

Agenda



LICENSING HEARING

Date:	Tuesday, 9 May 2017 at 14:00
Venue:	Town Hall, St Annes, FY8 1LW
Panel members:	Councillor Angela Jacques (Convenor) Councillor Barbara Nash Councillor Neil Harvey Councillor Keith Beckett (Reserve)

Item		Page
1	Declarations of Interest: Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	Procedure for the Conduct of Hearings	3 - 4
3	Application To Vary Premises Licence Capri, Dicconson Terrace, Lytham	5-24

Contact: Sharon Wadsworth – Telephone (01253) 658546 – Email: democracy@fylde.gov.uk

The code of conduct for members can be found in the council's constitution at
<http://fylde.cmis.uk.com/fylde/DocumentsandInformation/PublicDocumentsandInformation.aspx>

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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.

DECISION ITEM



REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	LICENSING COMMITTEE	9 TH MAY 2017	3
APPLICATION TO VARY PREMISES LICENCE CAPRI, DICCONSON TERRACE, LYTHAM			

PUBLIC ITEM

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

SUMMARY

The Licensing Authority has received an application for the variation of a premises licence at Capri, 4a Dicconson Terrace, Lytham. There has been a representation from an “other person” as defined by the Licensing Act 2003. As such a hearing must be held to determine the application.

RECOMMENDATION

1. That the Panel considers the application and determines to either:
 - (a) grant the application; and/or
 - (b) modify the conditions of the licence; or
 - (c) reject the whole or part of the application.

SUMMARY OF PREVIOUS DECISIONS

Licence number FY PL0315 relates to the premises and was first granted on the 11th October 2011.

14/11/12 (Licensing Panel) – application to vary licence to extend hours for alcohol sales to 1100 – 0030 Friday and Saturday and allow alcohol to be served in the outside area until 2300 (current 2100). Following representations and referral to Panel, alcohol sales were restricted to 11.00 to 00.10 on Fridays and Saturdays and the application to extend outside use was refused.

2/5/14 (Licensing Panel) – application to vary licence to extend the hours permitted for the licensable activities of recorded music and late night refreshment to 1000 – 0100 Monday to Sunday with the premises to close a half hour later and to allow the external seating area at the front of the premises to be used for the consumption of food and drink until 2200 from 2100.

Outdoor seating application refused and licence varied as follows: Monday to Thursday 1000 – 2300 Friday and Saturday 1000 – 0030, Sunday 1000 – 2330 with the premises to close 30 minutes later. Additional conditions were imposed.

29/4/16 (Licensing Panel) – To allow the external seating area at the front of the premises to be used for the consumption of food and drink until 22.00. Representations submitted by Planning, Environmental Protection and an ‘other person’. Application approved.

CORPORATE PRIORITIES	
Spending your money in the most efficient way to achieve excellent services (Value for Money)	√
Delivering the services that customers expect of an excellent council (Clean and Green)	√
Working with all partners (Vibrant Economy)	√
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	√
Promoting Fylde as a great destination to visit (A Great Place to Visit)	√

Report

Application

1. The application is for the variation of the premises licence at Capri, 4a Dicconson Terrace, Lytham to:
 - Extend the times for the sale of alcohol as follows:

Sunday to Thursday by one hour.

By one hour on every:-

Friday, Saturday, Sunday and Monday of each, Easter Bank Holiday, May Bank Holiday, Spring Bank Holiday and August Bank Holiday weekend, Valentines Night, Lytham Club Day and every night of Lytham Festival.

Every night in December by one hour and until 01.00am on Christmas Eve, Boxing Day and Boxing Day and New Years Eve
 - To amend condition 2.14. "To allow the external seating area at the front of the premises for the consumption of food and drink until 23.00.
2. Condition 2.14 of the current licence states,

"The external seating area at the front of the premises shall not be used for the consumption of food and drink beyond 10.00pm."
3. The application has been referred to the panel because a relevant representation has been received from an 'other person' as defined by the Licensing Act 2003 (the Act).

