



Statutory Licensing Sub-Committee A

Agenda and Reports

For consideration on

Friday, 7th March 2008

In the Council Chamber, Town Hall, Chorley

At 10.00 am



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25 February 2008

Dear Councillor

STATUTORY LICENSING SUB-COMMITTEE A - FRIDAY, 7TH MARCH 2008

You are invited to attend a meeting of the Statutory Licensing Sub-Committee A to be held in the Council Chamber, Town Hall, Chorley on Friday, 7th March 2008 commencing at 10.00 am.

AGENDA

1. **Declarations of Any Interests**

Members are reminded of their responsibility to declare any personal interest in respect of matters contained in this agenda. If the interest arises **only** as result of your membership of another public body or one to which you have been appointed by the Council then you only need to declare it if you intend to speak.

If the personal interest is a prejudicial interest, you must withdraw from the meeting. Normally you should leave the room before the business starts to be discussed. You do, however, have the same right to speak as a member of the public and may remain in the room to enable you to exercise that right and then leave immediately. In either case you must not seek to improperly influence a decision on the matter.

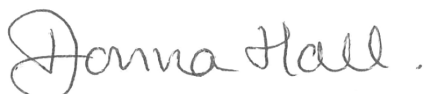
2. **Application for a premises licence in respect of Cyprus Gardens, 85 Bolton Street, Chorley (Pages 1 - 46)**

Report of Corporate Director of Governance (enclosed)

For Members information a copy of the Hearing Procedure is enclosed

3. **Any other item(s) that the Chair decides is/are urgent**

Yours sincerely



Donna Hall
Chief Executive

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Democratic Services Officer
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Distribution

1. Agenda and reports to all Members of the Statutory Licensing Sub-Committee A (Councillor Iris Smith (Chair) and Councillors David Dickinson and Margaret Iddon for attendance.
2. Agenda and reports to Councillor Ralph Snape (Reserve Member) to be present at the start of the meeting.
3. Agenda and reports to Gordon Bankes (Democratic Services Officer), Samantha Marland-Fitzell (Solicitor), Stephen Culleton (Licensing Manager) and Bob Beeston (Licensing Enforcement Officer) for attendance.

This information can be made available to you in larger print or on audio tape, or translated into your own language. Please telephone 01257 515118 to access this service.

આ માહિતીનો અનુવાદ આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા માટે કૃપા કરી, આ નંબર પર ફોન કરો: 01257 515822

ان معلومات کا ترجمہ آپ کی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون

01257 515823

کیجئے:

CHORLEY BOROUGH COUNCIL**LICENSING ACT 2003****SUB-COMMITTEE****GENERAL PROCEDURE POINTS FOR HEARINGS****INTRODUCTION**

The Licensing Act 2003 Sub-Committee will conduct hearings in accordance with the following general principles:

- All parties have a right to a fair hearing.
- Decision-making will be conducted in an open, transparent and accountable way.
- Each application will be determined on its own merits and the decision will be based upon:
 - the merits of the application
 - the promotion of the four licensing objectives
 - the Council's Statement of Licensing Policy
 - the Guidance issued by the Secretary of State for Culture, Media and Sport under Section 182 of the Licensing Act 2003
- the Licensing Authority will only permit licensing decisions to be taken by sub-committee consisting of three members. In the event of one member being unable to attend, the Licensing authority will use its best endeavours to substitute another member, taken from the membership of the Licensing Act 2003 Sub-Committee reserve list.
- the Sub-Committee may disallow cross-examination in exceptional circumstances; this decision will be taken on a case by case basis with a presumption to allow. However, parties are advised that the Sub-Committee wishes to discourage hostile cross examination.
- late representations and evidence will usually only be considered with the agreement of all parties present.
- decisions will generally be taken regardless of whether the applicant/other party is present unless the Sub-Committee consider it necessary in the public interest to adjourn the hearing to a specified date. All notices and representations from absent parties will be considered.
- the Sub-Committee will generally allow parties a maximum of 30 minutes per party to make all relevant Statements. However, the Sub-Committee recognises that in certain circumstances this may be insufficient due to the complexity of the issues involved. In this situation the Sub-Committee will consider representations from those parties involved in the hearing as to the length required to make all relevant statements. The

Licensing Authority respectfully requests that all parties keep points pertinent and the discussion moving in the interests of cost and efficiency.

- the Sub-Committee recognises that Regulation 14 requires all hearings should take place in public unless the licensing authority “considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing taking place in public” in which the applicant, those assisting the applicant or other interested parties can be excluded. In the absence of any criteria in the Licensing Act 2003, the guidance issued under section 182 of the Act or the licensing Regulations, the Licensing Authority has adopted the existing criteria in Schedule 12A of the Local Government Act 1972 for excluding the press and public. The public and press will be excluded when the Sub-Committee is considering an application for a personal licence, where Lancashire Police have lodged an objection notice due to an existing relevant offence(s). Generally, the public and the applicant will be excluded when the Sub-Committee is determining a decision. Once a decision has been made all parties will be readmitted and the Chair will announce the decision and give reasons.
- all parties will be notified of the decision in accordance with any periods set down by the Licensing Act 2003 or where none are prescribed within 5 working days.
- the Sub-Committee has the right to exclude any parties behaving in a disruptive manner at the hearing at its own discretion.

HEARING PROCEDURE

PREMISES/CLUB PREMISES LICENCE APPLICATIONS

1. CHAIR OF SUB-COMMITTEE:

- opens meeting
- introduces Members and Officers
- confirms details of all parties in attendance
- outlines procedure to be followed

2. LICENSING OFFICER OUTLINES THE APPLICATION AND RELEVANT REPRESENTATIONS

3. QUESTIONS TO LICENSING OFFICER FOR CLARIFICATION FROM:

- Sub-Committee
- The Applicant and/or Legal Representative

4. THE APPLICANT AND/OR LEGAL REPRESENTATIVE MAKES REPRESENTATIONS REGARDING HIS/HER APPLICATION

5. QUESTIONS TO THE APPLICANT AND/OR LEGAL REPRESENTATIVE FROM:

- Sub-Committee
- Interested Parties Representative

6. INTERESTED PARTIES REPRESENTATIONS

7. QUESTIONS TO INTERESTED PARTIES FROM:

- Sub-Committee
- The Applicant/ Legal representative

8. INTERESTED PARTIES INVITED TO BRIEFLY SUMMARISE

9. RESPONSIBLE AUTHORITIES INVITED TO BRIEFLY SUMMARISE

10. THE APPLICANT/ LEGAL REPRESENTATIVE) INVITED TO SUM UP (IF THEY WISH)

11. DECISION MAKING

All parties retire whilst Sub-Committee makes decision.

12. NOTICE OF DECISION

Parties re-admitted and Chair announces decision and reasons.

