Committee members:	Councillor Angela Jacques Councillor Alan Clayton Councillor Christine Akeroyd

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Contact: Sharon Wadsworth – Telephone (01253) 658546 – Email: [sharon.wadsworth@fylde.gov.uk](mailto:sharon.wadsworth@fylde.gov.uk)

The code of conduct for members can be found in the council's constitution at [www.fylde.gov.uk/council-and-democracy/constitution](http://www.fylde.gov.uk/council-and-democracy/constitution)

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## 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
RESOURCES DIRECTORATE	LICENSING COMMITTEE	23 APRIL 2014

## APPLICATION FOR THE GRANT OF A PREMISES LICENCE SPAGO, 7 DICCONSON TERRACE, LYTHAM

### PUBLIC ITEM

This item is for consideration in the part of the meeting

### SUMMARY

The Licensing Authority has received an application for the grant of a Premises Licence Spago, Dicconson Terrace, Lytham.

There have been representations from the Police, the Planning Department and the Environmental Protection department who are responsible authorities under the Act and this means that the Committee must consider the application.

### RECOMMENDATIONS

That the Panel determine the application.

### CABINET PORTFOLIO

This falls within cabinet portfolio:

Community and Social Wellbeing - Councillor Cheryl Little

### SUMMARY OF PREVIOUS DECISIONS

There are no previous decisions relating to this application.

### REPORT

#### Application

1. The application is for the grant of a premises licence at Spago, 7 Dicconson Terrace, Lytham.
2. The matter has been referred to the panel because relevant representations have been received from responsible authorities.

## Papers

3. 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:  
**Police**  
**Planning**  
**Environmental Protection**
  - Copies of relevant representations made by the following interested parties  
**None Received**

## Consideration

4. The licensing objectives are:
- The prevention of crime and disorder;
  - Public safety
  - The prevention of public nuisance; and
  - The protection of children from harm
5. As relevant representations have been made, it is the duty of the panel to take such of the steps set out below as it considers appropriate for the promotion of the licensing objectives. The steps are:
- (a) grant the application subject to the conditions specified in the operating schedule modified to such extent as the panel considers appropriate for the promotion of the licensing objectives, and any mandatory condition,
  - (b) modify the conditions of the licence,
  - (c) refuse to specify a person in the licence as premises supervisor
  - (d) reject the application.
6. The Guidance issued by the Secretary of State and the Council's Statement of Licensing Policy will be material in considering the application, but cannot override the licensing objectives.
7. The following parts of the secretary of state's guidance appear to be particularly relevant to the application and the relevant representations:
- |           |  |
|-----------|--|
| 2.1-7     | Crime and Disorder   |
| 2.18 - 24 | Public Nuisance  |
| 9.12      | Representations from the Police  |
| 9.27-37   | Hearings   |
| 9.38      | Determining actions that are appropriate for the promotion of the licensing objectives |
| 10.10     | Proportionality  |

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

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

- 11 Planning
- 12 General Approach to Licensing
- 17 Licence Conditions
- 19 Prevention of Crime and Disorder
- 19.7 Crime, disorder and nuisance around licensed premises
- 21 Prevention of Public Nuisance
- 23 Licensing hours
- 24 Representations
- 27 Hearings

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.

IMPLICATIONS	
Finance	None arising directly from the report.
Legal	None arising directly from the report.
Community Safety	None arising directly from the report.
Human Rights and Equalities	None arising directly from the report.
Sustainability and Environmental Impact	None arising directly from the report.
Health & Safety and Risk Management	None arising directly from the report.