Papers

4. 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 Act;
 - 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 other persons:

Miss S Penn (next door neighbour)

Consideration

5. The licensing objectives are:
 - The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance; and

- The protection of children from harm
6. 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; and/or
 - (b) modify the conditions of the licence; or
 - (c) reject the whole or part of the application.
 7. 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.
 8. The following parts of the Secretary of State's guidance appear to be particularly relevant to the application and the relevant representations:

2.14	Public Nuisance
9.30	Hearings
9.41	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.

9. The following parts of the Council's Statement of Licensing Policy appear to be particularly relevant to the application and the relevant representations:

9.5	Licensing Panel Hearings
14.3	Prevention of Public Nuisance
14.3.2	Noise Nuisance
14.3.3	Beer Gardens

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

Procedure

10. The applicant and Miss Penn have been invited to attend or be represented at the hearing.
11. The panel is asked to use the attached procedure in the hearing.

IMPLICATIONS	
Finance	No implications arising directly from the report.
Legal	No implications arising directly from the report.
Community Safety	No implications arising directly from the report.
Human Rights and Equalities	No implications arising directly from the report.

Sustainability and Environmental Impact	No implications arising directly from the report.
Health & Safety and Risk Management	No implications arising directly from the report.

LEAD AUTHOR	TEL	DATE	DOC ID
Chris Hambly	01253 658422	13 th April 2017	

LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Guidance issued under S182 of Licensing Act 2003	April 2017	https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/607237/182Guidance_05_04_17.pdf
Statement of Licensing Policy	January 2016	http://www.fylde.gov.uk/business/licensing/licensingact2003/licensingpolicystatement/

Attached documents

1. Application Form
2. Representation
3. Current licence
4. Area Plan



Licensing Act 2003 – Representation Form

1. In what capacity are you making this representation:

- A person ☒
- A body representing a persons ☐
- A person involved in a business ☐
- A body representing a business ☐

2. Details of Person/Body Making Representation

Mr ☐ Mrs ☐ Miss ☒ Ms ☐ Other ☐

Surname: PENN	First Names: SHEILA
Postal address: The Old House 2 Dicconson Terrace Lytham	
Post Code: FY8 5JY	Phone: 01253-736676 Mobile: e-mail: - N/A -

3. Details of the Premises/Club

Name: CAPRI	
Postal address: DICCONSON TERRACE	
Post Code: FY8 5JY	Reference Number (If Known):

4. Which of the Licensing Objectives does your representation refer to?

- The prevention of crime & disorder ☒ Public Safety ☒
- The prevention of public nuisance ☒ The protection of children from harm ☐

5. What are your concerns?

Please provide full details of your concerns regarding the premises. Please include or enclose any evidence you may have in support of your concerns:

- At present the noise, especially on Fridays and Saturdays, as a result of DJ activities is unbearable. As the licence is for a Restaurant I cannot see how music could be so loud
- Any extension to the outside area will only render external noise and nuisance worse than it already is. I feel this will lead to 'trouble' between guests fuelled in alcohol and hence more crime

(Please continue on a separate sheet if necessary)

6. Suggested amendments?

caused road traffic problems and this extension will make it worse
Could the licence be amended in any way to remedy your concern? If so, how?

- I am concerned that I can no longer enjoy the quiet comfort of my home where I have lived for over 65 years. Whilst I reluctantly accept the Sunday to Thursday change I cannot accept the External area being extended in use

(Please continue on a separate sheet if necessary)

Signature	Sheila B. Penn
Capacity	Home owner and next door neighbour
Date	10/04/2017.

Your representation will be passed to the applicant, to allow them the opportunity of addressing your concerns. Also it will be published in the report available to the Licensing Committee, which will be publicly available.

Please return this completed form to:
The Licensing Team
Town Hall
Lytham St Annes
Lancashire
FY8 1LW

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Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Capri Grand Cafe and Bar

4a Dicconson Terrace, Lytham, Lancashire, FY8 5JY.