Report of	Meeting	Date
Corporate Director of Governance	Statutory Licensing Sub-Committee	7 March 2008

APPLICATION FOR A PREMISES LICENCE IN RESPECT OF CYPRUS GARDENS, 85 BOLTON STREET, CHORLEY

PURPOSE OF REPORT

1. For Members to determine an application for a new premises licence.

CORPORATE PRIORITIES

2. There are no specific implications for corporate priorities arising from this report.

THE APPLICATION

3. A copy of the application is attached to this report in full in Appendix 1. In summary the application is to conduct the following licensable activities.

Proposed Licensable Activities

- i) Late night refreshment (L)

(NB The provision of late night refreshment does not need a Premises Licence unless the provision is after 11pm)

Monday to Thursday until 00:30
Friday to Sunday until 02:00

- ii) Hours the premises are open to the public (O)

Monday to Sunday 10:30 until 13:00
Monday to Thursday 16:00 until 00:30
Friday to Sunday 16:00 until 02:00

Proposed Operating Schedule

Aiming for a friendlier and cleaner environment, staff are trained and aware of fire hazards, fire escapes and blankets, follow hygiene regulations and safety regulations and summon help from the police when required.

The Prevention of Crime and Disorder

Limit customer waiting time, encourage a friendly and helpful service and report any suspicious behaviour and be vigilant.

Public Safety

No overcrowding in the shop area, follow food regulations, ensure escape routes are clear at all times and well lit and directed, fire extinguishers are installed and staff are trained as to their use.

The Prevention of Public Nuisance

Discourage any unnecessary noise, limit waiting time, encourage customers not to gather at the front of the premises and keep the police informed of any troublemakers.

The Protection of Children from Harm

Report to the police any children who are alone, and to ensure staff are aware of how to deal with children.

Activities that May Give Rise to Concern in Respect of Children

None

Relevant Representations – Responsible Authorities

There are no representations from any of the responsible authorities.

Relevant Representations – Interested Parties

There are five representations from interested parties to the application.

The objections are relevant to the Licensing Objectives:

- the prevention of crime and disorder;
- the prevention of public nuisance.

All representations are in full within the report.

Policy Considerations

Section 4 of the Licensing Act 2003 provides that a Licensing Authority must have regard to its Statement of Licensing Policy and to the guidance issued by the Secretary of State under section 182 of the Act.

As members will be aware the four licensing objectives are as follows:

- the prevention of crime and disorder;
- public safety;
- prevention of public nuisance;
- the protection of children from harm.

The Licensing Act 2003 provides that where relevant representations are received the Licensing Authority must hold a hearing to consider them unless the parties agree that a hearing is unnecessary.

The Licensing Authority in determining the application, having regard to the representations, may take the following steps it considers it necessary for the promotion of the licensing objectives.

- (a) Grant the licence subject to any conditions modified to such extent as the Authority considers necessary for the promotion of the licensing objectives and any condition which under Section 19 (mandatory conditions where licence authorises supply of alcohol (i) must be a DPS and (ii) every supply of alcohol must be made or authorised by a person who holds a personal licence) or 21 (mandatory condition: door supervision) must be included in the licence.
- (b) Exclude from the scope of the licence any of the licensable activities to which the application relates.
- (c) Refuse to specify a person in the licence as the premises supervisor.
- (d) Reject the application.

Members must have regard to the Statement of Licensing Policy when determining this application. In particular, member's attention is drawn to the following paragraphs:

Paragraph 1.3 The policy provides guidance on the general approach the Council, as Licensing Authority, within the meaning of the Act, will take in terms of licensing. However, each application will be considered separately, on its individual merits.

Paragraph 1.4 The Statement of Licensing Policy sets out how the licensing objectives will be achieved and to secure the safety and amenity of residential communities whilst facilitating a sustainable entertainment and cultural industry. The Policy recognises both the needs of residents for a safe and healthy environment in which to live and work and the importance of safe and well run entertainment premises to the local economy. Balancing these interests will not always be straightforward and will be guided by the four licensing objectives.

Paragraph 1.5 This policy does not seek to undermine the right of any individual to apply under the Act for a variety of permissions and as stated above each application will be considered on its individual merits. Nor does the Policy seek to override the right of a person to make representations on an application or seek a review of a licence or certificate. However, the Council in adopting this policy is indicating that a wide range of considerations will be taken into account.

Paragraph 2.2 Each of the licensing objectives are of equal importance with these objectives.

Paragraph 2.3 Each of the licensing objectives is of equal importance for the purposes of this policy.

Paragraph 2.4 This policy statement is designed to deal with matters within the control of the licensee. It focuses on the premises in which each business is carried on and the effect that has on members of the public living, working or engaged in normal activity in the vicinity.

Paragraph 2.5 Licensing law is not envisaged by the Licensing Authority as a mechanism to control anti-social behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned. Therefore any terms and conditions imposed will be focused on matters within the control of individual Licensees and others granted relevant permissions. These matters will centre on the premises and places used for licensable activities and in the vicinity of the places.

Paragraph 2.6 The Licensing Authority considers that every holder of a licence, certificate or permission and designated premises supervisor is responsible for minimising the

impact of their activities and anti-social behaviour by their customers within the vicinity of their premises.

Paragraph 5.3 The policy will not fix the hours during which alcohol can be sold. The Licensing Authority considers that stricter controls regarding noise nuisance may be necessary in more densely populated areas. The grant of a licence will be dependent on the impact of an activity on the licensing objectives.

Crime and Disorder

Paragraph 6.1 Licensed premises, especially those offering late night entertainment, alcohol and refreshment can be a source of crime and disorder problems.

Paragraph 6.2 The Council is committed to reducing crime and disorder across the Borough through its statutory duty under the Crime and Disorder Act 1998 and the Community Safety Strategy. Statistics from the Community Safety Partnership regarding Crime and Disorder in the Licensing Authority area are given in Appendix 4.

Paragraph 6.3 The Community Safety Partnership will regularly monitor and review crime statistics within the Borough and their association with alcohol and provide reports to the Licensing Authority where appropriate. The Licensing Authority will give due consideration to any submissions made concerning the impact on crime and disorder of alcohol related problems. The Council may review this Policy where it considers it appropriate to do so.

Paragraph 6.4 The Council will have particular regard to the likely impact on licensing of related crime and disorder in the Borough particularly when considering the location, impact and the operation and management of all proposed licensed premises and applications for variations.

Paragraph 6.5 The promotion of the crime and disorder-licensing objective places a responsibility on licence holders to try and achieve this objective. Applicants will therefore be required to address, in their operating schedules, where appropriate, those measures that have been identified and will be implemented and/ or maintained to reduce or prevent crime and disorder in the vicinity of their premises. The Licensing Authority considers that best practice will be exemplified by the night safe initiative and would recommend that licence holders join this initiative.

