



Agenda

Licensing Hearing

Date:	Wednesday, 19 July 2017 - 2pm
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	Councillor Angela Jacques (Convenor) Councillor Barbara Nash Councillor Neil Harvey Councillor David Donaldson (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
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Contact: Sharon Wadsworth - Telephone: (01253) 658546 – Email: democracy@fylde.gov.uk

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<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 PANEL	19 JULY 2017	3
APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - BARRIQUE, 3 MARKET SQUARE, LYTHAM			

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 (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 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
Chris Hambly	chris.hambly@fylde.gov.uk Tel 01253 658422	28 th June 2017

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
S182 Guidance to the Licensing Act	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 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



FYLDE BOROUGH COUNCIL

Application for the review of a premises licence or club premises certificate 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 SINON NEWELL apply for the review of a
(Insert name of applicant)
premises licence under section 51 / ~~apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)~~

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description <u>BARRIQUE</u> <u>2 & 3 MARKET SQUARE</u>	
Post town <u>LYTHAM</u>	Post code (if known) <u>F48 5LW</u>

Name of premises licence holder or club holding club premises certificate (if known) <u>LYTHAM WINE COMPANY LIMITED</u>

Number of premises licence or club premises certificate (if known) <u>F4 PL0378</u>

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an interested party (please complete (A) or (B) below) ☒
- a) a person living in the vicinity of the premises ☐
- b) a body representing persons living in the vicinity of the premises ☐
- c) a person involved in business in the vicinity of the premises ☐
- d) a body representing persons involved in business in the vicinity of the premises ☐

2) a responsible authority (please complete (C) below) ☐

3) a member of the club to which this application relates
(please complete (A) below) ☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr ☒ Mrs ☐ Miss ☐ Ms ☐ Other title (for example, Rev) ☐

Surname

NEWELL

First names

SIMON PETER

Please tick ☒ yes

I am 18 years old or over



Current address

10 HASTINGS PLACE

Post Town

LYTHAM

Postcode

F48 5LZ

Da

E-i

(o)

(B

↑

E-mail (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address	
FYLDE COUNCIL TOWN HALL LYTHAM ST ANNES FY8 1LW	
Telephone number (if any)	01253 658658
E-mail (optional)	

This application to review relates to the following licensing objective(s)

Please tick one or more boxes Y

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note1)

PLEASE SEE ANNEXED SHEETS PAGES 1-6.

Please provide as much information as possible to support the application (please read guidance note 2)

PLEASE SEE ANNEXED SHEET PAGES 1-6.

Please tick ☒ **yes**

Have you made an application for review relating to this premises before ☐

If yes please state the date of that application

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

If you have made representations before relating to this premises please state what they were and when you made them

N/A

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

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

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature Simon P. Neale
 Date 24.5.17
 Capacity INTERESTED PARTY

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)	
As page 2.	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Application for review of a premises licence or club premise certificate

under the Licensing Act 2003

Premises Licence Holder: *Lytham Wine Company Limited*

Premises: *Barrique, 2 & 3 Market Square, Lytham, FY8 5LW*

Premises Licence Number: *FY PL0378*

GROUND'S FOR REVIEW

1. **Lytham Wine Company Limited (hereinafter "the Company") have failed to comply with conditions imposed by Fylde Borough Council when granting change of use, planning permission and listed building consent for the premises on 29 June 2016.**

A) Condition 3

"...the external forecourt area at the front of the premises shall only be used for the consumption of food and drink between the hours of 9am and 9pm on any day, with the internal area only open for customers between the hours of 8am and 11pm."

"In the interests of preserving the amenity of occupiers of neighbouring and nearby residential properties as required by Policy EP27 of the Fylde Borough Local Plan."

Particulars of Breach

- (a) From July 2016 to November 2016 on almost all weekends (Fridays and Saturdays) the external forecourt was used for the consumption of drink after 9pm.
- (b) From 2 November 2016, when the Company installed their "Heated Terrace" to today's date, every weekend (Fridays and Saturdays) drink has been consumed on the external forecourt after 9pm.
- (c) On other days during the week and regularly on Sundays since July 2016 to today's date drink has been consumed on the external forecourt after 9pm.
- (d) Directors of the Company have entertained guests on the external forecourt where drink has been consumed after 9pm.
- (e) Evidence in respect of the above will be provided in sworn affidavits with exhibited documents and photographs.

- (f) The Planning Authority have been informed of the aforesaid breaches and asked to conduct their own investigation. They will be able to give evidence as to their findings.

B) Condition 4

"...the ground floor doors and any opening windows shall remain closed closed between the hours of 21.00 hours and 7.00 hours on each and every day of the week except when in use to enter/exit the premises.

"Reason to limit the opportunities for noise to escape from the building and so to safeguard the amenities of neighbouring residential properties"

Particulars of Breach

- (a) On divers days during the period July 2016 to today's date, the external full length windows of the premises are opened after 21.00 hours to compliment the outside usage of the external forecourt and particularly when there are favourable weather conditions.
- (b) Since Easter 2017 (Thursday 13 April 2017), the windows and doors have been opened after 21.00 hours every Friday and Saturday, on some occasions on a Sunday and other weekday nights.

C) Condition 5

"That within one month of the date of this permission a scheme for the management of the refuse associated with the operation of the premises hereby approved shall be submitted to the local planning authority for its approval. The scheme shall include details of the siting, size, design and materials of every storage area that is proposed. The approved scheme shall be implemented within one month of its approval and then shall maintained and operated in full accordance with the approval scheme at all times thereafter."

Particulars of Breach

- (a) The Company have failed to submit a scheme for the management of refuse and thus, failed to have such a scheme approved and implemented.
- (b) The Company have sited a large industrial waste bin (a Eurobin) at the side of the premises in a conservation area. It is unsightly, inappropriate and inadequately screened. It is often overflowing with waste and is unhygienic and a health hazard. Photographic evidence is available. This is a persistent and regular occurrence. Further the Company cause the waste bin to be emptied between 6am and 7:30am on approximately 3 mornings each week. The Waste Management wagon parks immediately outside neighbouring properties with its engine running; the planters are dragged to the side; the beers kegs and gas cylinders are moved and the bin is

wheeled to the wagon. It is hydraulically hoisted and tipped, the empty bottled crashing into the bin.