Telephone 01253 739662

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- any playing of recorded music
- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
F. Playing of recorded music (Indoors)	Monday	8:00am	11:30pm
	Tuesday	8:00am	11:30pm
	Wednesday	8:00am	11:30pm
	Thursday	8:00am	11:30pm
	Friday	8:00am	12:30am
	Saturday	8:00am	12:30am
	Sunday	8:00am	11:30pm
L. Late night refreshment (Indoors)	Monday	11:00pm	11:30pm
	Tuesday	11:00pm	11:30pm
	Wednesday	11:00pm	11:30pm
	Thursday	11:00pm	11:30pm
	Friday	11:00pm	12:30am
	Saturday	11:00pm	12:30am
	Sunday	11:00pm	11:30pm
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday	10:00am	11:00pm
	Tuesday	10:00am	11:00pm
	Wednesday	10:00am	11:00pm
	Thursday	10:00am	11:00pm
	Friday	10:00am	12:30am
	Saturday	10:00am	12:30am
	Sunday	10:00am	11:00pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday	8:00am	11:30pm
Tuesday	8:00am	11:30pm
Wednesday	8:00am	11:30pm

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THE OPENING HOURS OF THE PREMISES continued...

Description	Time From	Time To
Thursday	8:00am	11:30pm
Friday	8:00am	1:00am
Saturday	8:00am	1:00am
Sunday	8:00am	11:30pm

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

MJN Worldwide Properties Ltd

17 St Peters Square, Fleetwood, Lancashire, FY7 6EB.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

MJN Worldwide Properties Ltd

04507334

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Charles FURNELL

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. FY PA0616

Issued by Fylde

ANNEXES

ANNEX 1 - MANDATORY CONDITIONS

- 1.1 No supply of alcohol may be made under this licence
 - a. at a time when there is no designated premises supervisor in respect of it or,
 - b. at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
- 1.2 Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.
- 1.3.1 The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

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ANNEXES continued...

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

1.3.2 The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

1.3.3 The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

1.3.4 The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

1.3.5 The responsible person shall ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other

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ANNEXES continued ...

than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures

A responsible person is defined in S153(4) of the Licensing Act 2003 as:

(a) in relation to licensed premises-

- (i) the holder of a premises licence in respect of the premises,
 - (ii) the designated premises supervisor (if any) under such a licence, or
 - (iii) any individual aged 18 or over who is authorised for the purposes of this section by such a holder or supervisor,
- (b) in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables him to prevent the supply in question.

Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1-
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a);
 - (b) "permitted price" is the price found by applying the formula-

$$P = D + (D \times V)$$

where-

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

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(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(b).

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

- 2.1 The primary use of the premises shall be as a restaurant and the nature and operation of the premises shall not significantly alter this use.
- 2.2 The Designated Premises Supervisor when present and all members of staff shall ensure that all lawful instructions and /or directions given by the Police are complied with.
- 2.3 No member of staff shall sell alcohol unless they hold a current personal licence or have been authorised to do so by the DPS or other personal licence holder who is satisfied as to their competence to make such sales.
- 2.4 Appropriate measures shall be taken to ensure staff prevent the removal of bottles or glasses from the curtilage of the licensed premises.
- 2.5 Frequent collection of glasses and bottles shall be undertaken to ensure that empty containers do not accumulate in or around the licensed premises.

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ANNEXES continued ...

- 2.6 The premises shall maintain a drinks pricing policy which complies with any Local Authority resolution made in accordance with approval from the licencees forum or any successor liaison body recognised by the Licensing Authority.
- 2.7 Adequate first aid provision shall be available at all times.
- 2.8 The premises shall be provided with adequate lavatory accommodation which shall at all times, when the restaurant is in use, be kept clean, ventilated, disinfected and supplied with hot and cold water, soap, toilet tissue, hand drying and sanitary towel disposal facilities as appropriate.
- 2.9 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 ambiance of the venue.
- 2.10 No nuisance shall be caused by noise coming from the premises or vibration transmitted through the structure of the premises.
- 2.11 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.
- 2.12 A notice or notices shall be displayed in and at the entrance to the premises where they can be clearly seen and read and shall indicate that it is unlawful for persons under 18 to purchase alcohol or for any person to purchase alcohol on behalf of a person under 18 years of age.
- 2.13 Accompanied children under 16 may be permitted in the bar areas in line with the provisions of the Licensing Act 2003.
- 2.14 The external seating area at the front of the premises shall not be used for the consumption of food and drink beyond 10.00pm.
- 2.15 Off sales from the premises shall be in sealed containers only. Any unfinished bottles of wine must be recorked before being taken away from the premises.
- 2.16 Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption, with or otherwise as an ancillary to, food served in the licensed premises.
- 2.17 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.

ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

- 3.1 Seating will be provided within the premises and the outside terrace area for at least 70% of the total maximum capacity of the premises as determined by a risk assessment and agreed with Lancashire Fire and Rescue. The total capacity of the premises will be documented and be available for inspection by an authorised person or Police Officer
- 3.2 CCTV will be installed internally and externally at the premises and will comply with the following;

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- 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. The system will incorporate a camera covering each of the entrance doors and will be capable of providing an image which is regarded as identification standard.
 - b. The system will display on any recording the correct time and date of the recording.
 - c. The system will make recordings during all hours the premises are open to the public.
 - d. VCR tapes or digital recording shall be held for a minimum of 31 days and 28 days respectively, after the recording is made and will be made available to the Police or any authorised persons acting for a Responsible Authority for inspection upon request.
 - e. The system will, as a minimum, record images of the head and shoulders of all persons entering the premises.
- 3.3 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.
 - 3.4 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.
 - 3.5 Appropriate signage alerting customers to CCTV recording shall be displayed in conspicuous positions on the premises.
 - 3.6 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.
 - 3.7 Risk assessments carried out by or on behalf of the Licence holder which relate to the licensing objectives will be available for inspection by a police officer or any authorised officer of a responsible authority.
 - 3.8 An authorisation of sales, signed and dated by the Designated Premises Supervisor, shall be kept at the premises showing all persons authorised by them to make sales of alcohol at the premises.
 - 3.9 At least one Personal Licence holder will be at the premises while the supply of alcohol is being undertaken. The identity of the respective Personal Licence holder will be known to all other staff engaged in the supply of alcohol.
 - 3.10 Meals and substantial refreshment shall be available at all times that the premises are open to the public.
 - 3.11 Security arrangements shall be sufficient to discourage the sale and consumption of drugs and shall such arrangements include regular checks of toilet areas

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ANNEXES continued...

- 3.12 Records of incidents involving the use and/or detection of drugs shall be maintained and those records shall be available for inspection.
- 3.13 Confiscated and found drugs shall be stored, disposed of and transferred in accordance with procedures agreed with the Lancashire Constabulary.
- 3.14 The premises shall be operated in participation with the Pubwatch scheme.
- 3.15 No drink will be removed from the premises in an unsealed container.
- 3.16 An incident book will be maintained in which shall be recorded
 - a) all incidents of crime and disorder
 - b) refused sales to suspected underage or 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.

The incident book will be available for inspection by a Police Officer or authorised person.
- 3.17 The outside area of the premises known as the terrace is to be a defined area enclosing the tables and chairs
- 3.18 In the outside area, all customers consuming alcohol shall be seated.
- 3.19 The outside area will be checked by a competent person at intervals of a minimum of 30 minutes.
- 3.20 A record will be kept on the premises by the Designated Premises Supervisor of every person employed on the premises as a door supervisor. The record will contain the following details; a) name and address b) date of birth c) SIA licence number d) time commenced and terminated duty. The record will be available for inspection on demand by an authorised person or a Police Constable.
- 3.21 The volume of amplified sound used in connection with any regulated entertainment shall at all times be under the control of the licence holder or management and the controlling mechanism shall be operated from a part of the premises inaccessible to the public.
- 3.22 All internal lobbied doors to any entrance/exit point, fire exit doors and external windows shall be closed during provision of any regulated entertainment except in the event of an emergency and save for purposes of access and egress.
- 3.23 Regular assessments of the noise coming from the premises shall be made during opening hours and any necessary action taken to address any noise levels.
- 3.24 There shall be no live entertainment, live music or recorded music to the external licensed area.
- 3.25 In the outside area, the supply of intoxicating liquor shall be by waiter/waitress service only and only to

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ANNEXES continued ...

persons seated at tables.

