



Agenda

Licensing Hearing

| | |
|--------------------|--|
| Date: | Friday, 22 September 2017 at 2 pm |
| Venue: | Town Hall, St Annes, FY8 1LW |
| Committee members: | Councillor Barbara Nash (Convenor) Councillor Jan Barker Councillor Keith Beckett Councillor Angela Jacques (Reserve) |

| Item | | PAGE |
|------|---|--------|
| 1 | Declarations of Interest: Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided. | 1 |
| 2 | Procedure for the Conduct of Hearings | 3 - 4 |
| 3 | Objection Notice to a Temporary Event Notice - Portofino, Henry St, Lytham | 5 - 29 |

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

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

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LICENSING ACT 2003

THE LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005

PROCEDURE FOR THE CONDUCT OF HEARINGS

1. Preliminary

- 1.1. Under the regulations, the Licensing Authority is required to determine the procedure that it proposes to follow at any hearing under the Act. This document sets out the procedure that Fylde will normally follow.
- 1.2. A panel may decide to follow a different procedure at any hearing. If it does, it will specifically draw attention to any departures from the procedures set out in this document and the reasons for them.
- 1.3. Please refer to the regulations for other rules about procedure

2. Interpretation

In this procedure, the following words or phrases have the following meanings:

| | |
|-------------|--|
| applicant | an applicant for a licence or any person who has a licence which may be reviewed or revoked as a result of the hearing |
| act | The Licensing Act 2003 |
| licence | Includes any consent or permission under the act |
| panel | A sub-committee established by Fylde Borough Council under section 10 of the act |
| regulations | The Licensing Act 2003 (Hearings) Regulations 2003, and any reference to a numbered regulation is to the regulation so numbered in that statutory instrument |
| witness | A person given permission to appear at the hearing under regulation 8(2) |

3. Before the hearing

- 3.1. At least ten days before the hearing, the panel will meet to consider:
 - 3.1.1. If the circumstances set out in regulation 9(1) apply, whether to dispense with holding a hearing;
 - 3.1.2. What, if any, particular points it considers it will want clarification on at the hearing from a party under regulation 7(1)(d), and
 - 3.1.3. What time limit to set under regulation 24.
- 3.2. If it is not practicable for the panel to meet to consider these matters, the convenor may ascertain the views of panel members separately and give effect to the majority view as if it had been reached in a meeting of the panel.

4. *Opening the hearing*

- 4.1. The convenor will identify all parties to the hearing who are present. The convenor will also identify any persons who are present who intend to assist or represent any party and any witnesses.
- 4.2. The convenor will then explain to the parties the procedure to be followed at the hearing, specifically drawing attention to any departures from the procedures set out in this document and the reasons for them. The convenor will also inform the parties that the proceedings will be recorded.
- 4.3. The panel will then consider any request by a party under regulation 8(2) for another person to appear at the hearing. The convenor will give any party who has made such a request (or their representative) which the panel proposes to deny an opportunity to address the panel about their request. The panel will then re-consider the request.
- 4.4. The convenor may invite any officer to carry out any functions under this paragraph.

5. *Listening to the parties*

- 5.1. Each of the parties will then be invited to:
 - 5.1.1. Open their case by addressing the panel;
 - 5.1.2. Give any further information requested by the panel under regulation 7(1)(d);
 - 5.1.3. Present the evidence of any witness; and
 - 5.1.4. Conclude their case by addressing the panel.
- 5.2. The order in which the parties will be invited to put their cases will be in the discretion of the panel, except that a party who is an applicant will be invited to put their case last.

6. *Questioning the parties*

- 6.1. Members of the panel may, following the conclusion of the case of each party, ask questions of that party or any witness appearing for them.
- 6.2. A party or their representative may only question another party if they have asked for permission from the panel after the panel members have finished questioning that party or their witness. The panel will only give permission if it is satisfied that the questioning will provide useful information about a matter relevant to their determination which is unlikely to be placed before the panel without such questioning

7. *Time limits*

Each party will be limited to the time set by the panel under regulation 24 in which to exercise their rights provided in paragraphs 5 and 6.2. The convenor will require the party or their representative to close their case or cease their questioning immediately this time limit is reached.

8. *Considering the decision*

- 8.1. The panel will consider their decision in private.
- 8.2. No officers will retire with the panel except for the committee administrator. The committee administrator may, if requested to do so, provide procedural, but not legal or technical, advice to the panel. The committee administrator will also assist the panel by drafting and finalising the wording of the panel's decision, if requested by the panel.
- 8.3. The panel may, while it is considering its decision, seek advice from legal or licensing officers. Officers will limit their advice to the specific issue identified by the panel and will leave the room where the panel is considering its decision as soon as that advice has been given and understood.