Paragraph 6.6 Where relevant representations are received on the crime and disorder objective, the Licensing Authority may have regard to the following where relevant: (though this is not an exhaustive list):

- crime prevention measures
- physical security features installed in the premises, (this may include CCTV both inside and outside the premises, where alcohol is stored in relation to off licences, the use of toughened drinking glasses).
- weapon detection and search facilities.
- procedures for risk assessing promotions and events such as 'happy hours', drinks promotions, for the potential to cause crime and disorder, and the plans to minimising such risks.
- adoption of best practice guidance in relation to safer clubbing guide
- measures to prevent the use or supply of illegal drugs including search and entry policies
- employment of licensed door supervisors
- participation in other appropriate schemes e.g. pub watch scheme
- measures to be taken for the prevention of violence or disorder.

Paragraph 6.7 The Licensing Authority where relevant representations are made will consider attaching conditions to deter and prevent crime and disorder, if appropriate and

necessary and these may include conditions from the model pool of conditions at Appendix 3. Certain premises may be required to install CCTV system to an evidential standard should the Council be satisfied it is necessary and /or appropriate to meet the licensing objectives.

Paragraph 6.8 The Council reserves its right to use its powers to designate areas where alcohol may not be consumed in a public place to meet the Public Safety and Crime and Disorder objectives.

Licensing Hours

Paragraph 7.1 The policy recognises that longer (more flexible) licensing hours can contribute to easing crime and disorder problems by ensuring that concentrations of customers leaving premises simultaneously are avoided thus helping to reduce friction at taxi ranks, private hire offices, fast food outlets etc.

Paragraph 7.2 Individual applications will be considered on their merits and in general terms a flexible approach will be adopted. Fixed predetermined closing times for particular areas will not form part of the policy and restrictions on trading hours will be considered only where necessary to meet the licensing objectives.

Paragraph 7.3 The Licensing Authority, however, considers that the risk to disturbance to local residents is greater when licensable activities continue late at night and into the early hours of the morning as the ambient noise levels will be lower. The Licensing Authority may impose stricter conditions with regard to noise control in areas, which have denser residential accommodation, but each premise will be considered on its individual merits.

Paragraph 7.5 The Licensing Authority also recognises the principle of 24 hour opening of all licensed premises. However, it considers that longer opening hours may be more acceptable in commercial areas with high levels of public transport. The grant of a licence will in all cases be dependent on the impact of an activity in relation to the licensing objectives.

Paragraph 7.6 Where relevant representations are received, the Licensing Authority may have regard to the following where relevant (though this is a non-exhaustive list):

- the nature of the area where the premises are located (eg commercial, residential);
- arrangements to ensure adequate availability of taxis and private hire vehicles, public transport;
- whether appropriate car parking is readily accessible to premises and whether the use/parking of vehicles would cause a demonstrable adverse impact on the amenity of residents;
- whether the licensable activities are likely to cause adverse impact especially on local residents and whether appropriate measures will be put in place to prevent any adverse impact;
- in relation to the grant of a new premises licence whether the premises will give rise to a negative cumulative impact on one or more of the licensing objectives;
- in assessing the impact of the activity proposed the Licensing Authority may consider a number of factors inter alia:
 - the type and scale of activity, the number and nature of clientele likely to attend;
 - the levels of noise from the premises, which may be acceptable later in the evening;
 - the proposed hours of operation;
 - the levels of public transport accessibility for customers and the likely means of public or private transport that will be used, access to private hire/taxis;

- the means of access to the premises eg whether on principal pedestrian routes;
- the level of car parking demand on surrounding residential streets and its effect on local residents, and movement of traffic;
- the cumulative impact of licensed premises in an area and scope for mitigation;
- frequency of the activity.

Operating Schedules to set out the measures to be taken to ensure that the licensing objectives are addressed. Applicants are also referred to paragraph 6.6.

Protection of Children from Harm

Paragraph 10.1 The policy does not seek to prevent or limit the access of children to licensed premises unless it is necessary for the prevention of physical, moral or psychological harm to them. The Licensing Authority is committed to protecting children from harm and activities associated with premises that sell alcohol or provide regulated entertainment, may in certain circumstances, give rise to concerns for the health and welfare of children. For the purpose of this Policy, a 'child' is defined as any person who is under the age of 16.

Paragraph 10.2 The Licensing Authority will not impose any conditions that specifically require access of children to premises and where no limitation is imposed this should remain a matter for the individual licence holder or club premises certificate holder. The Licensing Authority will consider the individual merits of each application. However, the Licensing Authority will have particular concern in respect of children:

- where there have been convictions of the current management for serving alcohol to minors or those where there is a reputation of under age drinking;
- where there is reputation of drug taking or dealing;
- where there is a strong element of gambling on the premises. (but not for example, the simple presence of a small number of cash prize gaming machines);
- where entertainment of an adult or sexual nature is provided (see paragraph 29 for additional information);
- where the supply of alcohol is the exclusive or primary purpose of the services provided at the premises.

Paragraph 10.3 The Licensing Authority, in such circumstances as outlined above, may consider it necessary to impose a complete prohibition; it is envisaged that this would be rarely imposed. The Licensing Authority would normally be likely to impose requirements such as:

- limitations on the hours when children may be present;
- age limitations for persons under 18;
- limitations or exclusions when certain activities are taking place;
- requirements for accompanying adults;
- limitations of access to certain parts of the premises when particular licensable activities are taking place;
- provision of suitable signage;
- such other conditions or restrictions as may be necessary to achieve the licensing objectives.

Paragraph 10.4 Licensees are not to provide alcohol except as provided for by the Act. The Council expects applicants to consider child access in their operating schedules and volunteer appropriate conditions where relevant. The Council recommends that the following documents should be used as evidence of age:

- Passport;

- Photo Card Driving licence issued in the European Union;
- Proof of Age Scheme Card (ie Portman Group) and schemes which carry the Proof of Age Standard Scheme logo;
- Citizen Card supported by the Home Office;
- Official ID Card issued by HM Forces or a European Union Country bearing a photograph and date of birth of the holder.

Paragraph 10.5 The Licensing Authority requires applicants to consider, where relevant, those factors that impact on the protection of children objective, and identify where necessary and appropriate, suitable measures to promote this objective. Applicants may wish to consider, where appropriate:

- arrangements to prevent children acquiring or consuming alcohol;
- arrangements to prevent children being exposed to drugs, drug taking, or drug dealing;
- arrangements to prevent children being exposed to gambling, or activities of an adult or sexual nature;
- steps to be taken to prevent children being exposed to violence or disorder;
- arrangements for training staff in relation to the protection of children;
- steps to be taken to prevent children purchasing cigarettes from vending machines and preventing access to Amusement with Prize Machines (except in accordance with the Gaming Legislation).

