



FYLDE BOROUGH COUNCIL



Meeting Agenda

**Licensing Hearing
Town Hall, St Annes
7 February 2008, 2:00pm**

LICENSING PANEL

MEMBERSHIP

Convenor Councillor David Eaves

Councillor Lyndsay Greening

Councillor Tony Ford

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
<p>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></p>	4
<p>2. APPLICATION FOR VARIATION TO A PREMISES LICENCE:</p> <p>ZEKO'S, 9A PARK ROAD, ST. ANNES</p>	7 – 31
<p>3. APPLICATION TO VARY A PREMISES LICENCE TO SPECIFY AN INDIVIDUAL AS DESIGNATED PREMISES SUPERVISOR: DERBY ARMS, STATION ROAD, KIRKHAM</p>	32 – 38



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
CONSUMER WELLBEING & PROTECTION	LICENSING PANEL	7 FEBRUARY 2008	2

**APPLICATION FOR VARIATION TO A PREMISES LICENCE:
ZEKOS, 9A PARK ROAD, ST ANNES**

Summary

The Licensing Authority has received an application for the variation of a Premises Licence at Zeko's, 9A Park Road, St Annes.

There has been a representation from the Police who are a Responsible Authority under the Act.

Report

Application

1. The application is for the variation of a premises licence for the Zeko's, 9a Park Rod, St Annes.
2. The application has been referred to the panel because a relevant representation has been received from a Responsible Authority.

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

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

- (a) grant the variation,
- (b) modify the conditions of the licence,
- (c) reject the whole or part of 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:

2.6	Crime & Disorder
8.33-8.38	Variations
9.19 – 28	Hearings
10.11-10.14	Imposed Conditions

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:

15	Variations
17	Licence Conditions
19.7	Crime, Disorder and Nuisance around licensed premises
19.9	CCTV
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.

REPORT AUTHOR	TEL	DATE	DOC ID
Chris Hambly	(01253) 648422	16 th January 2008	

Attached documents

Application for Variation to a Premises Licence

Representations

Area Plan



THE LICENSING PRACTICE LTD
Specialists in Local Authority Licensing

3 Cardinal Place, Cleveleys, Lancs. FY52SQ
Telephone: 01253 858186 or 01253 7708109 Fax: 01253 858186
E-mail: Licensingpract@aol.com Website:
www.licensingpractice.co.uk

Application to vary a premises licence under the Licensing Act 2003

I **Abdenabi Lakdim**

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number FY PN 0021
--

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Zekos 9A Park Road			
Post town	St Annes	Post code	FY8 1QX

Telephone number at premises (if any)	01253 640111
Non-domestic rateable value of premises	£7,100

Part 2 – Applicant details

Daytime contact telephone number	01772 881554		
E-mail address (optional)			
Current postal address if different from premises address	20 Charlotte Place Avenham		
Post Town	Preston	Postcode	PR1 3RF

Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

Day		Month		Year	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

To extend the opening hours of the premises.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Not Applicable

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick yes

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

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

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

√

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Wed					
Thur			<u>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</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Wed			<u>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</u> (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Tue			
Wed			
Thur			<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> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur					
Fri			<u>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</u> (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Wed					
Thur			<u>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</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Tue					
			<u>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</u> (please read guidance note 5)		
Wed					
Thur					
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Wed					
Thur			<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> (please read guidance note 5)		
Fri					
Sat					
Sun					

H

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

I

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

J

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

K

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

L

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	Please give further details here (please read guidance note 3) Provision of hot food and/or beverages for consumption on or off the premises.		
Mon	23.00	01.00			
Tue	23.00	01.00			
Wed	23.00	01.00			
Thur	23.00	01.00			
Fri	23.00	02.00			
Sat	23.00	02.00	Friday, Saturday, Sunday and Monday for each May Bank holiday, Spring Bank holiday and August Bank holiday weekend. Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend Christmas Eve, Boxing Day and New Years Eve.		
Sun	23.00	01.00			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)					
Mon								
Tue								
Wed								
Thur								
Fri								
Sat								
Sun								
						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 (please read guidance note 5)		