9. *Announcing the decision*

- 9.1. When the panel has made its decision, the public part of the meeting will resume.
- 9.2. The convenor will read out the decision of the panel, or may invite the committee administrator to do so. The meeting will then close or move on to the next business.

DECISION ITEM

| REPORT OF | MEETING | DATE | ITEM NO |
|---|-----------------|-------------------|---------|
| RESOURCES DIRECTORATE | LICENSING PANEL | 22 SEPTEMBER 2017 | 3 |
| OBJECTION NOTICE TO A TEMPORARY EVENT NOTICE PORTOFINO, HENRY ST, LYTHAM | | | |

PUBLIC ITEM

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

SUMMARY

The Licensing Authority has received notification of a Temporary Event for Sunday 8th October 2017 between 0000 and 0230. An objection notice has been served by the Environmental Protection department and as such the Panel are requested to consider the matter.

RECOMMENDATIONS

That the Panel considers the objection notice and determine whether to give the premises user a counter notice if it considers it appropriate for the promotion of a licensing objective to do so.

SUMMARY OF PREVIOUS DECISIONS

There are no previous decisions relating to this matter.

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 Licensing Authority is in receipt of a Temporary Event Notice.
2. The matter has been referred to the panel because an Objection Notice has been received from the Environmental Protection department to the event.

Papers

3. The following papers are relevant and have been made available to panel members:
 - The Temporary Event Notice Application
 - Objection Notice
 - 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

Consideration

4. The licensing objectives are:
 - The prevention of crime and disorder;
 - Public Safety
 - Prevention of Public Nuisance
 - Protection of Children from Harm
5. As an objection notice has been made, it is the duty of the panel to consider the application and determine whether to issue a Counter Notice or to allow the event to proceed.
6. Should the panel determine to uphold the objection of the Environmental Protection department as it considers it appropriate for the promotion of a licensing objective to do so the Licensing Authority must give the premises user (the applicant of the Temporary Event Notice) a Counter Notice stating the reasons for the decision.
7. However, should the Panel consider that it is not appropriate for a Counter Notice to be issued the Licensing Authority need only notify the Premises User and Police of the decision.
8. The premises does benefit from a Premises Licence and as such, there is an opportunity to attach conditions from that licence to the Notice should the panel feel it appropriate. The current licence may be seen at appendix 3.
9. The following parts of the secretary of state's guidance appear to be particularly relevant to the application and the relevant representations:

7.32 Police and Environmental Health Intervention

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

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

12 Temporary Event Notices

14.3 Prevention of Public Nuisance

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

Procedure

11. The applicant and the makers of the relevant representations have been invited to attend or be represented at the hearing.

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

| LEAD AUTHOR | CONTACT DETAILS | DATE |
|--------------|--|---------------------------------|
| Chris Hambly | chris.hambly@fylde.gov.uk 01253 658422 | 15 th September 2017 |

| BACKGROUND PAPERS | | |
|--|--------------|---|
| Name of document | Date | Where available for inspection |
| Licensing Act 2003 S182 Guidance | April 2017 | Link to S182 Guidance |
| Statement of Licensing Policy 2016 - 2021 | January 2016 | Link to Statement of Licensing Policy |

Attached documents

- App 1 Temporary Event Notice
- App 2 Objection Notice
- App 3 Current Premises Licence



Temporary Event Notice

Before completing this notice please read the guidance notes at the end of the notice. If you are completing this notice by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary.

You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority excising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

| | |
|---|---|
| 1. The personal details of premises user (Please read note 1) | |
| 1. Your name | |
| Title | MrX Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state) |
| Surname | Peracca |
| Forenames | Orlando |
| 2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary) | |
| Title | Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state) |
| Surname | |
| Forenames | |
| 3. Your date of birth | |
| 4. Your place of birth | |
| 5. National Insurance Number | |
| 6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below) | |
| Portofino, Henry Street | |
| Post town | Lytham |
| Post code | FY8 5LE |
| 7. Other contact details | |
| Telephone numbers | |
| Daytime | 01253 795890 |
| Evening (optional) | |
| Mobile (optional) | |
| Fax number (optional) | 01253 732227 |
| E-Mail Address (if available) | inportofino@hotmail.com |
| 8. Alternative address for correspondence (If you complete the details below, we | |

| | |
|--|-----------|
| will use this address to correspond with you) | |
| | |
| Post town | Post code |
| 9. Alternative contact details (if applicable) | |
| Telephone numbers: Daytime | |
| Evening (optional) | |
| Mobile (optional) | |
| Fax number (optional) | |
| E-Mail Address (if available) | |