Paragraph 10.6 Applicants may volunteer prohibitions and restrictions on their Operating Schedules as a result of their own risk assessments determining that the presence of children is undesirable or inappropriate. Where no relevant representations are made to the Licensing Authority these volunteered prohibitions and restrictions will become conditions attached to the licence or certificate. The Licensing Authority may impose conditions where relevant representations are made if it considers it necessary and/or appropriate including those drawn from the Model Pool of Conditions shown at in Appendix 3.

Paragraph 10.7 The Licensing Authority will also expect applicants, where relevant, to consider how they intend to provide for the supervision of children as unaccompanied customers and as performers providing regulated entertainment. Licence holders should give consideration to the welfare of children as performers in such cases. As a minimum requirement the Licensing Authority will require an adult to be nominated to be responsible for such child performers.

Paragraph 10.8 Where large numbers of unaccompanied children are to be present e.g. children's show or pantomime, conditions may be imposed, where relevant representations are received, requiring the presence of an appropriate number of adult staff to ensure public safety and protection of children from harm. The Licensing Authority requires applicants to address those matters in their operating schedules. See paragraph 12.1 for further guidance.

Paragraph 10.9. The Licensing Authority recognises Lancashire County Council Social Services Department or a future body with the relevant legislative functions of a social services department as being competent to advise on matters relating to the protection of children from harm.

Children and Cinemas

Paragraph 11.1 Where the exhibition of films is permitted the Licensing Authority requires admission to children to be restricted in accordance with the British Board of Film Classification (BBFC) or any other body designated under section 4 of the Video Recordings Act 1984.

Paragraph 11.2 Where it is proposed to exhibit films not classified by the BBFC, the Licensing Authority will, provided 28 days notice has been given, classify the films concerned using the guidelines published by the BBFC.

Children and Public Entertainment

Paragraph 12.1 Where there is entertainment specifically provided for children (eg children's disco) the Licensing Authority would recommend as a minimum:

- an adult member of staff to be stationed in the vicinity of each of the exits, a minimum of one member of staff per 50 children or part thereof;
- no standing to be permitted in any part of an auditorium during the performance;
- no child unless accompanied by an adult to be permitted in the front row of any balcony.

Paragraph 12.2 Where relevant representations are made, the Licensing Authority may, if it considers it necessary and/or appropriate attach conditions to licences and permissions to prevent harm to children, these may include those drawn from the Model Pool of Conditions at Appendix 3 relating to the Protection of Children from Harm.

Prevention of Public Nuisance

Paragraph 13.1 Licensed Premises have significant potential to adversely impact on communities through public nuisances arising from their operation.

Paragraph 13.2 The Licensing Authority is aware of the importance of the licensed trade to the local economy as well as in cultural and social terms. The Licensing Authority is also concerned to protect the amenity of residents and businesses in the vicinity of licensed premises. 'Vicinity' is not defined in the Act or Guidance issued by the Secretary of State. Whether or not incidents can be regarded, as 'in the vicinity' of licensed premises is a question of fact and will depend on the particular circumstances of the case.

Paragraph 13.3 The Licensing Authority will interpret 'public nuisance' in its widest sense and include such matters as noise emanating from the premises, light, litter, odour and anti social behaviour where these matters impact on those living or working in an area.

Paragraph 13.4 Activities that involve public entertainment, drinking or eating, have the potential to impact adversely on their surrounding areas due to noise, litter, and odours. There is also the potential for disturbance caused by those attending licensable activities. Late at night the impact of licensed activities is likely to be more objectionable to residents living close to a licensed activity, as the ambient noise levels are often lower so noise disturbance becomes more noticeable.

Paragraph 13.5 The policy allows for later opening hours except where there will be an adverse impact on the licensing objectives. In general the Licensing Authority will expect more comprehensive measures to be proposed at late night venues and/or where there has been a history of public nuisance.

Paragraph 13.6 On receipt of relevant representations, the Licensing Authority will assess the likelihood of it causing an adverse impact, by generally considering the following factors where relevant:

- the location of the premises (in particular proximity to residential and other noise sensitive premises, eg hospitals, nursing homes, hospices and places of worship);
- the type of activities, the number and nature of clientele likely to attend at the time of the application;
- the proposed hours of operation;

- levels of public transport accessibility for customers either arriving or leaving the premises (including taxis and private hire);
- means of access to premises (whether on principal pedestrian routes);
- the level of car parking demand on any surrounding residential streets and its effect on local residents;
- the cumulative impact on licensed premises in an area;
- the scope for mitigating an impact i.e. CCTV, door supervisors;
- the frequency of an activity;
- the design and layout of the premises;
- measures taken or proposed to be taken to prevent noise or vibration escaping from the premises eg sound proofing, air conditioning and sound limitation devices;
- measures taken to prevent unreasonable disturbance by customers/staff arriving and leaving the premises, goods deliveries etc;
- measures taken to lessen the impact of parking in the vicinity;
- control of operating hours for all or parts of the premises (eg gardens, last admission times and 'wind down' periods);
- measures to be taken to prevent drunkenness on the premises;
- measures to ensure collection and disposal of litter and waste outside their premises.

Paragraph 13.7 The Licensing Authority when considering an application will take into account previous substantiated nuisance complaints particularly when a statutory notice has been served. Applicants may wish to have regard to the Good Practice Guide on the Control of Noise from Pubs & Clubs produced by the Institute of Acoustics and the British Beer and Pub Association.

Paragraph 13.8 On receipt of relevant representations, the Licensing Authority, where it considers it necessary and/or appropriate may attach conditions to a licence to prevent public nuisance including those drawn from the Model Pool of Conditions - see Appendix 3. In particular, it may attach a condition requiring the use of door supervisors licensed by the Security Industry Authority.

Paragraph 13.9 The Licensing Authority requires Operating Schedules, where relevant to satisfactorily address the issue of public nuisance.

Paragraph 13.10 The Licensing Authority would also recommend applicants highlight local public transport links and taxi and private hire services within their premises, (including agreeing arrangements with nominated taxi and private hire firms for dropping off and collecting customers).

Paragraph 13.11 The Licensing Authority, will in accordance with the Guidance, focus on matters within the control of the individual Licence holder. The Licensing Authority accepts that the difficulty that a licence holder has in preventing anti-social behaviour by individuals once they are behind the direct control of the Licence Holder. However, the licensing objection of preventing public nuisance will not be achieved if customers from premises regularly conduct themselves in an anti-social manner to the detriment of local residents or businesses. In addition, the Council has a duty to do all it can to prevent crime and disorder in the Borough under the Crime & Disorder Act 1998.