N

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

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	11.00	01.00	
Tue	11.00	01.00	
Wed	11.00	01.00	
Thur	11.00	01.00	
Fri	11.00	02.00	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 (please read guidance note 5) From 23.00hours until 05.00hours on: Friday, Saturday, Sunday and Monday for each May Bank holiday, Spring Bank holiday and August Bank holiday weekend. Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend Christmas Eve, Boxing Day and New Years Eve.
Sat	11.00	02.00	
Sun	11.00	01.00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

None

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

Enclosed with application

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

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

No additional steps considered necessary

b) The prevention of crime and disorder

No additional steps considered necessary

c) Public safety

No additional steps considered necessary

d) The prevention of public nuisance

No additional steps considered necessary

e) The protection of children from harm

No additional steps considered necessary

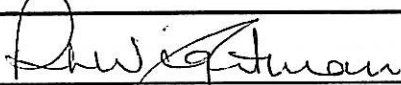
Please tick yes

- I have made or enclosed payment of the fee ✓
- I have sent copies of this application and the plan to responsible authorities and others where applicable ✓
- I understand that I must now advertise my application ✓
- I have enclosed the premises licence or relevant part of it or explanation ✓
- I understand that if I do not comply with the above requirements my application will be rejected ✓

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 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	17 th December 2007
Capacity	Authorised Agent

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

The Licensing Practice,
3 Cardinal Place,

Post town	Cleveleys	Post code	FY5 2 SQ
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Telephone number (if any)	01253 858186
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If you would prefer us to correspond with you by e-mail your e-mail address (optional)



**Lancashire
Constabulary**

police and communities together

Dear Sir/Madam

15th January 2008

Re: Zeko's St Annes.

I am in receipt of the application for transfer of licence of the above premises.

On behalf of the Chief Officer of Police, having reviewed the application the Police now make formal objection on the following grounds:

The police have attempted to enter into mediation with the premises licence holder. If the premises is to benefit from an extended operating time schedule then the police have asked the premises to put more into place to counter crime and disorder within their premises and the night time economy.

Conditions to improve the premises deal with their prevention of crime and disorder objectives were proposed including a new incentive for late night refreshment establishments to have large screen TV's prominent in the customer area. Internal CCTV of the restaurant will be displayed on this television.

This incentive is being rolled out to all new late night refreshment applications in the hope that seeing themselves on a large prominent CCTV system will deter any violent/rowdy/anti social behaviour.

This mediation has been unsuccessful therefore the Police are formally objecting to the application

If you have any queries please contact the Licensing unit at Blackpool who are dealing with this application.

Yours faithfully

Pp Chief Superintendent

*Licensing Unit, Blackpool Police Station, Bonny Street, Blackpool, FY1 5RL
Telephone: 01253 604073 Fax: 01253 604119*



Zekos Area Plan

REPORT

REPORT OF	MEETING	DATE	ITEM NO
CONSUMER WELLBEING & PROTECTION	LICENSING PANEL	7 TH FEBRUARY 2008	3

**APPLICATION TO VARY A PREMISES LICENCE TO SPECIFY AN INDIVIDUAL AS DESIGNATED PREMISES SUPERVISOR:
DERBY ARMS, STATION ROAD, KIRKHAM**

Summary

The Licensing Authority has received an application to vary a Premises Licence to specify an individual as Designated Premises Supervisor at the Derby Arms, Station Road, Kirkham.

There has been a representation from the Police who are a Responsible Authority under the Act.

Report

Application

1. The application is to vary a Premises Licence to specify an individual as Designated Premises Supervisor at the Derby Arms, Station Road, Kirkham.
2. The application has been referred to the panel because a relevant representation has been received from the Police.

Papers

3. The following papers are relevant and have been made available to panel members:
 - The application

- 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
- Representation from the Police

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. However, in relation to this matter, a representation may only be made where a Chief Officer of Police is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective.

