

Agenda

Licensing Hearing

Date:	Friday, 23 January 2015 at 10:00am
Venue:	Town Hall, St Annes
Committee members:	Councillor Peter Collins Councillor John Davies Councillor David Donaldson Councillor Keith Beckett (Reserve)

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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 OF	MEETING	HEARING DATE
RESOURCES DIRECTORATE	LICENSING COMMITTEE	23 JANUARY 2015

**APPLICATION FOR GRANT OF A PREMISES LICENCE
7 PORTER STREET EAST, WESHAM**

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

The Licensing Authority has received an application for the grant of a premises licence at 7 Porter St East, Wesham. There has been a representation from a nearby resident (an “other person” as defined by the Licensing Act) and as such the Panel are requested to consider the matter.

RECOMMENDATIONS

That the Panel considers the application and determines to either:

- (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

CABINET PORTFOLIO

This item falls within the following cabinet portfolio(s):

Social Wellbeing

Councillor Cheryl Little

SUMMARY OF PREVIOUS DECISIONS

There are no previous decisions relating to this matter.

REPORT

Application

1. The application is for the grant of a premises licence at 7 Porter Street East, Wesham. The premises is a residential property and the licence would be to provide an alcohol delivery service where sales are made over the internet. The matter has been referred to the panel because relevant representations have been received from responsible authorities and or other persons.

Papers

2. The following papers are relevant and have been made available to panel members:
 - The application, including the plan and the operating schedule
 - The statutory guidance for licensing authorities issued by the secretary of state under section 182 of the Licensing Act 2003
 - The council's statement of licensing policy
 - Copies of relevant representations made by the following responsible authorities:

None Received
 - Copies of relevant representations made by the following interested parties

John Smith

Consideration

3. The licensing objectives are:
 - The prevention of crime and disorder;
 - Public safety
 - The prevention of public nuisance; and
 - The protection of children from harm
4. As relevant representations have been made, it is the duty of the panel to take such of the steps set out below as it considers 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
5. The Guidance issued by the Secretary of State and the Council's Statement of Licensing Policy will be material in considering the application, but cannot override the licensing objectives.
6. The following parts of the secretary of state's guidance appear to be particularly relevant to the application and the relevant representations:

2.1 Crime and Disorder

2.18	Public Nuisance
9.27 – 40	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.

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

12	General Approach to Licensing
17	Licence Conditions
19	Prevention of Crime and Disorder
21	Prevention of 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

- 8. The applicant and the makers of the relevant representations have been invited to attend or be represented at the hearing.
- 9. The panel is asked to use the attached procedure in the hearing.

IMPLICATIONS	
Finance	There are no implications arising directly from the report.
Legal	There are no implications arising directly from the report.
Community Safety	There are no implications arising directly from the report.
Human Rights and Equalities	There are no implications arising directly from the report.
Sustainability and Environmental Impact	There are no implications arising directly from the report.
Health & Safety and Risk Management	There are no implications arising directly from the report.

REPORT AUTHOR	TEL	DATE	DOC ID
Chris Hambly	01253 658422	5 th January 2015	

LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
S182 Guidance	June 2014	https://www.gov.uk/government/publications/revised-guidance-issued-under-section-182-of-the-licensing-act-2003
Statement of Licensing Policy	January 2011	www.fylde.gov.uk

Attached documents

Representations

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 Aiva Meldere

(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 7 Porter Street East, Wesham			
Post town	Preston	Post code	PR4 3AR

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£0 – private property

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity 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 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)

<input type="checkbox"/> Mr	<input type="checkbox"/> Mrs	<input type="checkbox"/> Miss	<input type="checkbox"/> Ms	Other Title (for example, Rev)	
Surname Meldere			First names Aiva		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address		7 Porter Street East Wesham			
Post Town	Preston			Postcode	PR4 3AR
Daytime contact telephone number			07831016523		
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

<input type="checkbox"/> Mr	<input type="checkbox"/> Mrs	<input type="checkbox"/> Miss	<input type="checkbox"/> Ms	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post Town				Postcode	
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?