- (c) The Company store metal beer casks at the side of the premises.
- (d) Since November 2016 and to today's date, the Company store both full and empty liquid/calor gas cylinders at the side of the property – between 2 and 5 in number. These are stored in a manner which does not comply with Health and Safety Executive regulations, British Compressed Gas Association guidelines and Calor Gas protocols. The Planning Authority have been informed of such matters and requested that they seek guidance from the HSE and Fire Authorities. Their reports/advices will be annexed to this application when available. The storage of such dangerous and inflammable material, adjacent to the building, adjacent to waste storage and immediately adjacent (1 metre) from a public footpath and highway constitutes a serious hazard and health and safety risk.

D) The Planning permission granted was on the basis of the plans submitted to the Local Authority and listed as LWC/001, 010, 110, 310, 311, MH/01-05

Particulars of Breach

- (a) On a date unknown but in or about late summer/early autumn 2016 the Company fixed speakers to the exterior walls of the premises so that they can (and do) broadcast music to the exterior forecourt area and beyond.
 - (b) The fixing of these speakers was not included in any submitted plan
 - (c) The broadcasting of such music is a nuisance, annoyance and interference with the amenity of the neighbouring residential properties and would have to have been considered by the Planning Authority had they known of such a proposal.
 - (d) The Company continue to broadcast music to the outside of the premises after 9pm and it does not cease until the premises close down after 11pm.
- 2) **The Company has failed to comply with the Premises Licence which was obtained for Barrique at the beginning of 2016 ref FY PL0378:-**

Particulars of Breach

- a) The application for the licence contained the following description of the premises under PART 3- OPERATING SCHEDULE

"The application is for a wine/deli retail shop with café and bar element. We are aiming to cater for the fine wine and deli market both on and off sales but we will be serving coffee, alcohol, cured meats, cheese and other deli items in a café/bar environment holding regular wine tastings and pairing evenings"

- b) The Company did not apply for the provision of regulated entertainment, namely "live music" and "recorded music". The Company did not complete Box E and Box F of the licence application.
- c) The licence was accordingly granted

- d) The Company have played recorded music within the premises and outside the premises (as aforesaid) since July 2016.
- e) Since at least October 2016 the Company have organised "Open Mic" nights on a Wednesday evening. This form of karaoke is:-
 - (i) a nuisance and annoyance;
 - (ii) wholly inconsistent with the Operating Schedule;
 - (iii) in breach of the Premises Licence granted which gave no permission for such regulated entertainment.
- (f) Since at least the early part of 2017 have organised live music performances with groups/bands playing amplified music both within and outside the premises on Sunday afternoons between 4pm and 7pm. This music, played with the doors and windows open, can be heard 50 – 100 yards from the premises. On Sunday 30 April 2017, this led to drunken patrons of the premises singing and dancing in the external forecourt who, when observing concerned neighbours in their gardens, began shouting abuse at those neighbours. No attempt was made by the Company to stop the music or deal with the unruly and aggressive patrons. These actions:-
 - (i) cause nuisance and annoyance;
 - (ii) are wholly inconsistent with the Operating Schedule;
 - (iii) are in breach of the Premises Licence which gave no permission for such regulated entertainment;
 - (iv) are, as above, likely to cause crime and public disorder.
- 3) The Company has misled the Licensing Authority in its application to vary the Premises Licence made on 15 March 2017:-**

Particulars of Breach

- (a) The Company, in applying to extend the opening hours of the premises, failed to inform the Licensing Authority of the Planning Conditions which override and supersede any extension of hours granted by the Licensing Authority.
- (b) The Company failed to comply with its statutory duty pursuant to Section 17 of the Act and Section 25 of the Licensing Act 2003 (Premises Licences and Club premises certificates) Regulations 2005.
- (c) No notice of the required size, printing, location and visibility from the outside of the premises was advertised.
- 4) The Company and its Directors are not fit and proper people to hold a premises licence for 2 & 3 Market Square, Lytham and the Premises Licence should be revoked on the following grounds (in approximate chronological order):-**
- (a) They misrepresented the nature and type of the premises to the Licensing Authority and Planning Authority and the general public.

- (b) They stated in the plans annexed by Firths Architects "*Conversion of Butchers into Delicatessen*". There is no delicatessen provision within the premises. There are, solely, one or two cooked meats or cheeses and bread for sale to eat within the premises. Test purchasers in recent months will serve affidavits to this effect. Most recently they were told "*This is an 'eat in' deli*".
- (c) They failed to apply for live music and recorded music regulated entertainment licences and then provided and continued to provide such entertainment.
- (d) They failed to inform the Licensing Authority and Planning Authority of the nature and extent of any external use of the forecourt area.
- (e) They misled the Planning officers into thinking that such external use of the forecourt area would be constrained by the weather and such was the planning officers' views as expressed by the Planning Authority at the meeting on 29 June 2016 (see pages 25 to 33 of the minutes of the meeting of the Authority). This was despite the fact that by email dated 5 May 2016, the planning officer was warned of the intentions of the Company to create the "Heated Terrace" which they did 3 months after retrospective planning permission was granted.
- (f) They failed to obtain Planning Permission and Change of Use permission before they opened to premises thus depriving "interested parties" the opportunity to make representations prior to the premises opening. Further, the interested parties were misled due to the misrepresentations made by the Company as to the type, nature and extent of their commercial operation (see aforesaid).
- (g) The Company were advised not to commence the building works on 3 occasions in 2016 - 18 February, 29 February and 3 March 2016. They continued to carry out the building works and ignored such advices from the Planning Officer.
- (h) The Company were in breach of Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This is a criminal offence with a sentence of up to two years imprisonment and an unlimited fine.
- (i) The Company have failed to act in accordance with the Planning Conditions attached to the consent given on 29 June 2016 (see aforesaid).
- (j) The Company's true and real intentions with regard to Barrique are now manifest. Their actions over the last 18 months have amounted to misrepresentation and creeping attrition to obtain their ultimate goal: a bar in a residential area of Lytham with a substantial outside provision of licensed activities; the broadcasting publicly of recorded music; the broadcasting of loud amplified music and the provision of late night drinking until 12.00 at weekends and Bank Holidays and Lytham Festival and all of December (no doubt to cater for office parties). This was predicted in an email of objection dated 5 May 2016. The motives and methods of the Company were identified and explained. They were disregarded at the Planning Meeting of June 2016.