| | |
|---|--|
| 2. The premises | |
| Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references) (Please read note 2) | |
| Portofino, Henry Street, Lytham, Lancashire, FY8 5LE | |
| Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below. | |
| Premises licence number | |
| Club premises certificate number | |
| If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3) | |
| The whole of the premises is to be used | |
| Please describe the nature of the premises below. (Please read note 4) | |
| Portofino is a restaurant set over two floors specialising in Mediterranean cuisine, the bar lounge on the ground floor specialises in cocktails and tapas food | |
| Please describe the nature of the event below. (Please read note 5) | |
| Dj Entertainment night | |

| 3. The licensable activities | | |
|---|--------------------------|--------------------------|
| Please state the licensable activities that you intend to carry on at the premises (please mark an "X" next to the licensable activities you intend to carry on). (Please read note 6) | | |
| The sale by retail of alcohol | X | |
| The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club | <input type="checkbox"/> | |
| The provision of regulated entertainment | X | |
| The provision of late night refreshment | X | |
| Are you giving a late temporary event notice? (Please read note 7) | | |
| Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8) | | |
| Sunday 8th October 2017 | | |
| Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9) | | |
| Sale by retail of alcohol Sunday 8 th October 2017 - 00.00 hrs – 02.30hrs Background Music / DJ Sunday 8th October 2017 - 00.00 hrs – 02.30hrs | | |
| Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10) | 400 | |
| If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an "X" next to the appropriate box). (Please read note 11) | On the premises only | X |
| | Off the premises only | <input type="checkbox"/> |
| | Both | <input type="checkbox"/> |

| 4. Personal licence holders (Please read note 12) | | |
|--|----------------------|--------------------------------|
| Do you currently hold a valid personal licence? (Please mark an "X" in the box that applies to you) | Yes X | No <input type="checkbox"/> |
| If "Yes" please provide the details of your personal licence below. | | |
| Issuing licensing authority | Wyre Borough Council | |
| Licence number | PR PA0293 | |
| Date of issue | 20.06.2005 | |
| Date of expiry | 19.06.2015 | |
| Any further relevant details | | |

| | |
|--|--|
| | |
|--|--|

5. Previous temporary event notices you have given (Please read note 13)

| | | |
|---|---------------------------------|---------|
| Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? (Please mark an "X" in the box that applies to you) | Yes x | No |
| If answering yes, please state the number of temporary event notices you have given for events in that same calendar year | 6 | |
| Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you) | Yes <input type="checkbox"/> | No X |

6. Associates and business colleagues (Please read note 14)

| | | |
|---|---------------------------------|---------|
| Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you) | Yes <input type="checkbox"/> | No X |
| If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year | | |
| Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you) | Yes <input type="checkbox"/> | No X |
| Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you) | Yes <input type="checkbox"/> | No X |
| If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year. | | |
| Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you) | Yes <input type="checkbox"/> | No X |

7. Checklist (Please read note 15)

| | |
|--|---|
| I shall (Please mark the appropriate boxes with an "X") | |
| Send at least one copy of this notice to the licensing authority for the area in which the premises are situated | X |
| Send a copy of this notice to the chief officer of police for the area in which the premises are situated | X |

| | |
|--|--------------------------|
| Send a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated | <input type="checkbox"/> |
| If the premises are situated in one or more licensing authority areas, send at least one copy of this notice to each additional licensing authority | <input type="checkbox"/> |
| If the premises are situated in one or more police areas, send a copy of this notice to each additional chief officer of police | <input type="checkbox"/> |
| If the premises are situated in one or more local authority areas, send a copy of this notice to each additional local authority exercising environmental health functions | <input type="checkbox"/> |
| Make or enclose payment of the fee for the application | X |
| Sign the declaration in Section 9 below | X |

8. Condition (Please read note 16)

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.


9. Declarations (Please read note 17)

The information contained in this form is correct to the best of my knowledge and belief.