Public Safety

Paragraph 14.1 The Licensing Authority considers that members of the public when visiting licensed premises, have a right to expect that due consideration has been given to public safety. The Licensing Authority notes that the public safety objective is concerned with the physical safety of people using premises and not with public health which is dealt with in other legislation.

Paragraph 14.2 The Licensing Authority is committed to ensuring public safety across the Borough by working in partnership with Lancashire Police, Lancashire Fire & Rescue and Licence Holders.

Paragraph 14.3 Applicants should carefully consider the safety of the premises having regard to the licensable activities that are proposed and to address in the operating schedule, where relevant, how public safety will be achieved. Such measures may include, where relevant to the premises:

- the occupancy capacity of the premises;
- age, design and layout of the premises including means of escape;
- nature of the licensable activities to be provided, in particular the sale and supply of alcohol;
- hours of operation;
- customer profile (eg age);
- Use of special effects eg lasers, pyrotechnics, smoke/foam machines.

Paragraph 14.4 The Act requires a plan of the premises to be supplied with operating schedules showing prescribed information.

The Licensing Authority will take notice of a health and safety risk assessment submitted with an operating schedule.

Paragraph 14.5 All licensed premises will be risk related according to a Protocol agreed with Lancashire Fire and Rescue. Inspections will be carried out by Lancashire Fire & Rescue in accordance with the Protocol. A copy is attached at Appendix 6.

Paragraph 14.6 The Licensing Authority may inspect premises where it considers it appropriate on public safety grounds.

Paragraph 14.7 On receipt of relevant representations the Licensing Authority may, where it considers it necessary and/or appropriate, impose conditions to secure the public safety objective including those drawn from the Model Pool of Conditions attached at Appendix 3. Any conditions imposed will relate to the particular circumstances of the individual premises and will not duplicate other requirements of the law.

Human Rights Act Implications

The Human Rights Act 1998 makes it unlawful for a local authority to act in a way that is incompatible with the European Convention on Human Rights. The Council will have particular regard to the following convention Rights:

- Article 6 that in the determination of civil rights and obligations everyone is entitled to a fair public hearing within a reasonable time by an independent and impartial tribunal established by law;
- Article 8 that everyone has the right to respect for his home and family life;
- Article 1 of the First Protocol that every person is entitled to the peaceful enjoyment of his/her possessions including for example, possession of a licence.

IMPLICATIONS OF REPORT

4. There are no comments from the Director of Corporate Governance. This report has implications in the following areas:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	<input type="checkbox"/>		

ASSOCIATED PAPERS

5. Application form, location plan and relevant representations.

ANDREW DOCHERTY
DIRECTOR OF CORPORATE GOVERNANCE

There are no background papers to this report.

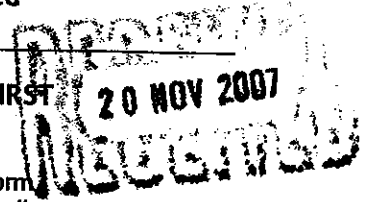
Report Author	Ext	Date	Doc ID
J Brereton	5164	19.2.08	LICENSING/CYPRUS GARDENS

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[Insert name and address of relevant licensing authority and its reference number (optional)]

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST



Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

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

Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
BS BOLTON STREET CHORLEY	
Post town	Post code
CHORLEY	PR7 3AF

Telephone number at premises (if any)

[Redacted telephone number]

Non-domestic rateable value of premises

£ 1400.00

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick ✓ yes

- a) an individual or individuals* please complete section (A)
- b) a person other than an individual*
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

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

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (if applicable)

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

Surname

First names

Please tick
 ✓ yes

I am 18 years old or over

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

(B) OTHER APPLICANTS.

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned

Name
Address
Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
2	2	15
		2007

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

Day	Month	Year

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

Please give a general description of the premises (please read guidance note1)

A GROUND FLOOR. HOT FOOD. TAKEAWAY
WITH FIRST FLOOR ANCILLARY STORAGE
+ STAFF USE.

What licensable activities do you intend to carry on from the premises?
 (Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Please tick yes

Provision of regulated entertainment

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

Provision of entertainment facilities for:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j)
 (if ticking yes, fill in box K)

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

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

In all cases complete boxes N, O and P

A

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

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur						
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sat						
Sun						

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

D

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

E

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

F

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

G

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

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing			
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoor		
Mon				Please give further details here (please read guidance note 3)	Outdoor	
Tue			Both			
Wed						
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)			
Fri						

Sat			<p>Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)</p>
Sun			

<p>Provision of facilities for making music Standard days and timings (please read guidance note 6)</p>			<p>Please give a description of the facilities for making music you will be providing</p>							
			<p>Will the facilities for making music be indoors or outdoors or both – please tick [Y] (please read guidance note 2)</p>	<table border="1"> <tr> <td>Indoors</td> <td></td> </tr> <tr> <td>Outdoors</td> <td></td> </tr> <tr> <td>Both</td> <td></td> </tr> </table>	Indoors		Outdoors		Both	
Indoors										
Outdoors										
Both										
Day	Start	Finish								
Mon			<p>Please give further details here (please read guidance note 3)</p>							
Tue										
Wed			<p>State any seasonal variations for the provision of facilities for making music (please read guidance note 4)</p>							
Thur										
Fri			<p>Non standard timings. Where you intend to use the premises for provision of facilities for making music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</p>							
Sat										
Sun										

<p>Provision of facilities for dancing Standard days and timings (please read guidance note 6)</p>			<p>Will the facilities for dancing be indoors or outdoors or both – please tick [Y] (see guidance note 2)</p>							
			<table border="1"> <tr> <td>Indoors</td> <td></td> </tr> <tr> <td>Outdoors</td> <td></td> </tr> <tr> <td>Both</td> <td></td> </tr> </table>	Indoors		Outdoors		Both		
Indoors										
Outdoors										
Both										
Day	Start	Finish								
			<p>Please give a description of the facilities for dancing you will be providing</p>							

Mon			Please give further details here (please read guidance note 3)
Tue			
Wed			State any seasonal variations for providing dancing facilities (please read guidance note 4)
Thur			
Fri			Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)
Sat			
Sun			

K

Provision of facilities for entertainment of a similar description to that falling within I or J Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing	
Day	Start	Finish	Will the entertainment facility be indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoor
Mon				Outdoor
				Both
Tue			Please give further details here (please read guidance note 3)	
Wed				
Thur			State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within j or k (please read guidance note 4)	
Fri				
Sat			Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sun				

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors			
Day	Start	Finish		Outdoors			
				Both			
Mon	10:30	1:00	Please give further details here (please read guidance note 3)				
	4:00	12:30					
Tue	10:30	1:00					
	4:00	12:30					
Wed	10:30	1:00		State any seasonal variations for the provision of late night refreshment (please read guidance note 4)			
	4:00	12:30					
Thur	10:30	1:00					
	4:00	12:30					
Fri	10:30	1:00			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
	4:00	02:00					
Sat	10:30	1:00					
	4:00	02:00					
Sun	10:30	1:00					
	4:00	02:00					

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption (Please tick box Y) (please read guidance note 7)	On the premises		
Day	Start	Finish		Off the premises		
				Both		
Mon			State any seasonal variations for the supply of alcohol (please read guidance note 4)			
Tue						
Wed						
Thur				Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri						
Sat						

Sun			

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

Name.....