REPORT AUTHOR	TEL	DATE	DOC ID
Chris Hambly	01253 658422	28 <sup>th</sup> March 2014	

**LIST OF BACKGROUND PAPERS**

Name of document	Date	Where available for inspection
S182 Guidance to Licensing Act 2003	June 2013	<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/209526/1167-A_Licensing_Act_2003_2_.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/209526/1167-A_Licensing_Act_2003_2_.pdf</a>
Licensing Policy	January 2011	<a href="http://www.fylde.gov.uk/business/licensing/licensingact2003/licensingpolicystatement/">http://www.fylde.gov.uk/business/licensing/licensingact2003/licensingpolicystatement/</a>

## Attached documents:

- 1 Application form
- 2 Police Representation
- 3 Planning Representation
- 4 Environmental Protection Representation
- 5 Area Plan



**Application for a premises licence to be granted  
under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Antonio Vavoso & Helen Vavoso

*(Insert name(s) of applicant)*

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description <b>Spago 7 Dicconson Terrace Lytham St Annes Lancashire</b>			
<b>Post town</b>	Lytham St Annes	<b>Postcode</b>	<b>FY8 5JY</b>

Telephone number at premises (if any)	
Non-domestic rateable value of premises	<b>£40,500.00</b>

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as

Please tick as appropriate

- |   |                                     |                             |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals *               | <input checked="" type="checkbox"/> | please complete section (A) |
| b) a person other than an individual *          |                                     |                             |
| i. as a limited company                         | <input type="checkbox"/>            | please complete section (B) |
| ii. as a partnership                            | <input type="checkbox"/>            | please complete section (B) |
| iii. as an unincorporated association or        | <input type="checkbox"/>            | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/>            | please complete section (B) |
| c) a recognised club                            | <input type="checkbox"/>            | please complete section (B) |
| d) a charity                                    | <input type="checkbox"/>            | please complete section (B) |

- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)


\* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes


I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a  
 statutory function or   
 a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Vavoso			First names Antonio		
I am 18 years old or over				<input checked="" type="checkbox"/>	Please tick yes
Current postal address if different from premises address		16 Victory Boulevard Lytham Lancashire			
Post town	Lytham		Postcode	FY8 5TH	
Daytime contact telephone number 					
E-mail address (optional)					

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input checked="" type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Helen			First names Vavoso		
I am 18 years old or over				<input checked="" type="checkbox"/>	Please tick yes
Current postal address if different from premises address		16 Victory Boulevard Lytham Lancashire			
Post town	Lytham		Postcode	FY8 5TH	
Daytime contact telephone number					
E-mail address (optional)					

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
2	7	03
2	0	14

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY
±	±	±
±	±	±

Please give a general description of the premises (please read guidance note 1)

It is intended that the premises will be a bistro with an intimate atmosphere that will offer breakfast, lunch and dinner with a Mediterranean focus for a mixed age group throughout the day. Recorded music will ordinarily be in the form of incidental background music, but may develop into recorded music on occasion. Live music will be occasional, but the permission is sought for the purposes of flexibility.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

N/A

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- |   |                                     |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A)  | <input type="checkbox"/>            |
| b) films (if ticking yes, fill in box B)  | <input type="checkbox"/>            |
| c) indoor sporting events (if ticking yes, fill in box C)   | <input type="checkbox"/>            |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)  | <input type="checkbox"/>            |
| e) live music (if ticking yes, fill in box E)   | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F)   | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G)  | <input type="checkbox"/>            |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/>            |

**Provision of late night refreshment** (if ticking yes, fill in box I)

**Supply of alcohol** (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

**A**

Plays Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both	<input type="checkbox"/>	
Mon			<b>Please give further details here</b> (please read guidance note 3)		
Tue			<b>State any seasonal variations for performing plays</b> (please read guidance note 4)		
Wed			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

## B

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 4)		
Tue					
			<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Wed					
Thur					
Fri					
Sat					
Sun					

C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b><u>Please give further details</u></b> (please read guidance note 3)
Day	Start	Finish	
Mon			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 4)
Tue			
Wed			
Thur			<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b>Please give further details here</b> (please read guidance note 3)		
Tue			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 4)		
Wed			<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					



**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	10:00	01:00	<b>Please give further details here</b> (please read guidance note 3)		
Tue	10:00	01:00			
Wed	10:00	01:00	<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Thur	10:00	01:00			
Fri	10:00	01:00	<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat	10:00	01:00	An additional hour on the Friday, Saturday, Sunday and Monday of Bank Holiday Weekends; on Valentine's Day; on Christmas Eve; on Christmas Day; on Boxing Day; and, on Lytham Club Day.		
Sun	10:00	01:00	From the end of permitted hours on New Year's Eve to the commencement of permitted hours on New Year's Day.		