Day / Month / Year
ASAP

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

Day / Month / Year

Please give a general description of the premises (please read guidance note1)

Premises is a 3 bedroom terraced house. Sales are by internet only. Alcohol will be purchased from suppliers upon receipt of completed orders, and will be usually dispatched upon receipt. If not alcohol will be stored in bedroom marked on plan and this can be locked

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

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 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)

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

In all cases complete boxes N, O and P

Application is for supply of alcohol, other sections therefore not included

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 checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	09.00	21.00			
Tue	09.00	21.00			
Wed	09.00	21.00			
Thur	09.00	21.00			
Fri	09.00	21.00			
Sat	09.00	21.00			
Sun	09.00	21.00			
			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)		

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

Name Aiva Meldere
Address 7 Porter Street East, Wesham, Preston
Postcode PR4 3AR
Personal Licence number (if known) To be applied for
Issuing licensing authority (if known) Fylde Borough Council

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			<p>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)</p>
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

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

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

No alcohol sold shall be consumed on site

b) The prevention of crime and disorder

No alcohol sold shall be consumed on site

Alcohol shall be supplied by reputable companies.

c) Public safety

On-line purchases only.

d) The prevention of public nuisance

On-line purchases only..

e) The protection of children from harm

Customers shall supply all personal details when purchasing alcohol.

All alcohol shall be sold on-line and dispatched from the premises to strictly over 18's.

On-line purchases only.

Delivery company shall use "challenge 25" policy to check age on delivery, and if not satisfied to age the delivery will be refused.

CHECKLIST

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

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

Part 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	<i>[Handwritten Signature]</i>
Date	29/11/14
Capacity	Applicant

For joint applications signature of 2nd applicant or 2nd 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)

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

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, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. 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, 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, both applicants or their respective agents 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 premises supervisor

I Aiva Meldere

Of 7 Porter Street East, Wesham, Preston, PR4 3AR

Hereby Confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for **New**

By Aiva Meldere

Relating to a premises licence **New**

For 7 Porter Street East, Wesham, Preston, PR4 3AR

And any premises licence to be granted or varied in respect of this application made by **Aiva Meldere** concerning the supply of alcohol at **7 Porter Street East, Wesham, Preston, PR4 3AR**

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.

