

# Agenda

## LICENSING HEARING

Date:	Thursday, 20 October 2016 at 1pm
Venue:	Town Hall, St Annes, FY8 1LW
Panel members:	Councillor Barbara Nash (Convenor) Councillor Neil Harvey Councillor Gail Goodman Councillor Shirley Green (Reserve)

Item		Page
1	<b>Declarations of Interest:</b> 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	<b>Procedure for the Conduct of Hearings</b>	3 - 4
3	<b>Application for Grant of a Premises Licence 84 Clifton Street, Lytham</b>	5 - 35

Contact: Sharon Wadsworth – Telephone (01253) 658546 – Email: [democracy@fylde.gov.uk](mailto: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	20 OCTOBER 2016	3
<b>APPLICATION FOR GRANT OF A PREMISES LICENCE 84 CLIFTON STREET, LYTHAM</b>			

## 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 84 Clifton St, Lytham (previously the Royal Bank of Scotland building). There has been a representation from the Environmental Protection Department who are a “responsible authority” under the Act. 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 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

### SUMMARY OF PREVIOUS DECISIONS

There are no previous decision relating to this matter.

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 for the grant of a premises licence at 84 Clifton Street, Lytham.
2. The matter has been referred to the panel because relevant representations have been received from a “responsibility 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:

Environmental Protection
  - Copies of relevant representations made by the following interested parties  

None Received

### **Consideration**

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

2.14	Public Nuisance
9.30	Hearings

- 9.41 Determining actions that are appropriate for the promotion of the licensing objectives.

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:

- 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.

#### **Further Information**

9. Following mediation with the Police (who are a responsible authority) the applicant has agreed a number of conditions as detailed below to be attached to the licence. The Panel is therefore requested to consider attaching the conditions to the licence.

1. *The primary purpose of the premises will be that of a restaurant / bistro/ cafe serving food, with additional occasional use for pre-arranged events and functions. The sale of alcohol will be ancillary to these uses.*
2. *Seating inside the premises will be provided for at least 70% of the total maximum capacity of the premises as determined by a risk assessment.*
3. *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.*

The following conditions to be removed from the operating schedule:

*Seating inside the premises shall be provided for at least 60% of the total maximum capacity of the premises as determined by a risk assessment.*

#### **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	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	29 <sup>th</sup> September 2016	

LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Guidance issued under S182 of Licensing Act 2003	March 2015	<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418114/182-Guidance2015.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418114/182-Guidance2015.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 Form
2. Plan
3. Representations



**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 CMC NEW VENTURES LTD**

*(Insert name(s) of applicant)*

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

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description <b>84 CLIFTON STREET</b>			
<b>Post town</b>	<b>LYTHAM</b>	<b>Postcode</b>	<b>FY8 5EJ</b>

Telephone number at premises (if any)	<b>N/A</b>
Non-domestic rateable value of premises	<b>£35000</b>

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as

Please tick as appropriate

- |   |  |   |
|---|--|---|
| <p>a) an individual or individuals *</p> <p>b) a person other than an individual *</p> <p style="padding-left: 20px;">i. as a limited company</p> <p style="padding-left: 20px;">ii. as a partnership</p> <p style="padding-left: 20px;">iii. as an unincorporated association or</p> | <p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> | <p>please complete section (A)</p> <p>please complete section (B)</p> <p>please complete section (B)</p> <p>please complete section (B)</p> |
|---|--|---|

- 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 in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

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

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or
- a function discharged by virtue of Her Majesty's prerogative

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

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

**SECOND INDIVIDUAL APPLICANT (if applicable)**

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

**(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.**

<b>Name</b> CMC NEW VENTURES LTD
<b>Address</b> Homeserve Energy Limited St Georges Park Kirkham Preston Lancashire PR4 2DZ
<b>Registered number (where applicable)</b> 10333878
<b>Description of applicant (for example, partnership, company, unincorporated association etc.)</b> COMPANY
<b>Telephone number (if any)</b> 07807070656
<b>E-mail address (optional)</b> charlesfurnell@yahoo.com

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
0	1	0 1 2 0 1 7

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

DD	MM	YYYY

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

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

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



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



**In all cases complete boxes K, L and M**

**A**

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

**B**

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

C

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

**D**

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

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)		
Mon	12.00	00.00			
Tue	12.00	00.00	<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Wed	12.00	00.00			
Thur	12.00	00.00	<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Fri	12.00	00.00			
Sat	12.00	00.00			
Sun	12.00	00.00			

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)			
Mon	08.00	00.00				
Tue	08.00	00.00	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)			
Wed	08.00	00.00				
Thur	08.00	00.00	<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)			
Fri	08.00	01.00				
Sat	08.00	01.00				
Sun	08.00	00.00				

**G**

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

# H

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

**I**

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon	23.00	00.00			
Tue	23.00	00.00	<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 4)		
Wed	23.00	00.00			
Thur	23.00	00.00	<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Fri	23.00	01.00			
Sat	23.00	01.00			
Sun	23.00	00.00			