- 3.26 The Premises Licence Holder shall ensure that staff monitor and adequately manage any queue that forms to gain entry to the premises.
- 3.27 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.
- 3.28 Adequate provision shall be made to prevent unauthorised access to the storage of empty bottles.
- 3.29 Whenever licensable activities are available at the premises a waiter/waitress service shall be available. However, in the outside area, the supply of intoxicating liquor shall be by waiter/waitress service only and only to persons seated at tables.
- 3.30 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.
- 3.31 A drugs prevention strategy for the premises shall be developed and applied to include any reasonable recommendations of Lancashire Constabulary.
- 3.32 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.
- 3.33 Any customers known to the management to have been previously convicted of committing criminal offences relating to drugs shall be excluded from the premises.
- 3.34 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.
- 3.35 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.
- 3.36 Any person within the premises who appears to be intoxicated or who is behaving in a disorderly manner will be asked to leave the premises and will be escorted off the premises in a calm and appropriate manner.
- 3.37 Children under 16 shall vacate the premises by 2200 unless partaking in a meal or family function.
- 3.38 Patrons shall not be permitted to consume drinks in the external areas to the front and rear of the premises after 10.00pm each evening. Signs shall be displayed in prominent positions warning customers that they will not be permitted to eat or drink in the area after this time.
- 3.39 A Challenge 25 proof of age policy shall be implemented and adhered to. All staff to have received suitable

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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.

- 3.40 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:
- a. A recognised proof of age card accredited under the British Retail Consortium's Proof of Age Standards Scheme (PASS)
 - b. Photo driving licence
 - c. Citizen card supported by the Home Office
 - d. Official ID card issued by HM Forces or European Union bearing a photograph and date of birth of the holder.
 - e. Any form of identification which may be locally or nationally approved in the future
- If no suitable identification is provided, the sale of alcohol to them will be refused.
- 3.41 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.
- 3.42 Suitable signage will be displayed to specify that a Challenge 25 Policy is in place.

ANNEX 4 - PLANS

See attached plan referenced FY PL0315.

Licensing Act 2003

Premises Licence Summary

FY PL0315

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Capri Grand Cafe and Bar

4a Dicconson Terrace, Lytham, Lancashire, FY8 5JY.

Telephone 01253 739662

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- any playing of recorded music
- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
F. Playing of recorded music (Indoors)	Monday	8:00am	11:30pm
	Tuesday	8:00am	11:30pm
	Wednesday	8:00am	11:30pm
	Thursday	8:00am	11:30pm
	Friday	8:00am	12:30am
	Saturday	8:00am	12:30am
	Sunday	8:00am	11:30pm
L. Late night refreshment (Indoors)	Monday	11:00pm	11:30pm
	Tuesday	11:00pm	11:30pm
	Wednesday	11:00pm	11:30pm
	Thursday	11:00pm	11:30pm
	Friday	11:00pm	12:30am
	Saturday	11:00pm	12:30am
	Sunday	11:00pm	11:30pm
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday	10:00am	11:00pm
	Tuesday	10:00am	11:00pm
	Wednesday	10:00am	11:00pm
	Thursday	10:00am	11:00pm
	Friday	10:00am	12:30am
	Saturday	10:00am	12:30am
	Sunday	10:00am	11:00pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday	8:00am	11:30pm
Tuesday	8:00am	11:30pm
Wednesday	8:00am	11:30pm

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Premises Licence Summary

FY PL0315
THE OPENING HOURS OF THE PREMISES continued ...