**F**

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <b>indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	10:00	01:00	<b>Please give further details here</b> (please read guidance note 3)		
Tue	10:00	01:00			
Wed	10:00	01:00	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)		
Thur	10:00	01:00			
Fri	10:00	01:00	<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat	10:00	01:00	An additional hour on the Friday, Saturday, Sunday and Monday of Bank Holiday Weekends; on Valentine's Day; on Christmas Eve; on Christmas Day; on Boxing Day; and, on Lytham Club Day.		
Sun	10:00	01:00	From the end of permitted hours on New Year's Eve to the commencement of permitted hours on New Year's Day.		

## G

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 4)		
Tue					
			<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Wed					
Thur					
Fri					
Sat					
Sun					

H

<p><b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><b><u>Please give further details here</u></b> (please read guidance note 3)</p>		
Wed					
Thur			<p><b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 4)</p>		
Fri					
Sat			<p><b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)</p>		
Sun					

## I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	23:00	01:00	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Tue	23:00	01:00			
Wed	23:00	01:00	<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 4)		
Thur	23:00	01:00			
Fri	23:00	01:00	<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat	23:00	01:00	An additional hour on the Friday, Saturday, Sunday and Monday of Bank Holiday Weekends; on Valentine's Day; on Christmas Eve; on Christmas Day; on Boxing Day; and, on Lytham Club Day.		
Sun	23:00	01:00	From the end of permitted hours on New Year's Eve to the commencement of permitted hours on New Year's Day.		

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Mon	10:00	01:00			
Tue	10:00	01:00			
Wed	10:00	01:00			
Thur	10:00	01:00			
Fri	10:00	01:00			
Sat	10:00	01:00			
			<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
			An additional hour on the Friday, Saturday, Sunday and Monday of Bank Holiday Weekends; on Valentine's Day; on Christmas Eve; on Christmas Day; on Boxing Day; and, on Lytham Club Day.		
			From the end of permitted hours on New Year's Eve to the commencement of permitted hours on New Year's Day.		
Sun	10:00	01:00			

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:**

Name <b>Antonio Vavoso</b>	
Address  <b>16 Victory Boulevard Lytham Lancashire</b>	
Postcode	<b>FY8 5TH</b>
Personal licence number (if known) <b>FYPA0633</b>	
Issuing licensing authority (if known) <b>Fylde Borough Council</b>	

K

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).**

**None currently anticipated.**

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)
Day	Start	Finish	
Mon	08:00	01:30	
Tue	08:00	01:30	
Wed	08:00	01:30	
Thur	08:00	01:30	
Fri	08:00	01:30	<p><b><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u></b> (please read guidance note 5)</p> <p>An additional hour on the Friday, Saturday, Sunday and Monday of Bank Holiday Weekends; on Valentine's Day; on Christmas Eve; on Christmas Day; on Boxing Day; and, on Lytham Club Day.</p>
Sat	08:00	01:30	<p>From the end of permitted hours on New Year's Eve to the commencement of permitted hours on New Year's Day.</p>
Sun	08:00	01:30	

**M** Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)**

No member of staff shall sell alcohol unless they hold a current personal licence or have been authorised to do so by the Designated Premises Supervisor or other personal licence holder who is satisfied as to their competence to make such sales.

The provision of food, including full meals and snacks shall form a substantial element of the operation of the premises.

Hot drinks, soft drinks and non-alcoholic drinks shall be available, as an alternative to alcohol, at all times.

Patrons shall not be permitted to consume drinks in the external area to the front of the premises after 23:30 each evening. Signs shall be displayed in prominent positions warning customers that they will not be permitted to eat or drink in the external areas after these times.

No customers shall be admitted to the premises after 00.30 each night. For the avoidance of doubt, this condition shall not apply to those customers who were on the premises prior to 00.30, and who exited the premises for the purpose of smoking.

In the outside area, the supply of intoxicating liquor shall be by waiter/waitress service only and only to persons seated at tables.

**b) The prevention of crime and disorder**

The premises shall be operated in accordance with the principles outlined by the Nightsafe initiative, in so far as they are relevant to the premises.