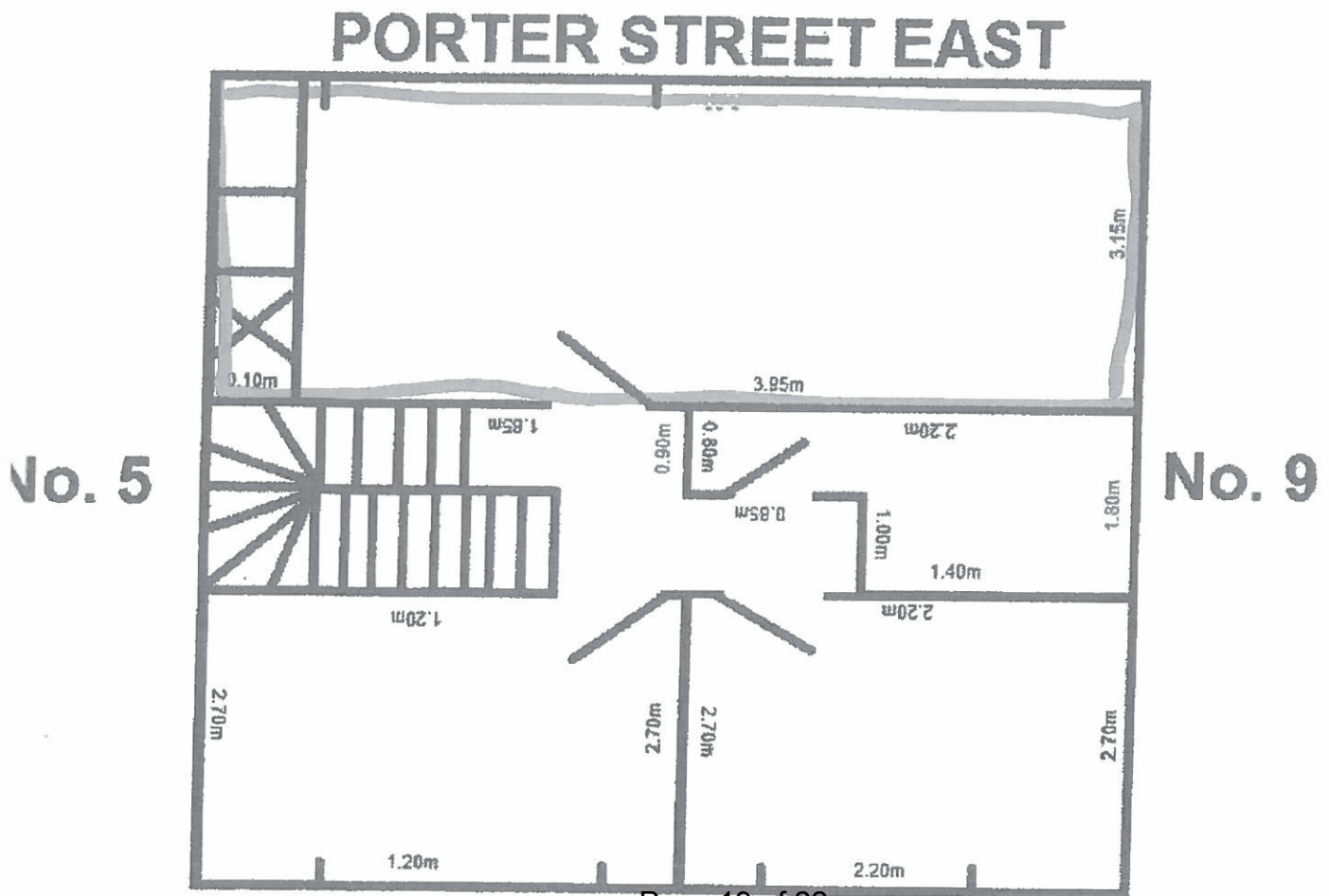
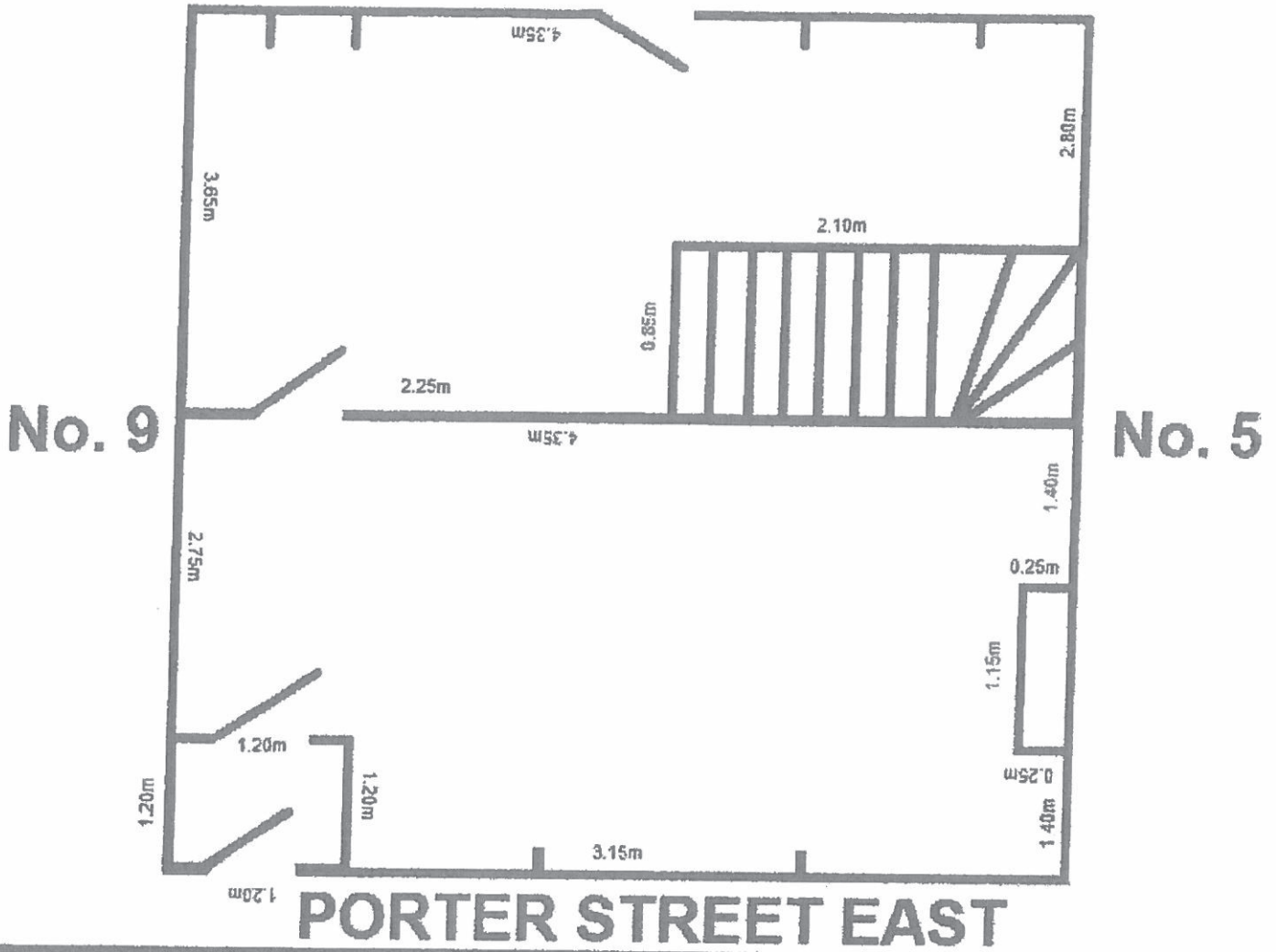
Personal licence number to be applied for