5. **The Company has manipulated the licensing and planning procedures and regulations. They have broken the criminal law; they have failed to comply with planning conditions.**
6. **The Company's actions are such that they are unable to meet the Licensing Objectives:-**
 - (a) The prevention of crime and disorder – the failure to comply with planning and licensing conditions and any failure to enforce them properly is likely to lead to public disorder, criminal damage, assault. See the recent incident at the Clifton Arms Hotel regarding the unauthorised fireworks display.
 - (b) Public safety – the storage of waste and gas cylinders
 - (c) Public nuisance –see aforesaid.

In the circumstances, the Company is not fit and proper to hold a premises licence and it should be revoked pursuant to statute.

Julian P Nevell
24.5.17.

Chris Hambly

Subject: FW: Barrique

From: Andrew Stell
Sent: 30 May 2017 21:04
To: Andy Hough <andy.hough@fylde.gov.uk>
Subject: RE: Barrique

Andy

I refer to the review detailed in your email below.

I am a little confused by the review as many of the issues raised seem to relate to the planning permission for the use of the premises, which is for a mixed use retail/drinking establishment under our reference 16/0074, rather than the terms of the premises licence. However, I provide the following comments to assist the review process using the numbers in the 'Grounds for Review' section of the submission:

1A) This relates to breaches of condition 3 of the above planning permission that controls the hours of consumption of food and drink within and outside the premises. Whilst I am aware that the premises licence allows later operating than the planning permission, I have recently been made aware of these alleged breaches. Since that came to my attention I have met with the operators of the premises to reiterated the need to comply with this planning requirement and will follow this up if needed.

1B) This refers to an alleged breach of a planning condition. I have raised this with the operators and will follow it up if needed.

1C) This refers to an alleged breach of a planning condition. The allegation in (a) is not correct in that a scheme was supplied, albeit the council never confirmed its acceptability. Having now considered that scheme and viewed it in operation I am satisfied that the scheme that was submitted is acceptable and has been operated in a satisfactory manner to address the planning condition.

There are no planning controls over the hours of waste removal from the site as raised in point (b) although this is a matter that I recently highlighted to the operators as an area of some local concern and which they are investigating with their waste contractor.

With regards to item (d), the storage of gas cylinders at the site is not a planning matter, although I have taken advice on it from the council's Environmental Protection Officers (as the appropriate enforcing body rather than the HSE or Fire Service) and advised the operators of the need for these cylinders to be secured if stored in the open.

1D) The speakers are not of a scale that I believe requires planning permission or listed building consent. There are no planning controls over the hours and volume of their use, although this is also a matter that I have recently discussed with the operators as I understand it has led to some local concern.

2) I have no comments to make on this aspect of the review other than to confirm that the allegations do not involve any breaches of planning control.

3) I am aware that the council's planning team was consulted on this application and made comments for consideration in that decision.

4) Following a recent suggestion that the premises may not be operating as a mixed use as is required by its planning permission I made a visit to the site and discussed this matter with the operators. They were adamant that the premises does trade as a mixed retail and drinking establishment, and at my visit I observed that there was a meat/cheese fridge and that parts of the premises were used for the display of wine for sale by the bottle for consumption off the premises. At that visit I was satisfied that the premises was trading in accordance with its planning permission, although will continue to keep this under review.

5) I have no comments to add under this point.

6) I have no comments to add under this point.

I trust that these comments assist the review, but if you have any queries please do not hesitate to contact me

Regards

Andrew

Andrew Stell
Development Manager
Extension: 8473

From: Andy Hough
Sent: 30 May 2017 13:32
To: EMAIL ADDRESSES WITHHELD BY LICENSING TEAM

We have received the following application for a review of a Premises Licence, your copy is attached

30th May 2017

Premises	Applicant	Reasons for Review	Comments
Barrique 2/3 Market Sqaure Lytham	Simon Newell	Public nuisance Breaches of the operating schedule Performances of live music and recorded music without the relevant permission	Awaiting comment

Andy Hough
Technical Enforcement Officer - Licensing Team
Extension: 8606

Andy Hough

Subject: FW: Barrique review of a premises license

From: Jonathan J. Taylor xxxxxxxxxxxxxxxxxxxx
Sent: 06 June 2017 12:29
To: Andy Hough <andy.hough@fylde.gov.uk>
Subject: Barrique review of a premises license

**Application for review of a premises license or club premise certificate
under the Licensing Act 2003**

Premises Licence Holder: Lytham Wine Company Limited

**Premises: Barrique 2&3 Market Square, Lytham, FY8
5LW**

Premises Licence Number: FY PL0378

We live at 13 Hastings Place and we totally agree with Simon Newell and the Application for review of Barrique's license.

Barrique has caused Public Nuisance against the conditions in the license. The following facts show what we particularly object to.

There is no permission either asked for or granted for Live Music and yet Barrique has open Mike sessions on a Wednesday. Barrique also has Sunday Sessions as Barrique's Facebook page says "Barrique presents Sunday Sessions every Sunday from 4.00 PM Darren Holme Live and Acoustic."

There is no permission for a fore court extension after 9 PM yet Barrique does not in any way try to comply.

Unfortunately both these permissions together with a number of further conditions are ignored. Simon Newell sums up in his papers the problems much better than we can.

However on Numerous occasions we have had discussions with the management our wish that the licensing conditions be adhered to. Unfortunately although agreeing they have then totally ignored the agreement.

Barrique looks over Lytham's Memorial gardens. They have placed speakers outside which play recorded Music in the Gardens. In hot weather they keep all four double doors open which has the same effect. The doors are supposed to be shut apart from the entry door. The Memorial gardens are not considered in the license but they should be considered by responsible Landlords.

The License was granted "In the interests of preserving the amenity of neighbouring and nearby residential properties as require by Policy EP 27 of the Fylde Borough Local Plan."

We are also aware that a condition of other license premises in Lytham are: "Patrons shall not be permitted to consume drinks in the external areas to the front and rear of the premises after a set time. 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." Why was Barrique not asked to do the same?

It is more than apparent that Barrique feels that it is above the law. We hope that you can ensure that the law is not some sort of joke which can be ignored when not convenient.