Address.....

Postcode.....

Personal Licence number(if known)

Issuing licensing authority (if known).....

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

O

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	10:30	1:00	Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
	4:00	12:30	
Tue	10:30	1:00	
	4:00	12:30	
Wed	10:30	1:00	
	4:00	12:30	
Thur	10:30	1:00	
	4:00	12:30	
Fri	10:30	1:00	
	4:00	02:00	
Sat	10:30	1:00	
	4:00	02:00	
Sun	10:30	1:00	
	4:00	02:00	

P

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

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

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

NOTE - PLEASE REFER TO PAGE 19.

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

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

AIMING FOR A FRIENDLIER AND CLEANER ENVIRONMENT, STAFF ARE TRAINED AND AWARE OF FIRE HAZARDS, FIRE ESCAPES AND BLANKETS. FOLLOW HYGIENE REGULATIONS AND SAFETY REGULATIONS.

AND TO SUMMON HELP FROM THE POLICE WHEN REQUIRED.

b) The prevention of crime and disorder

LIMIT CUSTOMER WAITING TIME, ENCOURAGE A FRIENDLY AND HELPFUL SERVICE, AND REPORT ANY SUSPICIOUS BEHAVIOUR, AND BE VIGILANT.

c) Public safety

NO OVERCROWING IN THE SHOP AREA, FOLLOW FOOD REGULATIONS, ENSURE ESCAPE ROUTES ARE CLEAR AT ALL TIMES, AND WELL LIT AND DIRECTED, FIRE EXTINGUISHERS ARE INSTALLED AND STAFF ARE TRAINED AS TO THEIR USE.

d) The prevention of public nuisance

DISCOURAGE ANY UNNECESSARY NOISE, LIMIT WAITING TIME, ENCOURAGE CUSTOMERS NOT TO GATHER AT THE FRONT OF THE PREMISES, AND KEEP THE POLICE INFORMED OF ANY TROUBLE MAKERS.

e) The protection of children from harm

REPORT TO THE POLICE ANY CHILDREN WHO ARE ALONE, AND TO ENSURE STAFF ARE AWARE OF HOW TO DEAL WITH CHILDREN.


Please tick yes

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

IT IS AN OFFENCE, LIABLE ON 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 4 – Signatures (please read guidance note 10)

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

Signature	X. 
Date	X 20.11.07.
Capacity	OWNER.

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

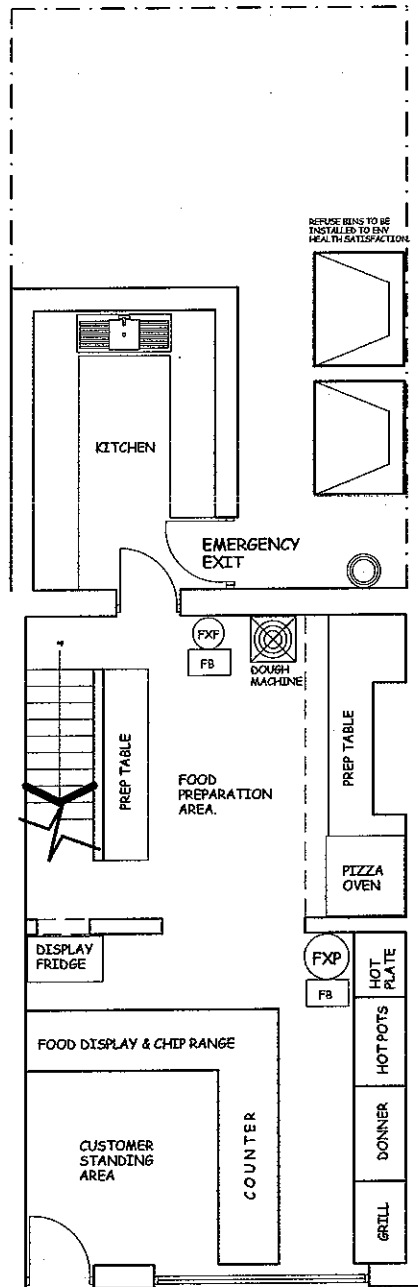
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)			
Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			







KHALID KHAN & ASSOCIATES
 SURVEYORS AND PLANNING CONSULTANTS
 INCORPORATING:- C.A.D PLANS

CYPRUS GARDENS.

PROPOSED GROUND FLOOR LAYOUT.



LEGEND.

-  SYMBOL DENOTES SMOKE DETECTORS WHERE INSTALLED.
-  SYMBOL DENOTES POWDER FIRE EXTINGUISHER
-  SYMBOL DENOTES WATER FIRE EXTINGUISHER
-  SYMBOL DENOTES FIRE BLANKET.

Client:	MR HUSEUIN SELCUKLU.
Project:	FLOOR LAYOUT IN ACCORDANCE WITH LICENSING ACT 2003.
	SHOP FLOOR LAYOUT.
Location:	85 BOLTON STREET CHORLEY, PR7 3AG.
Date / Scale:	October 2007 Scale: 1:100
Draw No:	001/10/07/085

Registered Office
 Majid House
 109-111 Whalley Range
 Blackburn
 Lancashire. BB1 6EE



Managing Director Khalid Khan
 t: 01254 54464 f: 01254 580228 m: 07798 686430
 e: khalid@kassoc.co.uk w: www.kassoc.co.uk

TO WHOM IT MAY CONCERN

Application has been made by Mr Huseyin Selcuklu to the Licensing Authority at Chorley Borough Council for a Premises Licence in respect of Cyprus Gardens, 85 Bolton Street, Chorley PR7 3AG.