I understand that it is an offence:

(i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and

(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.

| | |
|------------------------|---|
| Signature |  |
| Date | 07.09.2017 |
| Name of Person signing | Orlando Peracca |

For completion by the Licensing Authority

10. Acknowledgement (Please read note 18)

I acknowledge receipt of this temporary event notice.

| | |
|-----------|--------------------------------------|
| Signature | |
| | On behalf of the Licensing Authority |

| | |
|-------------------------|--|
| Date | |
| Name of Officer signing | |

Fylde Borough Council
Environmental Protection
The Town Hall,
Lytham St Annes
FY8 1LW

Local Authority Objection to Temporary Event Notice

| | |
|--|--|
| Licensing Authority: | FYLDE BOROUGH COUNCIL |
| Applicant: | Orlando Peracca |
| Premises Subject of Event to be Held: | Portofino, Henry Street, Lytham, FY8 5LE |
| Date Application Received: | 11 th September 2017 |
| Date of Event: | 8 th October 2017 |
| Hours Proposed: | 00.00hrs – 02.30hrs |
| Proposed Event: | Extension of hours for DJ event |

Grounds for Objection:

I wish to object to the TEN under the licensing objective “prevention of public nuisance”
The Department is aware that there are a number of residents who are complaining against noise and anti-social behaviour from customers who visit premises on Henry Street. The noise continues into the early hours on a Thursday/Friday/Saturday on a weekly basis. Residents meetings have had been arranged and the issues highlighted included;

Music from the various establishments causing nuisance,
Noise from vehicles (car engines, door slamming);
Patrons shouting, screaming, singing in the street into the early hours;
This takes place every week.

Officers have visited the area at night and have witnessed the incidents described. Specifically on the night of Friday 4th August 2017, for example there were people lying down on the pavements, car horns sounding, people gathering in front of the bedroom

windows of the Homestead (a retirement apartment block) and music noise could be heard from the street side originating from all establishments including the Portofino.

This disturbance continues until 1am and then there is noise as patrons wait for taxis or move on.

In my opinion if the TEN is permitted this disturbance will continue later into the night and add to the issues that are currently present.

Philip Dent
Principal Officer – Environmental Protection

**Licensing Act 2003
Premises Licence**
FY PL0293
Part 1 - Premises Details
POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION
Portofino

Henry Street, Lytham, Lancashire, FY8 5LE.

Telephone 01253 795890

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- entertainment facilities for dancing
- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

| Activity (and Area if applicable) | Description | Time From | Time To |
|--|-------------|---------------|---------|
| E. Performance of live music (Indoors) | Restaurant | Monday | 11:00am |
| | | Tuesday | 11:00pm |
| | | Wednesday | 11:00pm |
| | | Thursday | 11:00pm |
| | | Friday | 11:00am |
| | | Saturday | 1:00am |
| | | Sunday | 1:00am |
| | | New Years Eve | 11:00pm |
| | | Monday | 11:00am |
| | | Tuesday | 11:00pm |
| | Bar Lounge | Wednesday | 11:00pm |
| | | Thursday | 11:00pm |
| | | Friday | 11:00am |
| | | Saturday | 1:00am |
| | | Sunday | 1:00am |
| | | New Years Eve | 11:00pm |
| | | Monday | 11:00am |
| F. Playing of recorded music (Indoors) | Restaurant | Tuesday | 11:00pm |
| | | Wednesday | 11:00pm |
| | | Thursday | 11:00pm |
| | | Friday | 11:00am |
| | | Saturday | 1:00am |
| | | Sunday | 1:00am |
| | | New Years Eve | 11:00pm |
| | Bar Lounge | Monday | 11:00pm |
| | | Tuesday | 11:00pm |
| | | Wednesday | 11:00pm |
| | Bar Lounge | Thursday | 11:00pm |
| | | Friday | 11:00am |
| | | Saturday | 1:00am |