Mr Jonathan and Dr Karen Taylor

Chris Hambly

Subject: FW: Barique wine store and deli

-----Original Message-----

From: Johnny Gaunt [mailto:XXXXXXXXXXXXXXXXXXXXXXXXXXXXXX]

Sent: 12 June 2017 15:47

To: Andy Hough <andy.hough@fylde.gov.uk>

Subject: Barique wine store and deli

Dear Mr Hough,

We live at number 14 Hastings Place, Lytham, FY8 5LZ and have done for many years. We have been substantially affected by the opening of the licensed premises known as Barique, and the manner of the operation of these premises.

This has caused nuisance, annoyance and distress. It interferes to a considerable extent with peaceful enjoyment of our residential property.

We have read the application made by Simon Newell at number 10 Hastings Place, to review the premises licence held by the Lytham wine company, and are fully aware of the feelings of our neighbours Jonathan and Karen Taylor, who also live on Hastings Place.

We are aware of the licensing objectives. As a result of the misrepresentations made by the company, their breaches of planning regulations, licensing regulations and their continuing failure to comply with orders made by the local authority and their disregard for the rights of local residents, we take the view that they are and have not complied with the licensing objectives.

We will file personal evidence statements particularising the above no later than 12th July.

Yours sincerely

Jonathan Gaunt

Sent from my iPad

Andy Hough

Subject: FW: Barrique review of a premises license

-----Original Message-----

From: Johnny Gaunt [xxxxxxxxxxxxxxxxxxxxxxxx]
Sent: 26 June 2017 15:46
To: Andy Hough <andy.hough@fylde.gov.uk>
Subject: RE: Barrique review of a premises license

Mr Hough

We live at 14 Hastings Place Lytham, and we totally agree with Simon Newell and the application for review of Barriques license. We are also aware of the feelings of the other residents of Hastings Place.

We understood that Barrique was to open as an upmarket quite sophisticated wine shop and deli. " There would be absolutely no noise or disturbance to the neighbours whatsoever, the noisy clientele was to be catered for on Henry Street." The words of one of the partners when Barrique first opened.

Unfortunately we feel Barrique no longer represents the image it was hoping to create. We strongly feel Barrique has caused public nuisance against the conditions of the license.

We object to the fact there is no permission either asked for or granted for live music, and yet Wednesday holds an "open mic" session, and Sunday from 4pm, there is live music which is advertised on social media such as Facebook twitter etc.

The Sunday session is particularly loud, often sounding like karaoke when the clientele join in singing and on some occasions dancing.

On one occasion the music was so loud it disrupted our afternoon sitting in our back garden. This resulted in our neighbour Mr Jonathan Taylor furiously crossing the road to complain. We all as neighbours received an apology from a young female bar person who seemed to have no control over the afternoon situation. We discovered no senior management were on the premises at the time, and have still not received an apology from them. Sunday sessions still remain the same, and in the hot weather all the doors are wide open.

There is no permission for a forecourt extension after 9pm, yet Barrique does not in any way try to comply. The forecourt is very close to our houses and the noise can be heard very clearly in the front bedroom which we sleep in. We also find that a wine bar overlooking the memorial gardens is quite disrespectful. Parents drinking whilst allowing their children to run around and screech can be quite infuriating. We have an elderly neighbour who often sits in the gardens, along with many other Lytham residents and visitors. The memorial gardens are not considered in the license but they should be considered by responsible landlords.

Our neighbour has on numerous occasions had discussions with the management, that the licensing conditions be adhered to, but unfortunately after agreeing with him to his face, have totally ignored his request. Since this review, we all have received an invite to Barrique with refreshments to discuss any concerns. Apparently this is something they want to do regularly because we as neighbours are their first priority, and would hate to cause us harm. We were amused by the timing of this invite. Unfortunately we will be working and will be unable to attend. I must add that Mr Crimmin who sent the invite has yet to even acknowledge myself or my wife, that again amuses me why he would say he's concerned about our feelings.

The license was granted " in the interests of preserving the amenity of neighbouring and nearby residential properties as require by Policy EP 27 of the Fylde Borough Local Plan."

We are also aware that a condition of other license premises in Lytham are: patrons shall not be permitted to consume drinks in the external areas to the front and rear of the premises after a set time. 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" Why was Barrique not asked to do the same?

It is very disappointing when you have worked hard to live in such a beautiful area as Lytham to have it being spoilt by greed. Lytham has been overdosed with bars and restaurants and we've been informed by a reliable source that the value of our property has decreased.

Johnny and Kathy Gaunt
Sent from my iPad

Andy Hough

Subject: FW: Sunday session Barrique

From: Johnny Gaunt [xxxxxxxxxxxxxxxxxxxxxxxxxxxx]
Sent: 28 June 2017 11:05
To: Andy Hough <andy.hough@fylde.gov.uk>
Subject: Re: Sunday session Barrique

Sorry about that Andy don't no why it's showing upside down because it's not in my Sent box can you turn it the right way on your computer the film was taken from my Front garden 14 Hastings Place 7th May 18.48

On 28 Jun 2017, at 09:57, Andy Hough <andy.hough@fylde.gov.uk> wrote:

Thank you for your email.

It is still upside down, can you please confirm time, date and where you filmed it from please.

Thanks Andy

Andy Hough
Technical Enforcement Officer - Licensing Team
Fylde Borough Council

DDI: 01253 658606

Main: 01253 658658

How are we doing? Have your say and fill in the residents survey here:
<http://www.fylde.gov.uk/council/performance/residentssurvey/>

Want to be kept up to date with news from your council? Sign up here -
<http://www.fylde.gov.uk/e-alerts>

Fylde Borough Council's email disclaimer can be found at:
<http://www.fylde.gov.uk/disclaimer>

Visit our website for all the latest information at your fingertips:
<http://www.fylde.gov.uk>

From: Johnny Gaunt [xxxxxxxxxxxxxxxxxxxxxxxxxxxx]
Sent: 28 June 2017 09:44
To: Andy Hough <andy.hough@fylde.gov.uk>
Subject: Sunday session Barrique