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Mon	11.00	00.00			
Tue	11.00	00.00			
Wed	11.00	00.00			
Thur	11.00	00.00			
Fri	11.00	01.00			
Sat	11.00	01.00			
Sun	11.00	00.00			
			<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		

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

<b>Name</b> CHARLES FURNELL	
<b>Address</b>	
<b>Postcode</b>	
<b>Personal licence number (if known)</b> FY PA0616	
<b>Issuing licensing authority (if known)</b> FYLDE	



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

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

PLEASE SEE ATTACHED CONDITIONS

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

**c) Public safety**

**d) The prevention of public nuisance**

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

**Checklist:**

**Please tick to indicate agreement**

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

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**Part 4 – Signatures** (please read guidance note 10)

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

Signature	CHARLES FURNELL
Date	24/08/2016
Capacity	DIRECTOR/LICENSE HOLDER

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)			
Post town		Postcode	
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 the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

## ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

- 2.1 A full CCTV system shall be maintained and operated at the premises with cameras positioned both internally and externally.
- 2.2 Recorded CCTV images will be maintained and stored for a period of twenty-eight days and shall be produced to the Police or Licensing Authority upon request.
- 2.3 CCTV shall be in operation at any time a person is in the premises. Where CCTV is recorded onto a hard drive system, any DVDs subsequently produced shall be in a format so it can be played back on a standard PC or DVD player.
- 2.4 Any person left in charge of the premises shall be trained in the use of any such CCTV equipment, and shall be able to produce CCTV images to an officer from a responsible authority upon request.
- 2.5 SIA registered door staff shall be employed at the premises, in accordance with a risk assessment, to be carried out by the DPS. When employed, door staff will wear high visibility armbands.
- 2.6 When employed, a register of those door staff employed shall be maintained at the premises and shall include:
  - a. the number of door staff on duty;
  - b. the identity of each member of door staff;
  - c. the times the door staff are on duty.
- 2.7 Open containers of alcohol shall not be removed from the premises, save for consumption in any delineated external area as shown on the plan attached to the licence.
- 2.8 Staff shall be trained in the laws relating to under age sales, and that training shall be documented and repeated at 6 monthly intervals.
- 2.9 A refusals book shall be maintained at the premises, and shall be made available to an officer of a responsible authority upon request.
- 2.10 A first aid box shall be available at the premises at all times.
- 2.11 Regular safety checks shall be carried out by staff.
- 2.12 Management shall liaise with the Fire Authority as necessary to ensure compliance with all necessary fire regulations.
- 2.13 The premises shall maintain an Incident Log and public liability insurance.
- 2.14 Noise from amplified music or voices shall not be such as to cause a noise nuisance to occupants of nearby premises.
- 2.15 The exterior of the building shall be cleared of litter at regular intervals.
- 2.16 Notices shall be positioned at the exits to the building requesting customers to leave in a quiet manner.
- 2.17 Doors and windows at the premises shall remain closed after 11pm, save for access and egress.
- 2.18 The emptying of bins into skips, and refuse collections shall not take place between 11pm and 7am.

- 2.19 No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- 2.20 Any outside area used by customers wishing to dine, drink or smoke shall be clearly delineated and covered by the CCTV system which shall be installed at the premises.
- 2.21 The outside area shall be monitored by staff or door staff at all times it is in use.
- 2.22 The outside area shall be cleaned regularly.
- 2.23 Suitable receptacles shall be provided for smokers to dispose of cigarette butts.
- 2.24 Signs shall be displayed in the area requesting customers keep noise to a minimum.
- 2.25 Patrons who disregard signage and verbal instructions regarding noise shall be asked to move inside and/or leave the premises.
- 2.26 Open containers of alcohol shall not be permitted to be taken beyond the boundary of the outside area.
- 2.27 At the end of the evening management and staff shall assist with the orderly and gradual dispersal of patrons.
- 2.28 Staff Members (including door personnel when employed) shall advise patrons to leave the premises quickly and quietly out of respect for our neighbours.
- 2.29 Notices shall be displayed requesting our customers to leave quietly and in an orderly manner out of consideration to neighbours and their attention shall be drawn to these notices by members of staff.
- 2.30 Staff shall ensure the removal of all bottles and drinking receptacles from any patron before exiting the premises (this does not apply in the case of consumption in any delineated external drinking area.)
- 2.31 Staff shall actively discourage our customers from assembling outside the premises at the end of the evening.
- 2.32 The provision of food, including full meals and snacks shall form a substantial element of the operation of the premises with sufficient furniture and seating provided and set out in such a way that it shall not become a high volume, vertical drinking establishment.
- 2.33 Seating inside the premises shall be provided for at least 60% of the total maximum capacity of the premises as determined by a risk assessment.
- 2.34 Whenever licensable activities are available at the premises a waiter/waitress service shall be available.
- 2.35 At least one personal licence holder shall be contactable while the supply or sale of alcohol is being undertaken (whose identity will be known to all other staff engaged in the supply or sale of alcohol) except in the case of emergency.