CCTV shall be installed internally and externally at the premises and shall comply with the following criteria:

- a) The CCTV system shall be installed, maintained and operated to the reasonable satisfaction of Lancashire Constabulary. All public areas of the premises are to be covered by the system with the exception of the toilets. The system shall incorporate a camera covering each of the entrance doors and shall be capable of providing an image which is regarded as identification standard.
- b) The system shall display on any recording the correct time and date of the recording.
- c) The system shall make recordings during all hours the premises are open to the public.
- d) Digital recording shall be held for a minimum of 28 days after the recording is made and shall be made available to the Police or any authorised persons acting for a Responsible Authority for inspection upon request.
- e) The system shall, as a minimum, record images of the head and shoulders of all persons entering the premises.

A staff member who is conversant with the operation of the CCTV system will be on the premises at all times the premises are open to the public. This staff member will be able to show recent data or footage with the absolute minimum of delay when requested to a Police Officer or to a Local Authority Enforcement Officer.

The Licence Holder shall notify the Police Licensing Unit on any occasion when the CCTV is to be inoperative for a period in excess of one working day and shall provide a certificate from a competent person stating the reason for the system being inoperative and the measures which have been taken to satisfy the licence conditions.

Appropriate signage alerting customers to CCTV recording shall be displayed in conspicuous positions on the premises.



Annual documented maintenance checks of the CCTV system, including the recording system will be undertaken by the Licence Holder to ensure that the system is in good working order and fit for purpose.

The premises shall be operated in participation of the local Pubwatch scheme.

Any customer of bad character by virtue of unspent violent or drug offences (whether committed on the premises or not) and properly identified to the DPS in writing by the Police shall be removed from the premises at the request and with the assistance of the Police and excluded from the premises.

The Premises Licence Holder must ensure that staff monitor and adequately manage any queue that forms to gain entry to the premises.

An adequate number of licensed door supervisors shall be on duty as appropriate to any risk assessment. As a minimum, one member of door staff is to be employed at the venue on Friday and Saturday evenings from 2100 hours until close of business.

A record must be kept on the premises of every person employed at the premises as a door supervisor. The record must contain the following information:

- a) Name and address
- b) Date of birth
- c) SIA Licence number
- d) Time duty commenced and time duty terminated.

Said records must be made available for inspection upon demand by a Police Officer, responsible authority or authorised person.

An incident book shall be maintained in which shall be recorded

- a) all incidents of crime and disorder
- b) refused sales to drunken persons
- c) any person refused admission or asked to leave the premises
- d) details of occasions upon which the Police are called to the premises.
- e) the use of our discovery of drugs

The incident book will be available for inspection by a Police Officer, responsible authority or authorised person.

### **c) Public safety**

Adequate provision shall be made to prevent unauthorised access to the storage of empty bottles.

Toughened glass shall be used at the premises where available.

Appropriate measures shall be taken to ensure staff prevent the removal of bottles or glasses from the curtilage of the premises and outdoor seating area.

Frequent collection of glasses and bottles shall be undertaken to ensure that empty containers do not accumulate in or around the licensed premises.

Adequate first aid provision shall be available at all times.

**d) The prevention of public nuisance**

Whenever the premises are open after midnight, patrons shall be reminded of the need to leave the premises without causing annoyance, nuisance or disturbance to local residents.

The primary means of entertainment at the premises shall be by means of recorded music which shall generally be maintained at a low level to suit the ambience of the venue. It shall not be piped to the outdoor seating area.

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.

There shall be no emission from the premises of any offensive smells, which are likely to cause a nuisance.

The immediate vicinity of the premises shall be regularly checked and any dropped litter or spilled food shall be collected and removed.

A clear, legible and conspicuous notice requesting patrons to avoid causing noise, nuisance or disturbance to local residents when leaving the premises late at night shall be displayed on the premises.

**e) The protection of children from harm**

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 will 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.

All staff shall have receive appropriate 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.

A notice or notices shall be displayed in the premises where they can be clearly seen and read and will 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.