5. The Police have served such a notice and 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 crime prevention objective. The steps are:

- (a) reject the application if it is considered necessary,
- (b) take no further action.

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:

4.19 – 4.27	Specification of new Designated Premises Supervisors
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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:

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
Chris Hambly	(01253) 648422	23rd January 2008	

Attached documents

Application to vary a premises licence to specify an individual as Designated premises supervisor

Police Representation

Application to vary a premises licence to specify an individual as designated premises supervisor 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 PUNCH TAVERNS PLC

(full name(s) of premises licence holder)

being the premises licence holder, apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003

Premises licence number

FYPL0072

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description

Derby Arms
Station Road
Kirkham

OUR REFERENCE: JJ/27846/897657 /JGC

Post town

PRESTON

Post code (if known) PR 4 2HD

Telephone number (if any)

Description of premises (please read guidance note 1)

PUBLIC HOUSE

Part 2

Full name of proposed designated premises supervisor

Kelvin D Moran

Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any)

PERSONAL LICENCE NO: PA0635

ISSUING AUTHORITY: St Helens

Full name of existing designated premises supervisor (if any)

unknown

Please tick yes

I would like this application to have immediate effect under section 38 of the Licensing Act 2003

I have enclosed the premises licence or relevant part of it

(If you have not enclosed the premises licence, or relevant part of it, please give reasons why not)

Reasons why I have failed to enclose the premises licence or relevant part of it

Ford & Warren have yet to received the premises licence from Fylde council.

Please tick yes

- I have made or enclosed payment of the fee
- I will give a copy of this application to the chief officer of police
- I have enclosed the consent form completed by the proposed premises supervisor
- I have enclosed the premises licence, or relevant part of it or explanation
- I will give a copy of this form to the existing premises supervisor, if any
- I understand that if I do not comply with the above requirements my application will be rejected

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 3 – Signatures (please read guidance note 2)

SIGNATURE OF APPLICANT OR APPLICANT'S SOLICITOR OR OTHER DULY AUTHORISED AGENT (SEE GUIDANCE NOTE 3). IF SIGNING ON BEHALF OF THE APPLICANT PLEASE STATE IN WHAT CAPACITY.

Signature

Ford & Warren

Date 7 January 2008

Capacity SOLICITORS TO APPLICANT

FOR JOINT APPLICANTS SIGNATURE OF 2ND APPLICANT 2ND APPLICANT'S SOLICITOR OR OTHER AUTHORISED AGENT (PLEASE READ GUIDANCE NOTE 4). 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 5)

FORD & WARREN
WESTGATE POINT
WESTGATE

Our ref: JJ/27846/897657 /JGC

Post town

LEEDS

Post Code

LS1 2AX

TELEPHONE NUMBER (IF ANY)

0113 243 6601

If you would prefer us to correspond with you by e-mail your e-mail address (optional)

LICENSING DEPARTMENT

Western Division, Central Police Office, Bonny Street, Blackpool FY1 5RL
Tel: 01253 604153/604073 Fax: 01253 4604119



**Lancashire
Constabulary**

police and communities together

Chief Executive
Fylde Borough Council
Town Hall
Lytham St Annes
Lancs
FY8 1LW

22nd January 2008

Dear Sirs

Derby Arms, Station Road, Kirkham

I am in receipt of the application to vary the Designated Premises Supervisor on the premises licence of the above public house.

On behalf of the Chief Officer of Police, having reviewed the application the Police now make formal objection on the following grounds:

- The proposed Designated Premises Supervisor, Kelvin Moran, is currently the Designated Premises Supervisor at Clifton Arms on Preston New Road, Blackpool, and at the Duck and Boot in Burnley. Should this variation be granted, he will be required to supervise a total of three premises. The Police feel that under these circumstances the applicant would not be able to properly supervise the premises and consider that granting this variation would seriously undermine the crime and disorder objective.

Yours faithfully

pp Chief Superintendent

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Any enquiries regarding this document/publication should be sent to us at the Town Hall, St Annes Road West, St Annes FY8 1LW, or to listening@fylde.gov.uk.