



Licensing Committee Minutes

Minutes of the meeting of the Extra Licensing Committee of Wyre Borough Council held on Thursday 3 August 2017 at the Civic Centre, Poulton-le-Fylde.

Licensing Committee members present:

Councillor M Anderton	Councillor Robinson
Councillor Barrowclough	Councillor A Turner
Councillor Bridge	Councillor Matthew Vincent
Councillor Lees	Councillor Wilson
Councillor Pimbley	

Apologies: Councillors C Birch, Catterall, Ormrod, Smith and Walmsley.

Officers present:

N Greenwood, Head of Environmental Health and Community Safety
M Grimshaw, Senior Solicitor
C Leary, Democratic Services Officer.

Non-members present: Wyre Council Officers:- N Clark – Environmental Health Officer, P Deacon – Environmental & Licensing Officer, S Fletcher – Licensing Officer, D Parry – Taxi Licensing Officer.

Members of the public present:

Mr H for Item 6 only.
Mr Hughes (Applicant), Mr Guy (Manager) and Mr Woosnam (Solicitor) for Item 4 only.

Three Members of the Public were present for Item 4 only, Mr Baybutt, Mr Sutton and Mrs Sutton (all local residents).

No Members of the Press were present.

Item 06 of the Agenda – New Applicant for a Wyre Dual Driver Licence with a spent conviction was brought forward to Agenda Item 04 of the Agenda, with the Committees and all parties agreement.

LIC. 08 Declarations of Interest

None.

LIC. 09 Confirmation of minutes

The minutes of the Licensing Committee meeting held on 25 May 2017, were confirmed as a correct record.

LIC. 10 Exclusion of the Public and Press

RESOLVED that the public and press be excluded from the meeting whilst agenda item 6 was being considered, because it referred to exempt information as defined in category 1 (information relating to any individual) of Part 1 of Schedule 12(a) of the Local Government Act, 1972, as amended by the Local Government (Access to Information) Variation Order 2006 and, that the public interest in maintaining the exemptions outweighed the public interest in disclosing the information.

LIC. 11 New applicant for a Wyre dual driver licence with a spent conviction

The Service Director Health and Wellbeing submitted a report to provide members of the Licensing Committee with information to assist them at a hearing.

Mr H was present at the meeting, but he was not legally represented.

Mr H spoke to the committee, explaining the circumstances of his conviction (July 2010) as referred to in the report with regard to his past conduct.

Members asked questions of Mr H, and he provided an explanation of the incident then and up to the present date.

The report noted that Mr H had not received any further convictions during this time and Mr H confirmed this.

Members retired to consider the application in closed session. The Licensing Committee then reconvened and the Chairman announced the Committee's decision.

RESOLVED that Mr H be granted a dual three year driver's licence without any further conditions.

Reasons for Decision taken:-

The Committee were satisfied that Mr H was a fit and proper person to hold a dual driver's licence after considering his explanation of the offence. The Committee also considered that Mr H was now a more mature individual since the conviction had taken place 6+ years ago. It was explained to Mr H how seriously Wyre Council take background checks, together with the duty of the Council to protect the travelling public and Wyre Councils requirement to assure the public that all drivers

of Wyre licensed vehicles are checked and scrutinised to an appropriately high standard. He was also informed that if he committed any further offences that he would be brought back before Licensing Committee for consideration.

LIC. 12 Application for a variation of the premises licence – Glasshouse, 6 Bispham Road, Cleveleys, Lancashire, FY5 1DG

The Service Director Health and Wellbeing submitted a report to provide members of the Licensing Committee with information to assist them at a hearing to determine an application for the variation of a premises licence under the provisions of the Licensing Act 2003. The following documents were also produced:

- Updated summary of the Amended Application
- Schedule of PPN Licensing Conditions proposed by the Environmental Health Officer
- Plan of the Premises (produced by rca interiors dated 5/6/17)

Mr Hughes was present at the meeting and he was legally represented by Mr Woosnam.

Mr Woosnam spoke to the committee, explaining the circumstances of his client's recent application for the variation of the Premises Licence for their business; The Glasshouse, and the family run business ideas for the future. He advised the committee that following discussions with council officers that the hours/times being requested had changed and the amended times/hours were as follows:

- An extra hour on the sale of alcohol on Friday and Saturday night (from 23.00 to midnight) and
- An increase of 45 minutes on closing time on Friday and Saturday nights (from 23.30 to 00.15am) and
- To play live/recorded music every night to finish at 22.30 (currently it was operating until 22.30 on Friday and Saturday following a review of the premises in December 2012).
- The outdoor area (shown yellow on the approved Licensing Plan) to be used for the consumption of food and alcohol until 20.00 hrs and for smoking to take place within the designated area, after 20.00 hrs also shown in yellow on the approved Licensing Plan.