**Checklist:****Please tick to indicate agreement**

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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 4 – Signatures** (please read guidance note 10)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 11).  
**If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	25/02/14
Capacity	Solicitors & Agents

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant’s solicitor or other authorised agent** (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

**Malcolm F Ireland**  
**Head of Leisure & Licensing**  
**Napthens LLP, Solicitors**  
**Greenbank Court**  
**Challenge Way**  
**Greenbank Business Park**  
**Blackburn**  
**Lancashire**

Post town	<b>Blackburn</b>	Postcode	<b>BB1 5QB</b>
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Telephone number (if any)	<b>(01254) 686211</b>
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If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

**Malcolm.Ireland@napthens.co.uk**

**Notes for Guidance**

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.


## Consent of Individual to Being Specified as Designated Premises Supervisor

I, Antonio Vavoso, of 16 Victory Boulevard, Lytham, Lancashire, FY8 5TG hereby confirm that I give my consent to be specified as the Designated Premises Supervisor in relation to the application for a Premises Licence by Helen Vavoso and Antonio Vavoso for Spago situate at 7 Dicconson Terrace, Lytham St. Annes, Lancashire, FY8 5JY and any premises licence to be granted or varied in respect of this application made by Helen Vavoso and Antonio Vavoso concerning the supply of alcohol at Spago situate at 7 Dicconson Terrace, Lytham St. Annes, Lancashire, FY8 5JY.


I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number: **FYPA0633**

Personal licence issuing authority: **Fylde Council**

Signed:   
.....  
(Antonio Vavoso)

Dated: **19.01.2014**  
.....

<b>Fylde Council Licensing Service</b>			
<b>Representation made by a Responsible Authority to an application for the grant / variation of a Premises Licence / Club Premises Certificate</b>			
<b>Responsible Authority</b>			
Name of Responsible Authority	LANCASHIRE CONSTABULARY		
Name of Officer <i>(please print)</i>	12973 Sue Slater		
Signature of Officer			
Contact telephone number	01253 604073		
Date representation made	25	03	14
<b>Premises Details</b>			
Premises Name	SPAGO		
Address	7 Dicconson Terrace		
	Lytham		
Post Code	FY8 5JY		
<b>Reasons for making representations</b>			
<p>This application was received in the Police Licensing Department at Blackpool Police Station on 26<sup>th</sup> February 2014. It seeks to create a new drinking venue in the Lytham Square area of Lytham town centre.</p> <p>On the date of receiving the application, I called the applicants' agent, Samantha Faud, and explained that this area of Lytham is currently suffering anti-social behaviour, calls regarding noise nuisance, and some degree of alcohol related disorder.</p> <p>For this reason I advised that I would be looking to have the application amended to one of more of a low-risk premises licence, such as a restaurant rather than a bar, and conditions in line with this. I also advised that this would be more in line with the recently granted "Number 5" (next door, at 5 Dicconson Terrace), and "Ambiance", at 3 Henry Street.</p> <p>Since the 26<sup>th</sup> February I have made two further phone calls to the agent to see if she was going to amend the licence application, and although the intent to do so was verbalised on both occasions, nothing had been put on paper.</p> <p>I eventually offered, on 19<sup>th</sup> March 2014, to put the conditions in writing myself, although I was not able to do so due to other work commitments until today. As there is only one</p>			

full working day left until the end of the representation period I don't have confidence this will be agreed in time and therefore have no choice to object to application, as I feel strongly that a change in operating schedule is absolutely necessary in order to promote the licensing objectives, specifically the prevention of crime and disorder, the protection of children from harm, and the prevention of public nuisance.

If conditions are agreed as below, I reserve the right to withdraw my representation and have the licence granted without a Committee Hearing.