**Licensing Act 2003
Premises Licence**
FY PL0293
THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

| Activity (and Area if applicable) | Description | Time From | Time To |
|--|---------------------|-----------|----------|
| F. Playing of recorded music (Indoors) continued ... | | | |
| Bar Lounge | Friday | 11:00am | 1:00am |
| | Saturday | 11:00am | 1:00am |
| | Sunday | 11:00am | Midnight |
| | New Years Eve | 11:00am | 2:00am |
| J. Provision of facilities for dancing (Indoors) | | | |
| Restaurant | Monday | 11:00am | 11:00pm |
| | Tuesday | 11:00am | 11:00pm |
| | Wednesday | 11:00am | 11:00pm |
| | Thursday | 11:00am | Midnight |
| | Friday | 11:00am | 1:00am |
| | Saturday | 11:00am | 1:00am |
| | Sunday | 11:00am | 11:00pm |
| | New Years Eve | 11:00am | 2:00am |
| Bar Lounge | Monday | 11:00am | Midnight |
| | Tuesday | 11:00am | 12:00am |
| | Wednesday | 11:00am | Midnight |
| | Thursday | 11:00am | Midnight |
| | Friday | 11:00am | 1:00am |
| | Saturday | 11:00am | 1:00am |
| | Sunday | 11:00am | Midnight |
| | New Years Eve | 11:00am | 2:00am |
| L. Late night refreshment (Indoors) | | | |
| Restaurant | Sunday to Thursday | 11:00pm | Midnight |
| | Friday and Saturday | 11:00pm | 1:00am |
| | New Years Day | 11:00pm | 2:00am |
| Bar Lounge | Sunday to Thursday | 11:00pm | 12:30am |
| | Friday and Saturday | 11:00pm | 1:00am |
| | New Years Eve | 11:00pm | 2:00am |
| M. The sale by retail of alcohol for consumption ON the premises only | | | |
| Restaurant | Monday | 11:00am | Midnight |
| | Tuesday | 11:00am | Midnight |
| | Wednesday | 11:00am | Midnight |
| | Thursday | 11:00am | Midnight |
| | Friday | 11:00am | 1:00am |
| | Saturday | 11:00am | 1:00am |
| | Sunday | 11:00am | Midnight |
| | New Years Eve | 11:00am | 2:00am |
| Bar Lounge | Monday | 11:00am | Midnight |
| | Tuesday | 11:00am | Midnight |
| | Wednesday | 11:00am | Midnight |
| | Thursday | 11:00am | Midnight |
| | Friday | 11:00am | 1:00am |
| | Saturday | 11:00am | 1:00am |
| | Sunday | 11:00am | Midnight |
| | New Years Eve | 11:00am | 2:00am |
| | Monday | 11:00am | Midnight |
| | Tuesday | 11:00am | Midnight |
| | Wednesday | 11:00am | Midnight |
| | Thursday | 11:00am | Midnight |
| | Friday | 11:00am | 1:00am |
| | Saturday | 11:00am | 1:00am |
| | Sunday | 11:00am | Midnight |
| | New Years Eve | 11:00am | 2:00am |
| Non Standard Timings: | | | |

 The standard times for the **licensable activities**, in the above Licensable Activities

**Licensing Act 2003
Premises Licence**
FY PL0293
THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

| Activity (and Area if applicable) | Description | Time From | Time To |
|-----------------------------------|-------------|-----------|---------|
|-----------------------------------|-------------|-----------|---------|

M. The sale by retail of alcohol for consumption ON the premises only continued ...

section of this licence are **extended** as follows:

Until 00.00 each Sunday and Monday of a Bank Holiday Weekend

Until 01.00 on Christmas Eve

THE OPENING HOURS OF THE PREMISES

| | Description | Time From | Time To |
|------------|-----------------------|-----------|---------|
| Restaurant | Monday | 10:00am | 12:30am |
| Restaurant | Tuesday | 10:00am | 12:30am |
| Restaurant | Wednesday | 10:00am | 12:30am |
| Restaurant | Thursday | 10:00am | 12:30am |
| Restaurant | Friday | 10:00am | 1:30am |
| Restaurant | Saturday | 10:00am | 1:30am |
| Restaurant | Sunday | 10:00am | 12:30am |
| Restaurant | New Years Eve | 10:00am | 2:30am |
| Bar Lounge | Monday | 10:00am | 12:30am |
| Bar Lounge | Tuesday | 10:00am | 12:30am |
| Bar Lounge | Wednesday | 10:00am | 12:30am |
| Bar Lounge | Thursday | 10:00am | 12:30am |
| Bar Lounge | Friday | 10:00am | 1:30am |
| Bar Lounge | Saturday | 10:00am | 1:30am |
| Bar Lounge | Sunday | 10:00am | 12:30am |
| Bar Lounge | New Years Eve | 10:00am | 2:30am |
| Bar Lounge | Non Standard Timings: | | |

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

Until 00.30 each Sunday and Monday of a Bank Holiday Weekend

Until 01.30 on Christmas 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 the premises only

Part 2
NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Orlando Gusmea Peracca

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

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

Orlando Gusmea PERACCA

5 Seafield Road, Lytham, Lancashire, FY8 5LE.
Telephone 01253 795890

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. WBC PA0175

Issued by Wyre

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 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

Licensing Act 2003 Premises Licence

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ANNEXES continued ...

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 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

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ANNEXES continued ...

(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.

(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 In the case of those restaurant areas of the ground and first floors edged red on the plan there shall be:

(1) Suitable non-alcoholic beverages, including drinking water, shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.

(2) The premises must be bona fide used for the purpose of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises.

2.2 No person under the age of fourteen shall be in the bar of the licensed premises during the permitted hours unless attending for the purpose of taking a table meal in the restaurant area and accompanied by an adult over the age of 18. In this condition, "bar" means the area edged blue on the plan.

2.3 Any individual employed on the premises to carry out a security activity must be licensed by the Security Industry Authority.