Personal licence issuing authority Fylde Borough Council

Signed *Aiva Meldere*

Name *Aiva Meldere*

Dated *28/11/2014*



9 Garstang Road North,
Westham

Preston. PRA 3DE.

20/12/14.

Dear Mr. Hambley,

ref. the application for the
sale of alcohol from 17 Porter St. East.
I have lived in Westham for right on 80 years,
and this plan is totally not needed.

It will become an absolute total public
nuisance, Porter St. is 22 feet wide across
the carriage way, cars are parked on
both sides of the ^{road.} with two wheels on each
footpath, you can just get a car down
the bit of road left between them, how
are collections and deliveries going to
take place?

The application states internet sales
only, between certain hours, if this is
so, how can you regulate age limits,
regarding the protection of children

from harm, also how do you police the times bussiness is conducted, and the dry day? Impossible!

What about security, the Co-op and Bargain Booze have fallen foul of breakins in the past, and they are in a well lit area, the back of Porter St. is black as pitch, it would be an invitation for crime.

As for the need for this? within 200 yds. of this house you will find Bargain Booze and the Co-op, walk a further 100 yds. you arrive at the Lane Ends pub, walk 200 yds the other way you have the Royal Oak and the Stanley Arms!

The Monty Python team could not make anything as silly as this

I trust you will consign this matter to the bin

Yours sincerely.

John T. Smith