Download Attachment
Available until 28 Jul 2017

Click to Download

IMG_7851.MOV
0 bytes

Sent from my iPad

REVIEW OF LICENCE OF BARRIQUE, 2-3 MARKET SQUARE, LYTHAM

WITNESS STATEMENT OF

1. My name is Michael Bonney. I live at 1 Willows Avenue, Lytham St. Annes, FY8 5QT .
This is not in proximity to Barrique and is approximately 1 mile away.
2. I am a regular customer of Barrique. My wife I go in Barrique usually on Friday/Saturday evening between 17:00 and 19:00 and occasionally on Sunday afternoons between 15:00 and 16:00
3. In my opinion Barrique is a bar predominately frequented by professional older people of my age group (I am 54) who seek a sophisticated quiet bar that has a great selection of fine wines served by a highly competent, polite and friendly set of staff. It's a place to go for a conversation, a light bite to eat and a very good glass of wine. By its very nature it does not attract people who wish to drink beer and listen to music, there are lots of other outlets in Lytham that cater for that.
4. I understand that the licence of Barrique is being reviewed. I also understand that it is being said that there is loud music outside Barrique, that music playing inside is causing a disturbance to neighbours, and that there has been loud, aggressive behaviour on the forecourt. I am asked to comment on that, as far as I can.
5. At no time I have witnessed bad behavior or heard loud music in Barrique and I have certainly never heard loud music outside the bar. I have used the bar since it first opened. As sated at Point 3 above I believe it to be one of the quietest bars in Lytham.
6. Specifically regarding the afternoon of the 30th of April 2017 between the time of 15:37 and 16:45 as I recall I was enjoying a quiet drink with my wife and stepdaughter and as per my

comments above it was a usual quiet afternoon at Barrique with a relaxed pleasant atmosphere and I certainly did not witness any disturbance from any other patrons.

7. The contents of this statement are true.

Signed:

Name: MICHAEL BONNE

Date 26-6-2017

5 HASTINGS PLACE
LYTHAM FY8 5L
26/6/17

DEAR MR HOUGH,

I AM WRITING TO SUPPORT MY
NEIGHBOUR MR SIMON NEWELL OF 10 HASTINGS
PLACE LYTHAM REGARDING THE PREMISES KNOWN AS
BARRIQUE, 2 AND 3 MARKET SQUARE LYTHAM.

I HAVE READ HIS SUBMISSION TO THE COUNCIL
AND AGREE WITH HIS POINTS RAISED. I WOULD
LIKE TO FURTHER ADD THE ACCESS FROM THE
FOOTPATH ADJACENT TO THE PREMISES IS NOT FIT
FOR PURPOSE FOR MOTORS WITH WHEELCHAIRS OR
DISABLED PEOPLE. THE STORING OF CALOR GAS BOTTLES
BY THE BIN ON THE SIDE OF THE PREMISES, MUST
BE A FIRE HAZZARD OF SOME TYPE.

WHEN THE PREMISES WAS A BUTCHERS, TAKEAWAY

SANDWICH SHOP ALL WASTE BINS WERE STORED
INTERIORLY.

THE NOISE IN AN EVENING AT WEEKEND
AT TIMES IS NOT GOOD. AND WITH SPEAKERS
FIXED TO OUTSIDE THE PREMISES IS NOT HELPING
THE MATTER.

I FEEL MOST STRONGLY ABOUT
ALL THIS GOING ON IN AN EVENING ADJACENT
TO LYTHAMS MEMORIAL TO THE DEAD. WHY OH
WHY WAS THIS OUTSIDE AREA BE ALLOWED
TO BE USED IN AN EVENING

YOURS SINCERELY

John Pemberton

JOHN PEMBERTON

Licensing Act 2003

Premises Licence

FY PL0378

Part 1 - Premises Details

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

Barrique

3 Market Square, Lytham, Lancashire, FY8 5LW.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- any playing of recorded music
- 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)	Sunday to Thursday	10:00am	11:00pm
	Friday and Saturday	10:00am	Midnight
M. The sale by retail of alcohol for consumption ON and OFF the premises	Sunday to Thursday	10:00am	11:00pm
	Friday and Saturday	10:00am	Midnight
	Non Standard Timings:		
The standard hours for all licensable activities in the above licensable activities section of this licence are extended as follows:			
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 New Years Eve.			

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Sunday to Thursday	10:00am	11:00pm
Friday and Saturday	10:00am	Midnight
Non Standard Timings:		

The **opening hours** of the premises are **extended** as follows:

By one hour on every:-

Friday, Saturday, Sunday and Monday of each, Easter Bank Holiday, May Bank Holiday,

Licensing Act 2003
Premises Licence
FY PL0378
THE OPENING HOURS OF THE PREMISES continued ...

Description	Time From	Time To
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 01.30am on Christmas Eve, Boxing Day and New Years Eve		

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

Lytham Wine Company Ltd

 Danbro, Jubilee House, East Beach, Lytham, FY8 5FT.
 Telephone 07807070656

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

Lytham Wine Company Ltd

9822416

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.

Mandatory Licensing Conditions (wef October 2014)

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or

Licensing Act 2003

Premises Licence

FY PL0378

ANNEXES continued ...

participate in any irresponsible promotions in relation to the premises.

(2) 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-

(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 in a manner which carries a significant risk of undermining a licensing objective;

(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 in a manner which carries a significant risk of undermining a licensing objective;

(d) 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;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
(3) 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 either-

(a) a holographic mark, or
(b) an ultraviolet feature.

4. The responsible person must ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other 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;
(b) these measures are displayed in a menu, price list or other printed material which is available to

Licensing Act 2003
Premises Licence

FY PL0378

ANNEXES continued ...

customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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;

(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;

(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.

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.

Licensing Act 2003

Premises Licence

FY PL0378

ANNEXES continued...

(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 Staff shall be fully trained on licensing issues: and shall attend any courses offered by the Police.
- 2.2 The premises licence holder shall be a member of any local Pubwatch scheme.
- 2.3 The premises shall participate in any local radio link scheme, if available.
- 2.4 Adequate first aid provision shall be provided at the premises.
- 2.5 Music shall be kept to a reasonable level.
- 2.5 Frequent clearances of litter at the front of the premises shall be undertaken.
- 2.6 Children under 16 shall vacate the premises by 2100 unless partaking in a meal or family function.
- 2.7 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 shall be made available to an authorised officer upon request.
- 2.8 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 futureIf no suitable identification is provided, the sale of alcohol to them shall be refused.
- 2.9 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.
- 2.10 Suitable signage will be displayed to specify that a Challenge 25 Policy is in place.
- 2.11 Another member of staff shall be nominated to act for the Designated Premises Supervisor, in their

Licensing Act 2003

Premises Licence

FY PL0378

ANNEXES continued

absence, whose identity shall be known by all other staff when such absence occurs.