The licence is to allow late night refreshment to be sold
Mon - Thurs 10:30am - 1:00pm, 4:00pm - 12:30
Friday - Saturday & Sunday 10:30am - 1:00pm, 4:00pm - 02:00

Any interested party or responsible authority may view the application and make representation in writing before 18th December 2007, to the Licensing Authority, at Licensing Section Chorley Borough Council, Civic Offices, Union Street Chorley, Lancashire, PR7 2EL

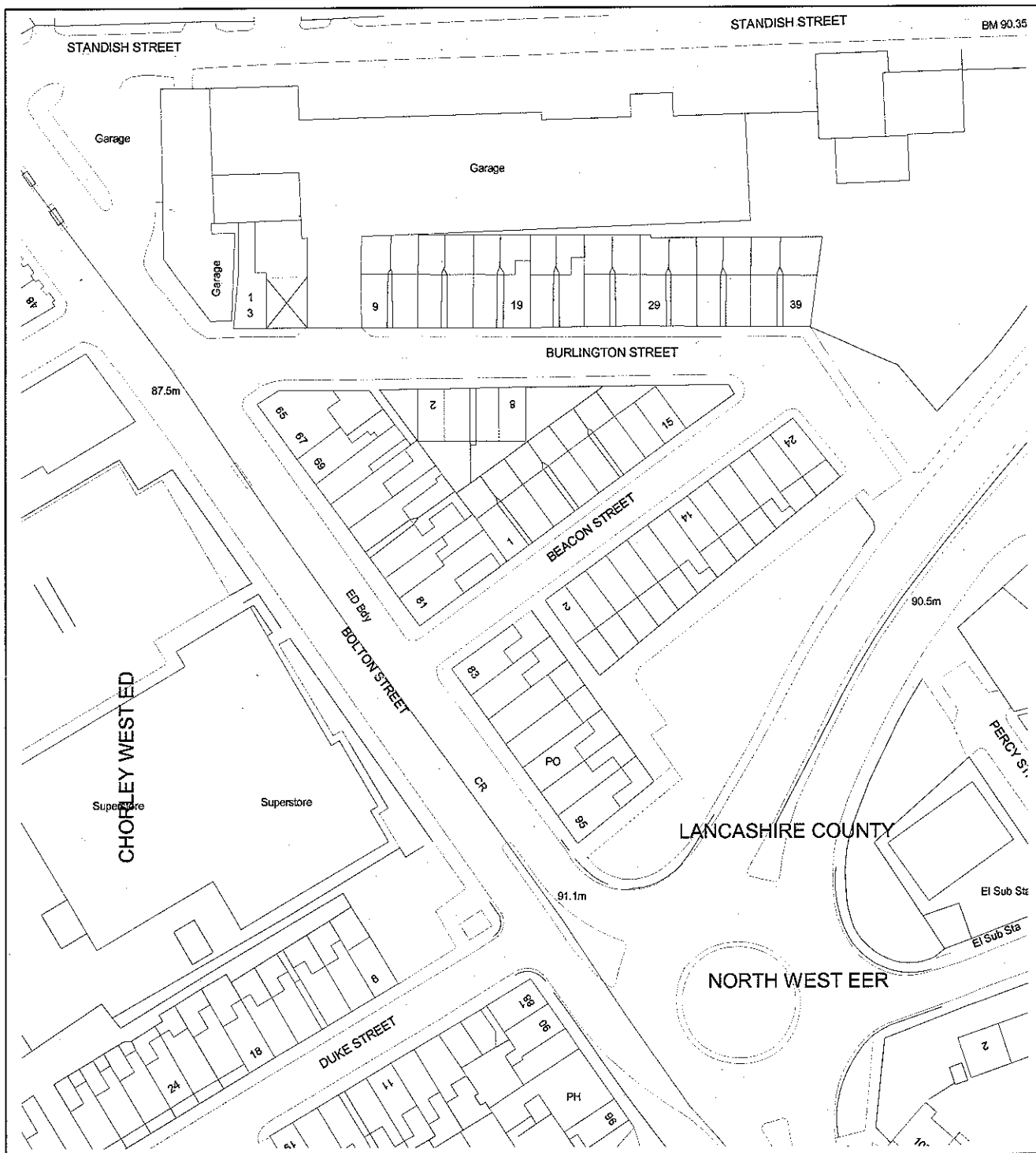
It is an offence to recklessly make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction is £5000.00

SHOP WINDOWS

FOR

28 DAYS

85 Bolton Street Chorley



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17 DEC 2007

17 DEC 2007

Directorate of Governance
Chorley Borough Council
Civic Offices
Union Street
Chorley
Lancashire
PR7 1AL

12th December 2007

Dear Miss [REDACTED],

**Re: APPLICATION FOR PERMISSION TO SELL LATE NIGHT REFRESHMENT
85 BOLTON STREET CHORLEY**

Thank you for your letter notifying me of the application. I wish to object to this application for the following reasons:

1. Having gone to planning appeal in the first instance at the Planning Inspectorate, planning permission was granted on the strict understanding that it didn't open after 2230 hours, so as not to cause nuisance to residents in the area. The building is right in our midst, backs onto a residential area and will definitely affect our quality of life due to the noise and disturbance which this type of outlet attracts. In the past we have all suffered from undue noise and disturbance, rowdy behavior from late night revelers, together with a large degree of vandalism and general bad behavior.
2. I note with interest that having applied for an extension of hours from the Planning Committee they asked for 2300 hours and were granted, despite objections from residents. If you grant this license, it will contradict the planning decisions already taken.

3. The premises are a shell. The only reason this application is going forward is so that a lease can be sold for a food operation. The applicants never had any intention of opening a Fish & Chip shop as previously stated, when the planning applications were submitted. There is every likelihood that planning permission will be denied for a further extension of hours should you grant a permit beyond 2300 hours.

I have taken the liberty of copying the comments of the Planning Inspectorate when they granted planning permission in the first place:

QUOTE FROM PLANNING INSPECTORATE APPEAL DECISION

1.4 “The use hereby permitted shall not be open to customers outside of the following times: 1100 to 2230hrs daily.

6. “It is more difficult to control the noise and disturbance associated with customers arriving at and leaving a hot food take away. The Local Shopping Centre designation helps to ensure that the effects of commercial activity occur within specific areas like Bolton Street. It is my view that if the opening hours at the proposed development were to be controlled, the proposed hot food take away would not significantly add to the noise and disturbance already created by businesses in Bolton Street.”

Yours sincerely



P C Budge

RECEIVED
- 4 DEC 2007
RESIDENTS

[REDACTED]
[REDACTED]
[REDACTED]

DEAR MRS RICEY

I HAVE JUST RECEIVED
SOME INFORMATION ON A
NEW APPLICATION FOR 85
BOXTON STREET, FOR LATE
NIGHT OPENING FOR REFRESHMENTS

I MUST THOROUGHLY OBJECT
TO IT, WE OBJECTED TO
IT BEING A TAKEAWAY MONTHS
AGO. IT IS GOING TO CAUSE
NOISE AND LITTER ALL
OVER THE PLACE.

PLEASE LISTEN TO
THE PEOPLE THAT HAS TO
LIVE ROUND HERE.