**It is recommended that the licence should only be granted if the application is amended, or if conditions are applied, as detailed below.**

*The following conditions to be added to the operating schedule:*

1. The primary purpose of the premises will be that of a restaurant / bistro/ cafe serving food, with additional occasional use for pre-arranged events and functions. The sale of alcohol will be ancillary to these uses.
2. The provision of food, including full meals and snacks will form a substantial element of the operation of the premises with sufficient furniture and seating provided and set out in such a way that it does not become a high volume, vertical drinking establishment.
3. Seating inside the premises will be provided for at least 70% of the total maximum capacity of the premises as determined by a risk assessment.
4. Whenever licensable activities are available at the premises a waiter/waitress service shall be available both inside and outside.
5. At least one personal licence holder will be contactable while the supply or sale of alcohol is being undertaken (whose identity will be known to all other staff engaged in the supply or sale of alcohol) except in the case of emergency.
6. Another member of staff shall be nominated to act for the Designated Premises Supervisor, in their absence, whose identity is known by all other staff when such absence occurs.
7. No customers will be admitted to the premises after midnight. For the avoidance of doubt, this condition shall not apply to those customers who were on the premises prior to midnight, and who exited the premises for the purpose of smoking.
8. All pint glasses, used at the premises, will be made of toughened glass or polycarbonate.
9. A drugs prevention strategy for the premises shall be developed and applied to

include requirements prescribed by the Lancashire Constabulary.

10. Where there is reasonable suspicion that drugs are being carried the licence holder shall ensure that the outer clothing, pockets and bags of those entering the premises are searched by a trained staff member of the same sex.
11. Clearly visible notices in a form prescribed by the local authority shall be displayed advising those attending that:-
  - i. It is a condition of entry that customers agree to be searched and
  - ii. Police will be informed if anyone is found in possession of controlled substances or weapons.
12. Security/staff arrangements will be sufficient to discourage the sale and consumption of drugs and shall ensure such arrangements include regular checks of toilet areas.
13. Records of incidents involving the use and / or detection of drugs shall be maintained and those records shall be available for inspection.
14. Confiscated and found drugs shall be stored and transferred to the Police in accordance with procedures agreed with the Lancashire Constabulary.
15. Any customers known to have been previously convicted of committing criminal offences relating to drugs shall be excluded from the premises.
16. No person in possession of a drink in a sealed or unsealed container will be allowed to enter the premises except for the purposes of delivery.
17. No drink will be removed from the premises in an unsealed container save for unfinished bottles of wine which must be re-corked before being taken away from the premises.
18. Off sales from the premises shall be in sealed containers only. Any unfinished bottles of wine must be re-corked before being taken away from the premises.
19. The premises licence holder will risk assess the requirement for door supervisors at the premises and shall employ door supervisors in such numbers and at such times as is deemed necessary by the risk assessment. This requirement to provide door supervisors as determined by risk assessment will equally apply in respect of private functions and ticketed events where admission is only permitted by ticket purchased in advance.
20. Any individual employed on the premises to carry out a security activity must be licensed by the Security Industry Authority.
21. An incident book will be maintained in which shall be recorded:-
  - i. All incidents of crime and disorder



- ii. Refused sales to suspected under-age and drunken persons
- iii. A record of any person asked to leave the premises or removed from the premises
- iv. Details of occasions on which the police are called to the premises
- v. A record of persons searched on suspicion that drugs are being carried and the reason for such suspicion

The book will be available for inspection by a police officer.

22. Any risk assessments carried out by or on behalf of the Licence holder, which relate to a licensing objective, shall be available for inspection by an officer of a Responsible Authority.
23. All members of staff shall receive suitable training with regard to serving drunks and are to receive regular refresher training at intervals of a maximum of six months. Records to evidence this will be made available to an authorised officer upon request.
24. Any person who appears to be intoxicated or who is behaving in a disorderly manner will not be allowed entry to the venue. Any person within the premises who appears to be intoxicated or who is behaving in a disorderly manner will be given care and consideration in leaving the premises.
25. The Licence Holder and Premises Supervisor shall ensure the free cold drinking water is available on request and shall have adequate supplies of chilled soft drinks and bottled water available for sale at the bar.
26. No entertainment of an adult or sexual nature will take place on the premises.
27. The departure of customers from the premises shall be effectively managed by staff who will request patrons to leave quietly and to avoid causing noise, nuisance or disturbance in the area.
28. A Challenge 25 proof of age policy shall be implemented and adhered to. All staff to have received suitable training in relation to the Challenge 25 proof of age scheme. Records to evidence this will be made available to an authorised officer upon request.
29. Any person who looks or appears to be under the age of 25 shall be asked to provide identification that they are over the age of 18. The following are the only forms of identification acceptable:
- i. A recognised proof of age card accredited under the British Retail Consortium's Proof of Age Standards Scheme (PASS)
  - ii. Photo driving licence
  - iii. Citizen card supported by the Home Office
  - iv. Official ID card issued by HM Forces or European Union bearing a photograph and date of birth of the holder.
- If no suitable identification is provided, the sale of alcohol to them will be

refused.