- 2.12 Appropriate measures shall be taken to ensure staff prevent the removal of bottles or glasses from the curtilage and grounds of the licensed premises.
- 2.13 Frequent collection of glasses and bottles shall be undertaken to ensure that empty containers do not accumulate in or around the licensed premises.
- 2.14 CCTV shall be installed internally and externally at the premises and will comply with the following:
- 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 any entrance doors and shall be capable of providing an image which is regarded as identification standard.
 - The system shall display on any recording the correct time and date of the recording.
 - The system shall make recordings during all hours the premises are open to the public.
 - VCR tapes or digital recording shall be held for a minimum of 21 days after the recording is made and shall be made available to the Police or any authorised persons acting for a Responsible Authority for inspection upon request.
 - The system shall, as a minimum, record images of the head and shoulders of all persons entering the premises.
- 2.15 A staff member who is conversant with the operation of the CCTV system shall be on the premises at all times the premises are open to the public. This staff member shall 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.
- 2.16 All external doors to any entrance / exit point, fire exit doors and external windows shall be closed during hours of any regulated entertainment except in the event of an emergency, save for the purpose of access and egress.
- 2.17 The business should always accommodate a substantial food offering.

ANNEX 3 - CONDITIONS ATTACHED FOLLOWING A HEARING OF THE LICENSING AUTHORITY

N/A

ANNEX 4 - PLANS

See attached plan reference FY PL0378



Appendix 3 - Premises Licence

Licensing Team

Town Hall
Lytham St Annes
FY8 1LW

Phone: (01253) 658658

Fax: (01253) 713113

e-mail: licensing@fylde.gov.uk

www.fylde.gov.uk

Licensing Act 2003

Premises Licence

FY PL0378

Licensing Act 2003

Premises Licence Summary

FY PL0378

Premises Details

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

Barrique

3 Market Square, Lytham, Lancashire, FY8 5LW.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- any playing of recorded music
- 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)	Sunday to Thursday	10:00am	11:00pm
	Friday and Saturday	10:00am	Midnight
M. The sale by retail of alcohol for consumption ON and OFF the premises	Sunday to Thursday	10:00am	11:00pm
	Friday and Saturday	10:00am	Midnight
	Non Standard Timings:		
The standard hours for all licensable activities in the above licensable activities section of this licence are extended as follows:			
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 New Years Eve.			

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Sunday to Thursday	10:00am	11:00pm
Friday and Saturday	10:00am	Midnight
Non Standard Timings:		

 The **opening hours** of the premises are **extended** as follows:

By one hour on every:-

Friday, Saturday, Sunday and Monday of each, Easter Bank Holiday, May Bank Holiday,

Licensing Act 2003

Premises Licence Summary

FY PL0378
THE OPENING HOURS OF THE PREMISES continued...

Description	Time From	Time To
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 01.30am on Christmas Eve, Boxing Day and New Years Eve		

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

Lytham Wine Company Ltd

Danbro, Jubilee House, East Beach, Lytham, FY8 5FT.