YOURS SINCERLY

[REDACTED]

30 NOV 2007

28 - NOV - 07

REF. [REDACTED]

Dear Ms [REDACTED]

Reasons to object to a late night license are :-

- (1) Too many of same in small area. 7 + Kentucky in 500
- (2) Extra litter to area, abandoned food means rats.
- (3) noise pollution - (THIS HAPPENS)
- (4) strong smelling fumes.

All these topics have been mentioned in the past. We feel that our local council don't

take into account genuine objections from people in Band A of council tax. Our opinions don't seem to matter.

These people will get their own way and we, in the area will suffer.

Regeneration to this area of town is not happening. This property was meant to be a chip shop - what happens. Please put it on record that we strongly object.

Yours Sincerely [REDACTED]

Premises / Club Details

Name of premises/club you are making representation about	
Name of applicant for Licence (if known)	
Postal address	
Post Code	

What are you making a representation about?

Please indicate which part of the licence / certificate application you are making a representation about
(i.e. crime, disorder, noise, disturbance) WE ALREADY HAVE MANY OF THESE KIND OF BUSINESSES IN THIS AREA, SO WE HAVE ALREADY EXPERIENCED SLEEPLESS NIGHTS BECAUSE OF DISORDER, NOISE AND DISTURBANCE. ANY MORE OF THE SAME IS ADDING TO THE PROBLEM. (PLUS THE LITTER CAUSED)

Which of the Licensing Objectives does your representation refer to?

(Note: Your representation must relate to one or more of the four Licensing Objectives. Please indicate the objective(s) your representation relates to)

Licensing Objective	Tick for yes	Licensing Objective	Tick for yes
The prevention of crime and disorder	✓	Public Safety	
The prevention of Public nuisance	✓	The protection of children from harm	

What are your concerns?

Please provide full details of your concerns regarding the application and include or enclose with the form any evidence you may have in support of it. (continue on a separate sheet if necessary)

AS MOST OF THE TIME WE HAVE LIVED IN THIS AREA WE HAVE HAD TO RISE AT 5 AM TO GO TO WORK SO WE HAVE NOT SPENT TIME TO VIDEO OR TAPE WHAT GOES ON TILL 3 AM, WE HAVE CONTACTED THE VENUES IN THE PAST AND HAD TO THREATEN CALLING POLICE TO GAIN ORDER. POLICE WERE CONTACTED BUT DIDNT ARRIVE ON TIME TO TAKE ACTION.

Please use the box below to suggest any suitable conditions that if agreed in advance of a hearing by the applicant would allow you to withdraw your representation or that the Committee could add to the licence (if granted) that would remedy your concern. (continue on a separate sheet if necessary)

MAKE SURE THESE PREMISES CLOSE AT MIDNIGHT OR BEFORE. IF PEOPLE CANT GET FOOD BEFORE THEN THEY SHOULD GO HOME AND MAKE A SANDWICH OR STARVE.

Signature: 

Capacity: RESIDENT

Date: 6-12-07

23/11/07.

25th November, 2007.

Dear Madam,

I'll be blunt, why do we need another Fast Food/Chip shop in our area of Bolton Street? We already have seven such shops in our area between Pilling Lane and George Street, I don't think we need anymore.

The food is unhealthy according to our present Government, so why is this Council allowing yet another one to open up, when we already know no-one wants it round here judging by our protest of signatures.

I wonder how you would like to be woken up late at night by bored staff of a present take away kicking a ball against security shutters of an opposite shop.

Upon from this noise pollution comes of food dropped in our street, empty containers also, their contents of discarded food spilled out attracting vermin which we have been troubled with in the past in our houses. The sickly food smell from this type of shop when they open reminding one of lat/oa containers and untidy rubbish at the back of these buildings, out of sight of the main road.

Cars damaged in our two streets as this is a residential area. Lets have a fair balance of outlets. We matter as well.

Thank you
Yours faithfully

27 NOV 2007

What are your concerns?

Please provide full details of your concerns regarding the application and include or enclose with the form any evidence you may have in support of it. (continue on a separate sheet if necessary)

WORRIED ABOUT HARM TO OUR PROPERTIES AND CARS FROM GANGS OF CHILDREN CONGREGATING IN AND AROUND THESE PREMISES. THE FOOD IS UNHEALTHY. DRUNKENNESS LOUITISH BEHAVIOR SUCH AS SHOUTING FOUL LANGUAGE SCREAMS AND LAUGHING. CAR DOORS SLAMMING. BIKES STREWN ON THE PAVEMENT. BORED STAFF PLAYING BALL GAMES FROM LACK OF ANY BUSINESS. LITTER OF CONTAINERS DISREGARDED FOOD AN OPEN INVITATION FOR VERMIN. I DONT FEEL SAFE GOING ANYWHERE NEAR THESE PLACES WHEN I WALK MY DOG LAST THING OR CUSTOMERS URINATING IN FULL VIEW.

Please use the box below to suggest any suitable conditions that if agreed in advance of a hearing by the applicant would allow you to withdraw your representation or that the Committee could add to the licence (if granted) that would remedy your concern. (continue on a separate sheet if necessary)

PERHAPS USING THE PREMISES FOR AN ALTERNATIVE BUSINESS SUCH AS A CONVENIENCE STORE. CHEMIST, PAPERSHOP.
THE LICENCEE WOULD ONLY BE INTERESTED IN SELLING HIS FOOD AND PROFITS, NOT THE RESIDENT'S CONCERNS.

Signature:

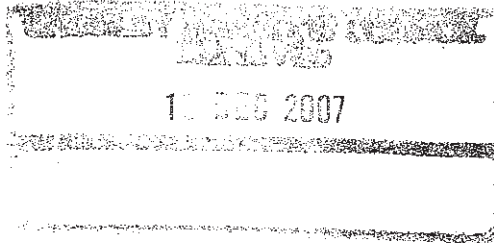


Capacity:

RESIDENT

Date:

12th December 2007



[REDACTED]
[REDACTED]
Lancashire
[REDACTED]

12th December 2007

Dear [REDACTED],

I am writing to object to a late night license being granted to 85 Bolton Street. The premises backs onto my house, and it is inevitable that we will be disturbed if a late night licence is granted.

We were all told that the owners wished to open a Fish & Chip shop. I do not know of any such shop opening as late as 12.30am and 2am any where in Chorley. In fact none of the local public houses open that late any way.

Having been informed by Planning that the hours were restricted to 11pm, I am distressed that you are considering a further extension. We do not wish to be subjected to noise and disturbance late into the evening. We all have jobs to go to and it simply isn't fair. Would you like a late night takeaway next to you open into the early hours?

It is not as if we have intentionally moved next to the takeaway, to the contrary the takeaway has been imposed upon us, widely regarded by fellow residents as unwanted. I believe it is totally unfair to subject us to further noise and disturbance which can only affect our quality of life.

Please do not grant a permit for any later than the planning decision of 11pm.

Yours faithfully



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