30. All staff who are involved in the sale of alcohol shall receive suitable training in relation to the proof of age scheme to be applied upon the premises. All staff are to receive regular refresher training at intervals of a maximum of six months. Records to evidence this will be made available to an authorised officer upon request.
31. Suitable signage will be displayed to specify that a Challenge 25 Policy is in place.
32. Under 18s will not be allowed at the bar serving area.
33. Under 18s shall be required to be supervised by an accompanying adult at all times.
34. Children under 16 shall vacate the premises by 2200 unless partaking in a meal or family function.

*The following conditions to be removed from the operating schedule:*

1. The provision of food, including full meals and snacks will form a substantial element of the operation of the premises.
2. No customers shall be admitted to the premises after 00.30 each night. For the avoidance of doubt, this condition shall not apply to those customers who were on the premises prior to 00.30, and who exited the premises for the purpose of smoking.
3. Toughened glass shall be used at the premises where available.
4. 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 will 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.
5. All staff shall have receive appropriate training in relation 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.

## MEMORANDUM

**DATE:** 26/3/14  
**OUR REF:** ENQ/14/0092  
**YOUR REF:**  
**FROM:** Catherine Kitching  
Conservation Planning Officer  
**TO:** Andy Hough  
Technical Enforcement Officer - Licensing

**SPAGO, 7 DICCONSON TERRACE, LYTHAM  
APPLICATION FOR NEW LICENCE**

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It is important that the external areas are restricted to no use (other than smoking) after 9.00pm given the proximity of dwellings in the surrounding area and the way that noise is likely to reverberate around the rear yards due to the taller buildings in close proximity.

I would recommend the following condition:

The internal area of the restaurant shall only be open to the public for the consumption of food and drink between the hours of 08:00 hours and 23:30 on Sundays to Thursdays (inclusive) and between the hours of 08:00 hours and 01:00 (the following morning) on Fridays and Saturdays.

The external dining area to the front of the premises shall only be open to the public for the consumption of food and drink between the hours of 08:00 and 21:00 on any day.

The external dining area to the rear of the premises shall only be open to the public for the consumption of food and drink between the hours of 08:00 and 20:00 on any day.

The reason for this suggested condition is to provide appropriate control over the potential for disturbance to neighbouring residential occupiers.

Regards

Catherine Kitching



## Memorandum

**To:** Andy Hough

**From:** P Dent

**Your Ref:**

**Our Ref:** 72133

**Date:** 12/03/2014

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**Premises Licence Application -**