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

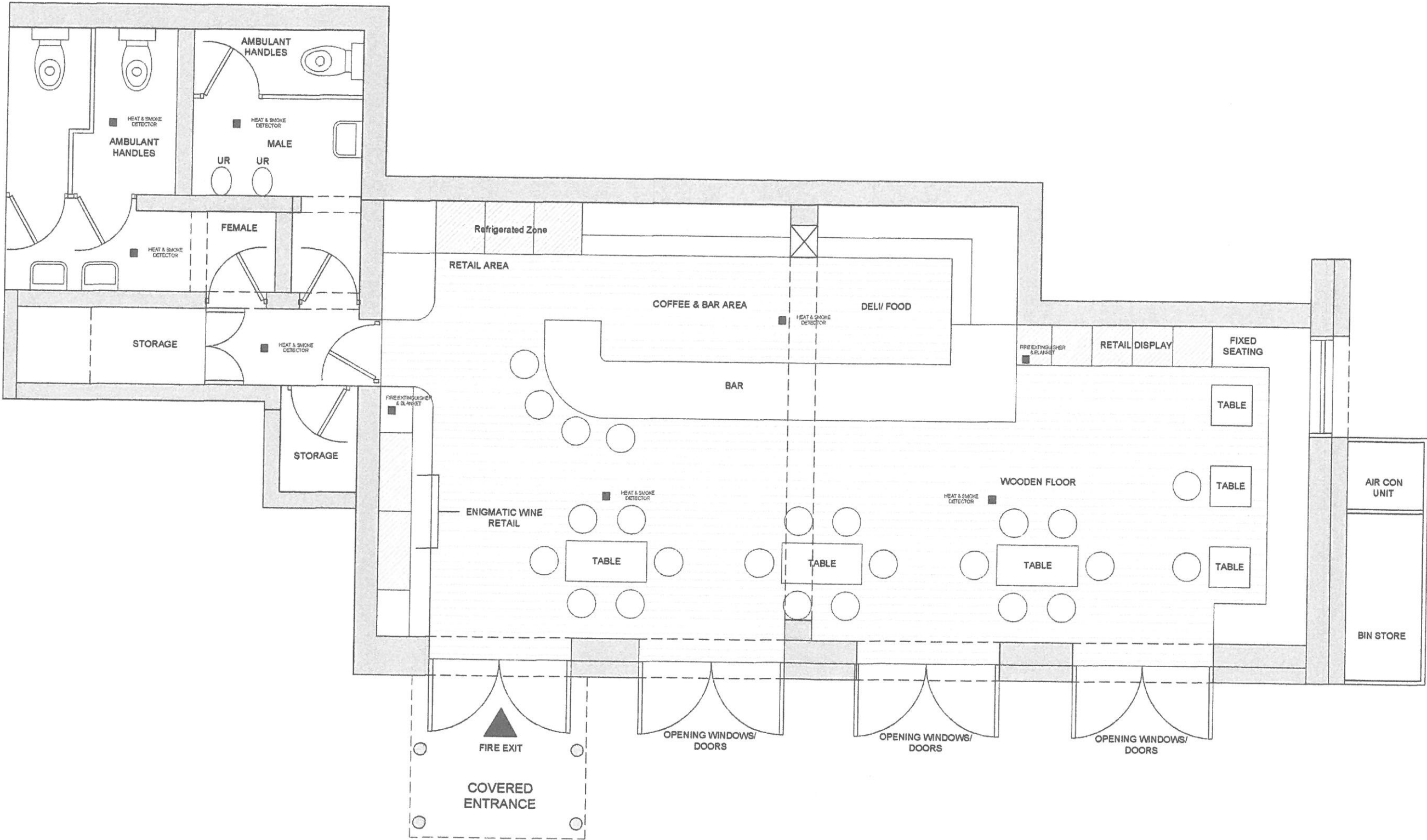
Lytham Wine Company Ltd

9822416

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



Proposed Ground Floor

Drawn By:
JS

Date:
Jan 16

Checked By:
JF

Date:

Drawing Scales:
1:25 @ A1/1:50 @ A1

Drawing Status:
PLANNING

This drawing is to be read in conjunction with all engineers and specialist drawings along with all relevant specifications.

All permissions & approvals are to be obtained prior to commencement of any works on site.

All gridlines, dimensions, building lines, etc. are to be checked carefully on site prior to the commencement of any works.

All workmanship and materials shall comply with current Building Regulations, British Standards, Codes of Practice and N.H.B.C. requirements.

All materials shall be fixed, applied or mixed in accordance with manufacturer's instructions or specifications and all materials shall be suitable for their purpose.

Dimensions are not to be scaled from this drawing.

Any discrepancies between the information given by engineers and other specialists must be brought to the attention of the designer prior to the commencement of any works.

Where it is required that inspection be made by the local authority this shall be arranged by the contractor to suit their programme.

The contractor shall comply with the health and safety requirements as set out by the CDM Regulations, The Health and Safety Executive.

Prior to commencing work the contractor shall carry out an internal and external condition survey of the existing building and shall take into account everything necessary for the proper execution of the works, to the satisfaction of the Inspector whether indicated on the drawing or not.

Rev.	Date	Description

Project Description:
Conversion of Butchers into Delicatessen

Project Address:
3 Market Square
Lytham
FY8 5LS

Client:
Mr

firth
ARCHITECTS

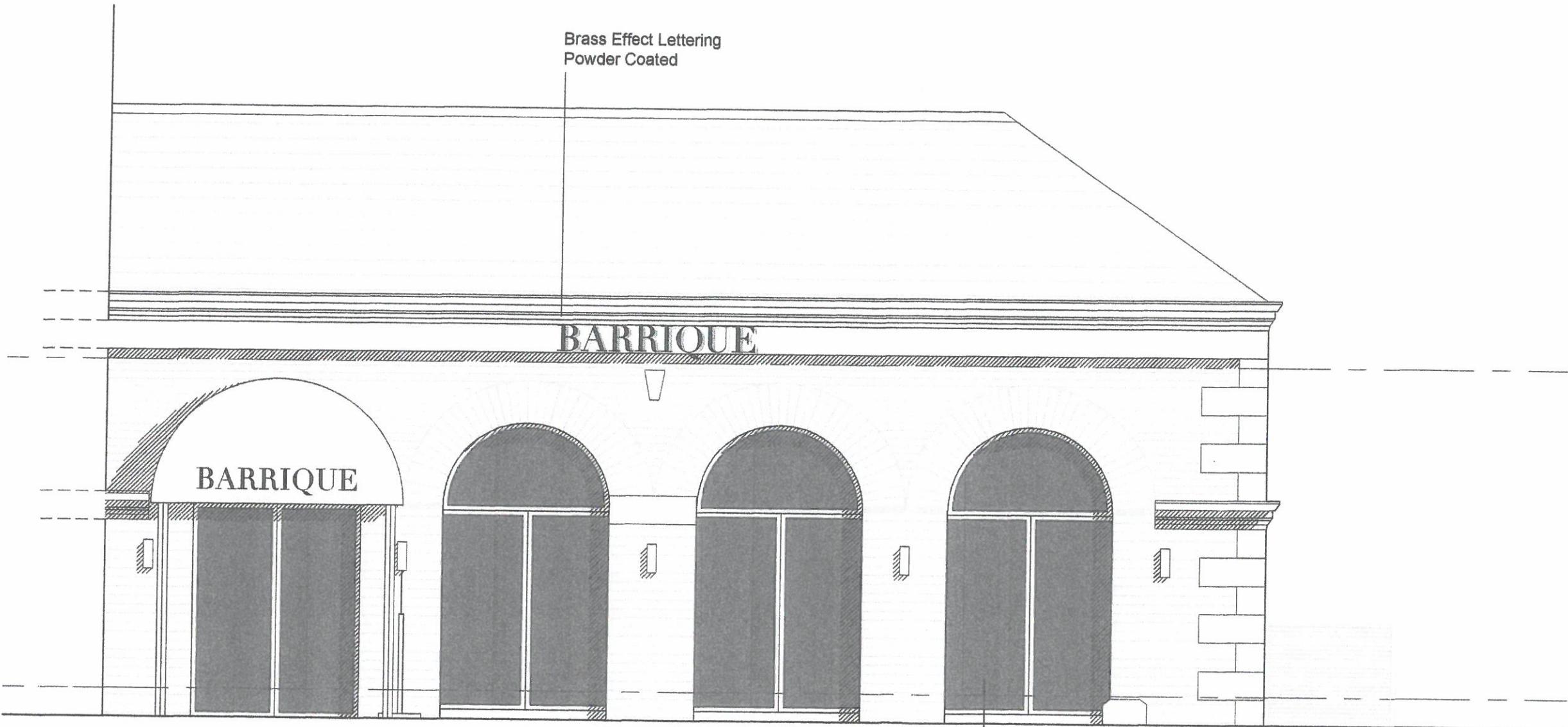
RIBA

Firth Associates Limited
Mellon Grove Works
Church Road
Lytham
Lancashire FY8 5PL
enquiries@firthassociates.com
www.firthassociates.com
01253 754036