Members asked various questions of Mr Woosnam, which he answered.

Two members of the public (Local Residents) spoke to the committee about their objections to the application due to noise and anti-social behaviour.

Members asked questions of both the Local Residents.

Mr Woosnam asked questions of Mr Sutton.

N Clark, Wyre Council's Environmental Health Officer spoke to the committee, explaining the circumstances of her role and that currently there is an active noise complaint on The Glasshouse. She explained that she had carried out an unannounced monitoring visit to the area from 8.55 pm to 10.10 pm the previous Saturday evening (29/07/17) and described what she had observed.

Members and Mr Woosnam asked questions of the Environmental Health Officer.

Members retired to consider the application in closed session. The Licensing Committee then reconvened and the Chairman announced the Committee's decision.

RESOLVED that

The Committee decided not to grant the variation of the premises licence applied for, save for allowing the outdoor area (shown yellow on the approved Licensing Plan) to be used for the consumption of food and alcohol until 20.00 hrs and for smoking to take place within the designated area, after 20.00 hrs also shown in yellow on the approved Licensing Plan. The Committee noted that the conditions proposed by the Environmental Health Officer had been agreed by the Applicant and added those conditions to the premises licence which are listed below.

Reasons for the decisions

The Committee having listened to the representations at the meeting and taken account of the documents, considered the effect noise from the premises and disturbance from people leaving the premises had on nearby residents, especially as the premises were in a residential area. They considered that these concerns were sufficiently serious to conclude that any extension to the licensable activities times and hours would be detrimental to nearby residents and would be unreasonable, especially late at night and would undermine the Prevention of Public Nuisance Licensing Objective. They therefore decided that the licensable activities and hours should remain the same, save for allowing the outdoor area to be used for the consumption of food and alcohol until 20.00 hrs and for smoking to take place within the designated smoking area after 20.00hrs.

The Committee also decided to impose the conditions proposed by the Environmental Health Officer and accepted by the Applicant, which included conditions for the outdoor area and use of a noise limiter, as the Committee considered them to be reasonable and proportionate and would help control noise and other nuisance during the hours of operation.

The Committee noted that the hours permitted for live/recorded music had been removed on Monday to Thursday and modified on Friday to Saturday following the review in December 2012. The committee decided that for the reasons outlined above, that the live/recorded music hours remain the same and that it be noted that section 177A of the Licensing Act 2003 does not apply to the live/recorded music conditions.

Licensing Conditions to be added to the Premises Licence

- No nuisance shall be caused to any noise sensitive premises by noise coming from the licensed premises or by vibration transmitted through the structure of the premises.
- Noise from regulated entertainment at the licensed premises shall not exceed the background noise level when measured as an LAeq, 5min in any one third octave band at the boundary with any noise sensitive premises.
- Live or recorded music which is directed through speakers will be subject to a noise-limiting device set to a level agreed in writing by Wyre Council's Environmental Health Officer and thereafter retained at that level.
- The designated premises supervisor or the premises licence holder who is supervising the sale or supply of alcohol at that time shall not permit customers to congregate and consume alcohol sold or supplied by that premises in a public place within the immediate vicinity of the premises and in an area not so licensed for consumption to the annoyance or obstruction of others and shall prevent the removal of alcohol if it is intended for such a purpose.
- The outdoor area as shown in yellow on the approved Licensing Plan shall cease to be used for the consumption of alcohol and food at 20.00 hours.
- After 20.00 hours smoking shall only take place within the designated smoking area as shown in yellow on the approved Licensing Plan.
- All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency or for the purpose of access and egress.
- The premises licence holder or his representative shall conduct regular assessments of the noise coming from the licensed premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record shall be made of those assessments in a log book kept for that purpose and shall include, the time and date of the checks, the person making them and the results, including any remedial action.
- There shall be placed at all exits from the licensed premises in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the surrounding area quietly. (Note, this may also include a reference to vehicles).

- Refuse, including bottles, shall not be disposed of in any external area of the licensed premises between 20.00 and 08.00.
- Where there are any offensive smells created on the licensed premises, provision shall be made for such smells to be vented from the premises so that they do not cause a nuisance to any sensitive premises.
- There shall be provided at the licensed premises containers for the storage and disposal of waste foods and other refuse from the premises. Those containers shall be constructed, maintained and located so that access to them by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.
- No artificial light from or on the licensed premises and any other light under the control of the premises shall be provided where that light causes a nuisance to any sensitive premises.
- The premises licence holder or his representative shall ensure that staff departing late at night when the business has ceased trading conduct themselves in such a manner to avoid disturbance to any sensitive premises.
- The premises licence holder or his representative will arrange for litter and cigarette debris dropped in the vicinity of the licensed premises to be collected and removed at the end of operating hours each night.

The meeting started at 6.07pm and finished at 8.07pm

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