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ANNEXES continued ...

- 2.4 An adequate number of licensed door supervisors shall be on duty as appropriate to any risk assessment and in accordance with the guidance under the Nightsafe Scheme. Such risk assessments shall be documented and kept on the premises and provided to the enforcement authorities on request.
- 2.5 Risk assessments carried out by or on behalf of the licence holder which relate to a licensing objective shall be available for inspection by the enforcement authorities.
- 2.6 A clear, legible and conspicuous notice requesting patrons to avoid causing noise, nuisance or disturbance to local residents shall be displayed at every exit.
- 2.7 A clear, legible and conspicuous notice requesting patrons not to smoke outside the premises and the frontage of the premises on Henry St and to avoid causing nuisance to local residents shall be displayed at every exit.
- 2.8 The Premises Licence Holder shall ensure that cooking, noxious or persistent smells generated at the premises do not cause nuisance to properties within close proximity.
- 2.9 The collection and disposal of waste/refuse shall not take place externally between the hours of 2200 and 0900 hours.
- 2.10 Meals and substantial refreshment shall be available at all times that the premises are open to the public.
- 2.11 Another member of staff shall be nominated to act for the Designated Premises Supervisor, in their absence, whose identity is known by all other staff when such absence occurs.
- 2.12 The licence holder and the DPS are to support and rigorously enforce the Challenge 21 Proof of Age policy. Any person who looks or appears to be under the age of 21 shall be asked to provide identification that they are over the age of 21.
- 2.13 A refusals book shall be kept and maintained in the bar area.
- 2.14 All staff are to have received proof of age training and evidence of such training is to be maintained and be made available to the enforcement authorities on demand.
- 2.15 At any time the premises are open there shall be at least one person on duty and present at the reception area at the main entrance area to the premises.
- 2.16 At any time that regulated entertainment is taking place on the premises, all internal lobbied doors and external windows will be kept close except for the purposes of entering and leaving the premises or in the case of an emergency.
- 2.17 Noise from any regulated entertainment shall not exceed the background noise levels at the nearest

Licensing Act 2003 Premises Licence

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ANNEXES continued ...

sensitive premises.

- 2.18 Clear and conspicuous notices shall be displayed in the bar area of the premises indicating that it is unlawful for persons under 18 to purchase alcohol or for any person to purchase alcohol on behalf of a person under 18 years of age.
- 2.19 The volume of amplified sound used in connection with entertainment shall at all times be under the control of the licensee or management and the controlling mechanism shall be operated from a part of the premises inaccessible to members of the public.
- 2.20 There shall be no drinks promotions that allow unlimited supply of alcohol for a set price.
- 2.21 The premises shall be operated in participation with the Pubwatch scheme.
- 2.22 Security arrangements shall be sufficient to discourage the sale and consumption of drugs and such arrangements shall include regular checks of toilet areas.
- 2.23 Records of incidents involving the use and/or detection of drugs shall be maintained and those records shall be available for inspection.
- 2.24 Confiscated and found drugs shall be stored, disposed of and transferred in accordance with procedures agreed with the Lancashire Constabulary.
- 2.25 The capacity of the ground floor bar is 140.
- 2.26 Save for the main entrance to the premises, all windows and doors of the premises facing into Henry Street shall be closed at 2200 hours.
- 2.27 Subject to the terms of any Temporary Event Notice, entertainment in the ground floor bar shall be limited to a solo artist accompanied by an instrumentalist.
- 2.28 Seating and tables in the ground floor bar shall be set out in such a way as to avoid the area becoming a high volume vertical drinking establishment.
- 2.29 Save for emergency or in circumstances due to which the main, joint entrance to the premises is not usable, the central double door into the ground floor bar from Henry Street shall not be used as an entrance or exit.

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

- 3.1 At least one Personal Licence holder will be at the premises while the supply of alcohol is being undertaken. The identity of the respective Personal Licence holder will be known to all other staff engaged in the supply of alcohol.

Licensing Act 2003 Premises Licence

FY PL0293

ANNEXES continued ...

