

## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	LICENSING PANEL	19 JULY 2017	3
<b>APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - BARRIQUE, 3 MARKET SQUARE, LYTHAM</b>			

### PUBLIC ITEM

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

### SUMMARY

The Licensing Authority has received an application from an “other person” as defined by the Licensing Act 2003 to review the premises licence at Barrique, 3 Market Square, Lytham.

The Licensing Authority must therefore hold a hearing to consider the application.

### RECOMMENDATION

1. That the Panel considers the application and determines to either:
  - (a) modify the conditions of the licence
  - (b) exclude a licensable activity from the scope of the licence
  - (c) to remove the designated premises supervisor
  - (d) suspend the licence for a period not exceeding three months
  - (e) revoke the licence
  - (f) take no further action

### SUMMARY OF PREVIOUS DECISIONS

28/1/16 – application received for grant of a premises licence at 3 Market Square. No representations received, application granted (FY PL0378).

14/3/17 – application received to vary the premises licence to authorise sale of alcohol Friday and Saturday 10.00 – 00.00, provision of recorded music Sunday to Thursday 10.00 – 23.00, Friday and Saturday 10.00 – 00.00 and to extend the times for recorded music and sale of alcohol by 1 hour during Lytham Festival week and the month of December and over Bank Holiday weekends. No representations received, application approved.

### CORPORATE PRIORITIES

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

## **Report**

### **Application**

1. The application is to review the premises licence at Barrique, 3 Market Square, Lytham.
2. The premises is described on the initial application as *“a wine/deli retail shop with cafe and bar element. We are aiming to cater for the fine wine and deli market both on and off sales. We see retail being very much the majority of the sales but we will be serving coffees, alcohol, cured meats, cheese and other deli items in a cafe/bar environment, holding regular wine tastings and pairing evenings.”* A copy of the current licence is shown at appendix 3, and plan at appendix 4.

### **Papers**

3. The following papers are relevant and have been made available to panel members:
  - The application for review together with supporting documentation
  - 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:
    - Planning
  - Copies of relevant representations made by the following other persons:
    - Jonathan and Karen Taylor
    - Jonathan Gaunt (including video evidence submission)
    - Michael Bonny
    - J Pemberton

### **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. 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) modify the conditions of the licence (which includes adding new conditions or any alteration or omission of an existing condition)
  - (b) exclude from the scope of the licence any of the licensable activities to which the application relates
  - (c) to remove the designated premises supervisor ,
  - (d) to suspend the licence for a period not exceeding three months
  - (e) to revoke the licence
  - (f) decide that no action is necessary to promote the licensing objectives
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:

2.15	Public Nuisance
9.14 – 9.10	Relevant, vexatious and frivolous representations
9.31 – 9.41	Hearings
11.1 – 11.11	Review Process
11.16 – 11.23	Powers of a licensing authority in the determination of a review
16.5 – 16.9	Overview of circumstances in which entertainment facilities are not licensable
16.26 – 16.29	Live Music
16.36 – 16.41	Licence Conditions (Live Music or Recorded Music)
16.55 – 16.56	Licence Review: Live and Recorded Music

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:

6.1	Planning
9.5	Licensing Panel Hearings
10.3	Conditions that the Licensing Authority May Impose
14.3	Prevention of Public Nuisance
15	Regulated Entertainment
21	Reviews

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

#### Procedure

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

IMPLICATIONS	
Finance	No implications arising directly from the report.
Legal	Contained within the body of 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	CONTACT DETAILS	DATE
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BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
S182 Guidance to the Licensing Act	April 2017	<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/607237/182Guidance_05_04_17.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/607237/182Guidance_05_04_17.pdf</a>
Statement of Licensing Policy	January 2016	<a href="http://www.fylde.gov.uk/business/licensing/licensingact2003/licensingpolicystatement/">http://www.fylde.gov.uk/business/licensing/licensingact2003/licensingpolicystatement/</a>

Attached documents

1. Application to Review Premises Licence
2. Representations
  - Planning
  - Jonathan and Karen Taylor
  - Jonathan Gaunt
  - M Bonny
  - J Pemberton
3. Copy of Licence FY PL 0378
4. Licence Plan