Drawing Title:
Proposed Layout

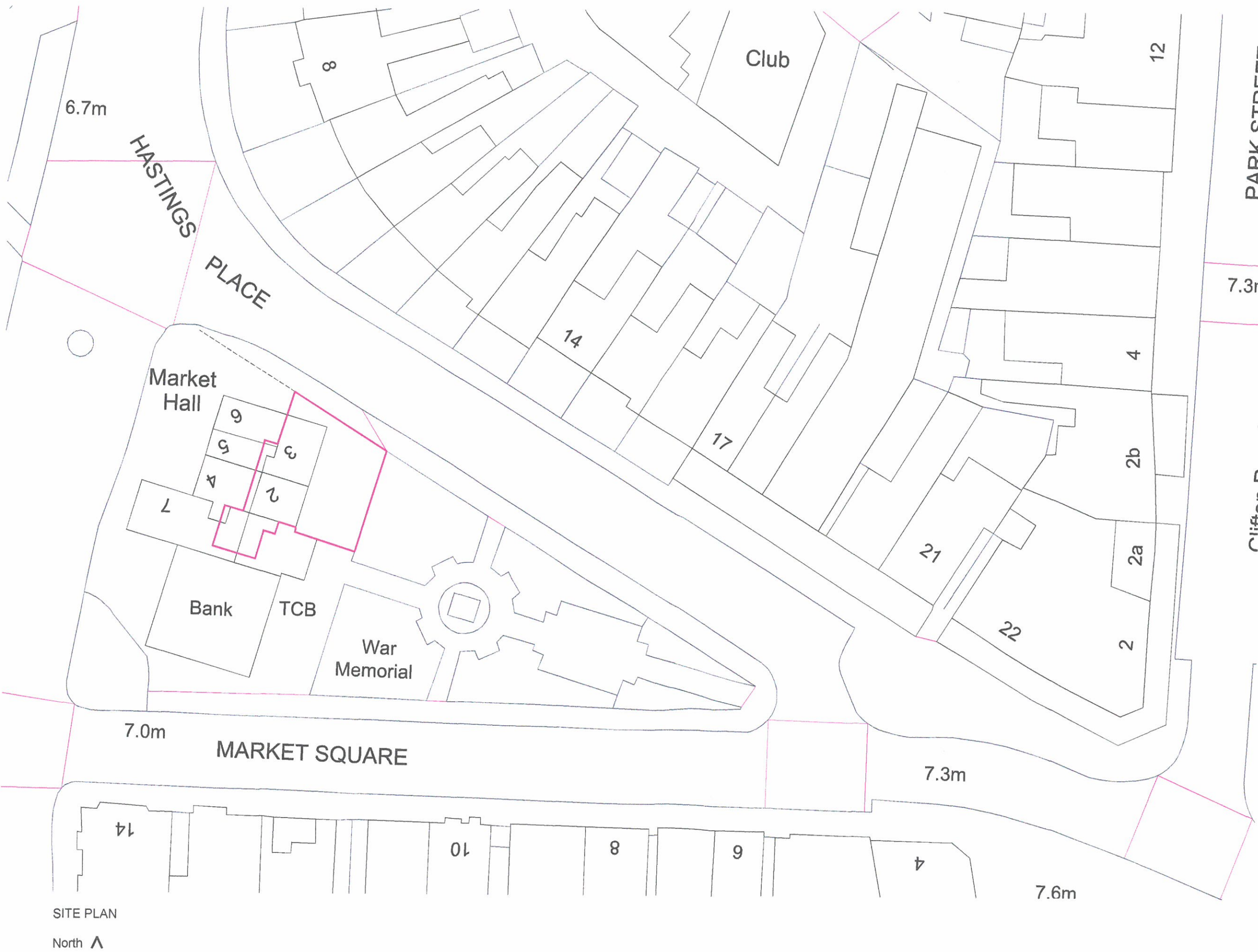
Drawing Number:
Mktplc 003

Revision:



Roadside Elevation

Drawn By: JS	Date: Sept 15	
Checked By: JF	Date:	
Drawing Scale: 1:50 @ A1		
Drawing Status: PLANNING		
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Rev.	Date	Description
Location Plan 1:1250		
Project Description: Conversion of Butchers Into Delicatessen		
Project Address: Marketplace Lytham		
Client: 		
<div><div>firth ARCHITECTS</div><div>RIBA arb </div></div> <div><small>Firth Associates Limited Malden Grove Works Church Road Lytham Lancashire FY8 5PL en 01253 754028 www.firthassociates.com</small></div>		
Drawing Title: Proposed Elevations		
Drawing Number: Mkrtpic	Revision:	



SITE PLAN
North

Drawn By: JS	Date: Jan 16																														
Checked By: JF	Date:																														
Drawing Scales: 1:200 @ A1/ 1:400 @ A3																															
Drawing Status: SURVEY																															
<p>This drawing is to be read in conjunction with all engineers and specialists drawings along with all relevant specifications.</p> <p>All permissions & approvals are to be obtained prior to commencement of any works on site.</p> <p>All gridlines, dimensions, building lines, etc. are to be checked carefully on site prior to the commencement of any works.</p> <p>All workmanship and materials shall comply with current Building Regulations, British Standards, Codes of Practice and N.H.B.C. requirements.</p> <p>All materials shall be fixed, applied or mixed in accordance with manufacturer's instructions or specifications and all materials shall be suitable for their purpose.</p> <p>Dimensions are not to be scaled from this drawing.</p> <p>Any discrepancies between the information given by engineers and other specialists must be brought to the attention of the designer prior to the commencement of any works.</p> <p>Where it is required that inspection be made by the local authority this shall be arranged by the contractor to suit their programme.</p> <p>The contractor shall comply with the health and safety requirements as set out by the CDM Regulations, The Health and Safety Executive.</p> <p>Prior to commencing work the contractor shall carry out an internal and external condition survey of the existing building and shall take into account everything necessary for the proper execution of the works, to the satisfaction of the 'Inspector' whether indicated on the drawing or not.</p>																															
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<p>firth ARCHITECTS</p> <p>RIBA arb <small>Architects Registration Board</small></p>																															
<p>Firth Associates Limited Melton Grove Works Church Road Lytham Lancashire FY8 5PL enail@firthassociates.com www.firthassociates.com 01253 734696</p>																															
<p>Drawing Title: Site Plan</p>																															
Drawing Number: Mktplc 003	Revision																														