- 3.2 A drugs prevention strategy for the venue shall be developed and applied. This strategy shall include arrangements for the location of posters and the distribution of other information relating to drug risks, the dangers associated with drugs and the legal provisions relating to drug use.
- 3.3 There shall be seating in the ground floor bar for 50% of the total capacity of that part of the premises.
- 3.4 Alcohol in the restaurant area is only to be served by waiter/ess service to customers seated at tables and as an ancillary to a meal.
- 3.5 The double front doors to Henry Street shall be closed no later than 2000 each day.
- 3.6 Substantial meals shall be available on the premises up until at least 9.30pm on a daily basis.
- 3.7 An incident book shall be maintained, in which shall be recorded:
 - a) all incidents of crime and disorder
 - b) Refused sales to suspect underage/drunken persons
 - c) A record of any person refused admission or asked to leave the premises
 - d) The use or discovery of drugs
 - e) The incident book shall be available for inspection by a Police officer or authorised person
- 3.8 CCTV shall be installed internally and externally at the premises and shall be compliant with Data Protection legislation and comply with following:
 - a) The CCTV system shall be installed, maintained and operated to the reasonable satisfaction of Lancashire Constabulary. All public areas of the premises are to be covered by the system. The system will incorporate a camera covering each of the entrance doors and will be capable of providing an image which is regarded as identification standard.
 - b) The system will display on any recording the correct time and date of the recording.
 - c) The system will make recordings during all hours the premises are open to the public.
 - d) VCR tapes or digital recording shall be held for a minimum of 31 days and 28 days respectively, after the recording is made and will be made available to the Police or any authorised persons acting for a Responsible Authority for inspection upon request.
 - e) The system will, as a minimum, record images of the head and shoulders of all persons entering the premises.
- 3.9 A staff member who is conversant with the operation of the CCTV system will be on the premises at all times the premises are open to the public. This staff member will be able to show recent data or footage

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Premises Licence****FY PL0293****ANNEXES continued ...**

with the absolute minimum of delay when requested to a Police Officer or to a Local Authority Enforcement Officer.

- 3.10 The Licence Holder or DPS shall notify the Police Licensing Unit on any occasion when the CCTV is to be inoperative for a period in excess of one working day and shall provide a certificate from a competent person stating the reason for the system being inoperative and the measures which have been taken to satisfy the licence conditions.
- 3.11 Appropriate signage alerting customers to CCTV recording shall be displayed in conspicuous positions on the premises.
- 3.12 Annually documented maintenance checks of the CCTV system, including the recording system shall be undertaken by the licence holder to ensure that the system is in good working order and fit for purpose.
- 3.13 An adequate number of licensed door supervisors shall be on duty as appropriate to any risk assessment. However, there shall always be on duty at least one door supervisor employed at the premises on Fridays and Saturdays and any Bank Holiday Sundays from 2100 hours and until close of business for that day.
- 3.16 Live amplified and entertainment shall cease by Midnight. Only background music shall be permitted after midnight.

ANNEX 4 - PLANS

See attached plan referenced FY PL0293

Licensing Act 2003 Premises Licence Summary

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Premises Details

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

Portofino

Henry Street, Lytham, Lancashire, FY8 5LE.

Telephone 01253 795890

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- entertainment facilities for dancing
- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

| Activity (and Area if applicable) | Description | Time From | Time To |
|--|-------------|---------------|---------|
| E. Performance of live music (Indoors) | Restaurant | Monday | 11:00am |
| | | Tuesday | 11:00am |
| | | Wednesday | 11:00am |
| | | Thursday | 11:00am |
| | | Friday | 11:00am |
| | | Saturday | 11:00am |
| | | Sunday | 11:00am |
| | Bar Lounge | New Years Eve | 11:00am |
| | | Monday | 11:00am |
| | | Tuesday | 11:00am |
| | | Wednesday | 11:00am |
| | | Thursday | 11:00am |
| | | Friday | 11:00am |
| | | Saturday | 11:00am |
| | | Sunday | 11:00am |
| | | New Years Eve | 11:00am |
| | | Monday | 11:00am |
| | | Tuesday | 11:00am |
| | | Wednesday | 11:00am |
| | | Thursday | 11:00am |
| F. Playing of recorded music (Indoors) | Restaurant | Monday | 11:00am |
| | | Tuesday | 11:00am |
| | | Wednesday | 11:00am |
| | | Thursday | 11:00am |
| | | Friday | 11:00am |
| | | Saturday | 11:00am |
| | | Sunday | 11:00am |
| | Bar Lounge | New Years Eve | 11:00am |
| | | Monday | 11:00am |
| | | Tuesday | 11:00am |
| | | Wednesday | 11:00am |
| | | Thursday | 11:00am |
| | | Friday | 11:00am |
| | | Saturday | 11:00am |
| | | Sunday | 11:00am |
| | | New Years Eve | 11:00am |
| | | Monday | 11:00am |
| | | Tuesday | 11:00am |
| | | Wednesday | 11:00am |
| | | Thursday | 11:00am |