Description	Time From	Time To
Thursday	8:00am	11:30pm
Friday	8:00am	1:00am
Saturday	8:00am	1:00am
Sunday	8:00am	11:30pm

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

MJN Worldwide Properties Ltd

17 St Peters Square, Fleetwood, Lancashire, FY7 6EB.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

MJN Worldwide Properties Ltd

04507334

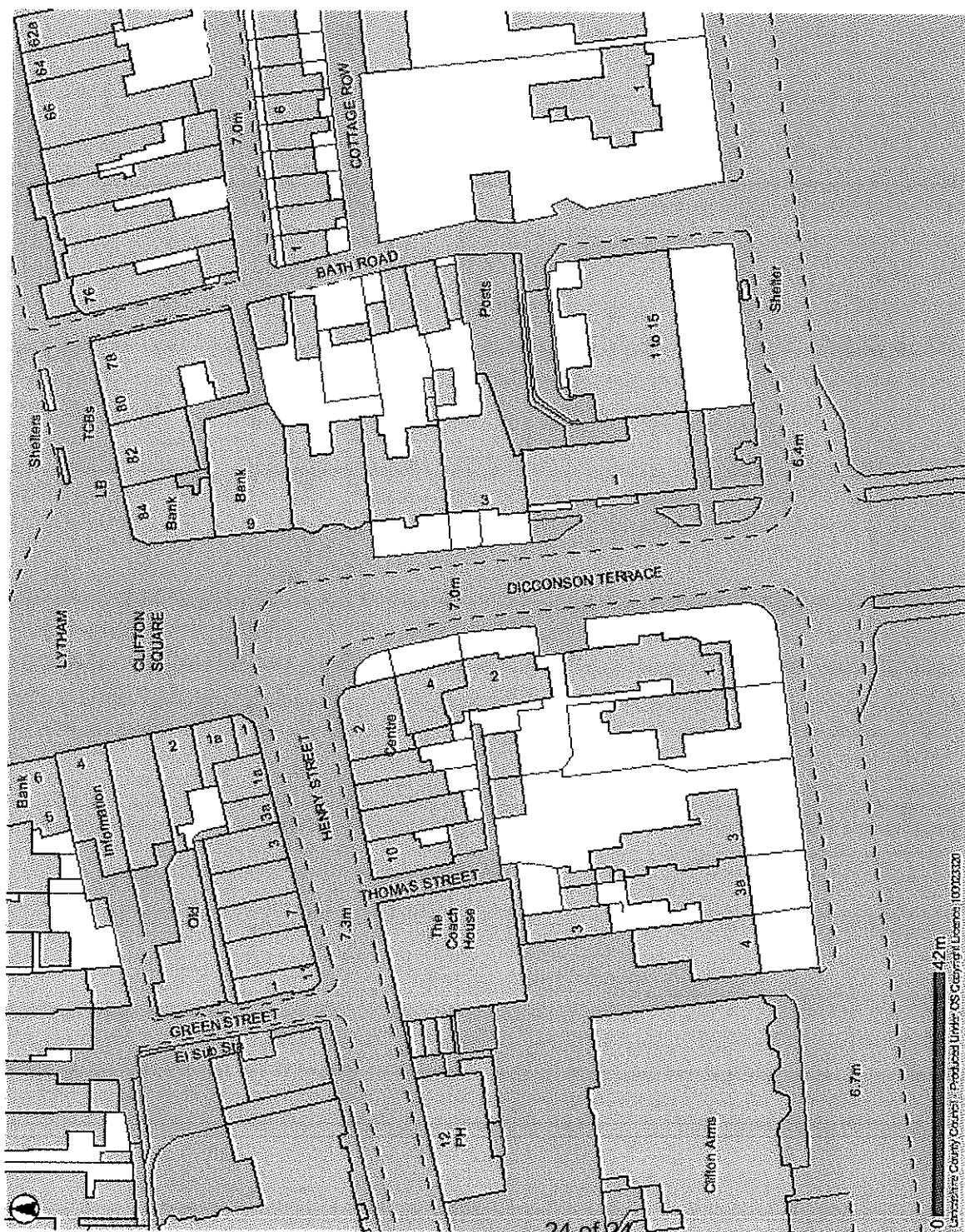
NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Charles FURNELL

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

As per provisions of Licensing Act 2003

Districts
Other
District/Unitary
Authority
Lancashire
Districts



Capri, 4a Dicconson Terrace, Lytham

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