2.36 Another member of staff shall be nominated to act for the Designated Premises Supervisor, in their absence, whose identity shall be known by all other staff when such absence occurs.

2.37 No customers shall 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.

2.38 A drugs prevention strategy for the premises shall be developed and applied to include any reasonable recommendations of Lancashire Constabulary.

2.39 Security/staff arrangements shall be sufficient to discourage the sale and consumption of drugs and shall ensure such arrangements include regular checks of toilet areas.

2.40 Records of incidents involving the use and / or detection of drugs shall be maintained and those records shall be available for inspection.

2.41 Confiscated and found drugs shall be stored and transferred to the Police in accordance with procedures agreed with the Lancashire Constabulary.

2.42 No person in possession of a drink in a sealed or unsealed container shall be allowed to enter the premises except for the purposes of delivery.

2.43 Any risk assessments carried out by or on behalf of the Licence holder, which relate to a licensing objective, shall be available for inspection by an officer of a Responsible Authority.

2.44 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 shall be made available to an authorised officer upon request.

2.45 Any person within the premises who appears to be intoxicated or who is behaving in a disorderly manner shall be asked to leave the premises and shall be escorted off the premises in a calm and appropriate manner.

2.46 The Licence Holder and Premises Supervisor shall ensure the free cold drinking water is available on request and shall have adequate

supplies of chilled soft drinks and bottled water available for sale at the bar.

2.47 No entertainment of an adult or sexual nature will take place on the premises.

2.48 The departure of customers from the premises shall be effectively managed by staff who shall request patrons to leave quietly and to avoid causing noise, nuisance or disturbance in the area.

2.49 A Challenge 25 proof of age policy shall be implemented and adhered to. All staff to have received suitable training in relation to the Challenge 25 proof of age scheme. Records to evidence this will be made available to an authorised officer upon request.

2.50 Any person who looks or appears to be under the age of 25 shall be asked to provide identification that they are over the age of 18. The following are the only forms of identification acceptable:

- i. A recognised proof of age card accredited under the British Retail Consortium's Proof of Age Standards Scheme (PASS)
- ii. Photo driving licence
- iii. Citizen card supported by the Home Office
- iv. Official ID card issued by HM Forces or European Union bearing a photograph and date of birth of the holder.

If no suitable identification is provided, the sale of alcohol to them shall be refused.

2.51 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 shall be made available to an authorised officer upon request.

2.52 Suitable signage will be displayed to specify that a Challenge 25 Policy is in place.

2.53 Children under 16 shall vacate the premises by 2200 unless partaking in a meal or family function.



**These are the notes referred to on the following official copy**

The electronic official copy of the title plan follows this message.

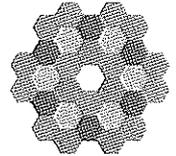
Please note that this is the only official copy we will issue. We will not issue a paper official copy.

This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from Land Registry.

This official copy is issued on 23 March 2016 shows the state of this title plan on 23 March 2016 at 16:07:23. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. This title is dealt with by the Land Registry, Fylde Office .

Land Registry  
Official copy of  
title plan

Title number **LAN110510**  
Ordnance Survey map reference **SD3627SE**  
Scale **1:1250**  
Administrative area **Lancashire : Fylde**



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## Memorandum

**To:** Andy Hough

**From:** P Dent

**Your Ref:**

**Our Ref:** 81338

**Date:** 16/09/2016

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### **Premises Licence Application -**

**Location- 84 Clifton Street, Lytham St Annes, Lancashire, FY8 5EJ**

I refer to the above application and having reviewed the documentation here is the following representation from Environmental Protection.

My interpretation is that the objective is to prevent public nuisance and my representation is based on this i.e to prevent a nuisance form occurring rather than allow it to occur before using the legislation to resolve it.

The issues relating to outside areas tend to be increase in noise levels from patrons stood outside, talking, laughing shout etc and can be quite loud depending on numbers. There are flats within the immediate vicinity and any noise would have a detrimental effect on the occupants here.

Noise from people is very difficult to control – amplified music/entertainment can simply be turned down or off but it is only possible to reduce people noise by either reducing numbers or reducing the time that the outside areas are in operation.

It is accepted that this is a town centre and that any residents here cannot be afforded the same comfort as purely residential area. However there are residents here who are onsite prior to this establishment being proposed and therefore would now be affected by an increase in noise and activity where as any disturbance would have previously been limited to office hours. I am satisfied that internal noise can be effectively controlled but would ask that the outside area be closed to patrons after 22.00 on each day. This in my opinion is a reasonable compromise when considering the rights of the homeowners and those of the night life economy.

Philip Dent