Licensing Act 2003 Premises Licence Summary

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THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

| Activity (and Area if applicable) | Description | Time From | Time To |
|---|-----------------------|-----------|----------|
| F. Playing of recorded music (Indoors) | continued ... | | |
| | Bar Lounge | | |
| | Friday | 11:00am | 1:00am |
| | Saturday | 11:00am | 1:00am |
| | Sunday | 11:00am | Midnight |
| | New Years Eve | 11:00am | 2:00am |
| J. Provision of facilities for dancing (Indoors) | Restaurant | | |
| | Monday | 11:00am | 11:00pm |
| | Tuesday | 11:00am | 11:00pm |
| | Wednesday | 11:00am | 11:00pm |
| | Thursday | 11:00am | Midnight |
| | Friday | 11:00am | 1:00am |
| | Saturday | 11:00am | 1:00am |
| | Sunday | 11:00am | 11:00pm |
| | New Years Eve | 11:00am | 2:00am |
| | Bar Lounge | | |
| | Monday | 11:00am | Midnight |
| | Tuesday | 11:00am | 12:00am |
| | Wednesday | 11:00am | Midnight |
| | Thursday | 11:00am | Midnight |
| | Friday | 11:00am | 1:00am |
| | Saturday | 11:00am | 1:00am |
| | Sunday | 11:00am | Midnight |
| | New Years Eve | 11:00am | 2:00am |
| L. Late night refreshment (Indoors) | Restaurant | | |
| | Sunday to Thursday | 11:00pm | Midnight |
| | Friday and Saturday | 11:00pm | 1:00am |
| | New Years Day | 11:00pm | 2:00am |
| | Bar Lounge | | |
| | Sunday to Thursday | 11:00pm | 12:30am |
| | Friday and Saturday | 11:00pm | 1:00am |
| M. The sale by retail of alcohol for consumption ON the premises only | Restaurant | | |
| | Monday | 11:00am | Midnight |
| | Tuesday | 11:00am | Midnight |
| | Wednesday | 11:00am | Midnight |
| | Thursday | 11:00am | Midnight |
| | Friday | 11:00am | 1:00am |
| | Saturday | 11:00am | 1:00am |
| | Sunday | 11:00am | Midnight |
| | New Years Eve | 11:00am | 2:00am |
| | Bar Lounge | | |
| | Monday | 11:00am | Midnight |
| | Tuesday | 11:00am | Midnight |
| | Wednesday | 11:00am | Midnight |
| | Thursday | 11:00am | Midnight |
| | Friday | 11:00am | 1:00am |
| | Saturday | 11:00am | 1:00am |
| | Sunday | 11:00am | Midnight |
| | New Years Eve | 11:00am | 2:00am |
| | Non Standard Timings: | | |

The standard times for the **licensable activities**, in the above Licensable Activities section of this licence are **extended** as follows:

Licensing Act 2003 Premises Licence Summary

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THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

| Activity (and Area if applicable) | Description | Time From | Time To |
|---|--|-----------|---------|
| M. The sale by retail of alcohol for consumption ON the premises only continued ... | Until 00.00 each Sunday and Monday of a Bank Holiday Weekend | | |
| | Until 01.00 on Christmas Eve | | |
| | | | |

THE OPENING HOURS OF THE PREMISES

| | Description | Time From | Time To |
|------------|-----------------------|-----------|---------|
| Restaurant | Monday | 10:00am | 12:30am |
| Restaurant | Tuesday | 10:00am | 12:30am |
| Restaurant | Wednesday | 10:00am | 12:30am |
| Restaurant | Thursday | 10:00am | 12:30am |
| Restaurant | Friday | 10:00am | 1:30am |
| Restaurant | Saturday | 10:00am | 1:30am |
| Restaurant | Sunday | 10:00am | 12:30am |
| Restaurant | New Years Eve | 10:00am | 2:30am |
| Bar Lounge | Monday | 10:00am | 12:30am |
| Bar Lounge | Tuesday | 10:00am | 12:30am |
| Bar Lounge | Wednesday | 10:00am | 12:30am |
| Bar Lounge | Thursday | 10:00am | 12:30am |
| Bar Lounge | Friday | 10:00am | 1:30am |
| Bar Lounge | Saturday | 10:00am | 1:30am |
| Bar Lounge | Sunday | 10:00am | 12:30am |
| Bar Lounge | New Years Eve | 10:00am | 2:30am |
| Bar Lounge | Non Standard Timings: | | |

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

Until 00.30 each Sunday and Monday of a Bank Holiday Weekend

Until 01.30 on Christmas 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 the premises only

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Orlando Gusmea Peracca

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY

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

Orlando Gusmea PERACCA

Licensing Act 2003

Premises Licence Summary**FY PL0293**

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

As per Licensing Act 2003