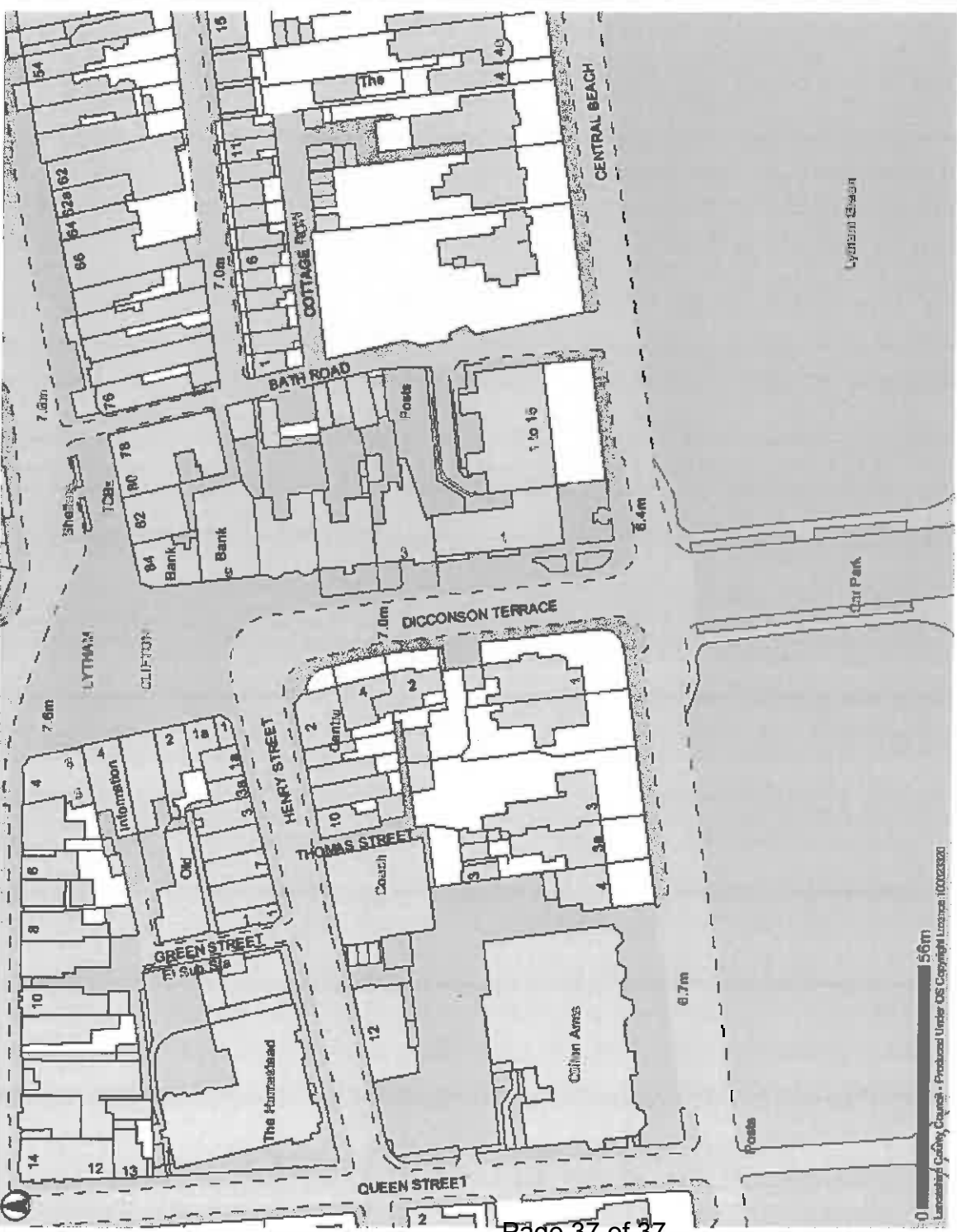
**Location- Spago, 7 Dicconson Terrace, Lytham, Lytham St. Annes, Lancashire, FY8 5JY**

With reference to the above application, there is the following representation from Environmental Protection:

1. The rear external seating areas shall be closed to patrons after 20.00 to reduce the potential of noise disturbance to nearby residents. No patrons shall be permitted to smoke in this area after this time.
2. The external area at the front of the premises shall be closed to patrons except for those wishing to smoke at 21.00 to reduce the potential of noise disturbance to nearby residents.

Philip Dent

- Districts
- Other District
- Library Authority
- Lancashire Councils
- Map Labels
- MasterMap Lines
- 10018; 10019
- 10041; 10075; 10083-10123; 10157; 10172-3
- 10046; 10056; 10124-10155; 10169; 10185-9; 10202; 10210
- 10052; 10106; 10175
- 10087; 10092
- 10095; 10097; 10101-10103
- 10096; 10104
- 10113; 10114
- 10163
- 10164
- 10211
- 10212
- Other
- MasterMap Polygons
- Building
- Multiple Surface
- General Surface
- Greenhouse
- Historic Interest
- Inland Water
- Landform
- Slope
- Cliff
- Natural Environment
- Path, Step
- Path
- Rail
- Road or Track
- Roofslope
- Structure
- Tidal Water
- Unclassified



Spago location plan

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Date: 28/03/2014

