

Licensing Act 2003 Sub-Committee

Agenda and Reports

For consideration on

**Wednesday, 15th September
2010**

In the Council Chamber, Town Hall, Chorley

At 10.00 am



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09 September 2010

Dear Councillor

**LICENSING ACT 2003 SUB-COMMITTEE - WEDNESDAY, 15TH
SEPTEMBER 2010**

You are invited to attend a meeting of the Licensing Act 2003 Sub-Committee to be held in the Council Chamber, Town Hall, Chorley on Wednesday, 15th September 2010 commencing at 10.00 am.

AGENDA

1. **Apologies for absence**
2. **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.

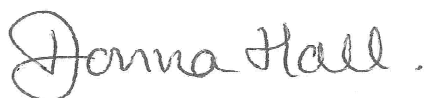
If the personal interest is a prejudicial interest, you must withdraw from the meeting. Normally you should leave the room before the business starts to be discussed. You do, however, have the same right to speak as a member of the public and may remain in the room to enable you to exercise that right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

3. **Application to vary a Premises Licence under Section 34 of the Licensing Act 2003, for the Parkville Hotel and Truffles Restaurant (Pages 1 - 84)**

To receive and consider a report from the Director of People and Places (enclosed).

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

Yours sincerely



Donna Hall
Chief Executive

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Distribution

1. Agenda and reports to all Members of the Licensing Act 2003 Sub-Committee (Councillor Pat Haughton (Chair) and Councillors Alan Platt and Stella Walsh 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 آپکی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون

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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. PUBLIC PROTECTION OFFICER OUTLINES THE APPLICATION AND RELEVANT REPRESENTATIONS

3. QUESTIONS TO PUBLIC PROTECTION 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

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.

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Report of	Meeting	Date
Director of People and Places	Licensing Act 2003 Sub-Committee	15 September 2010

APPLICATION TO VARY A PREMISES LICENCE UNDER SECTION 34 OF THE LICENSING ACT 2003, FOR THE PARKVILLE HOTEL AND TRUFFLES RESTAURANT

PURPOSE OF REPORT

1. To enable Members to determine an application for a variation of the premises licence for the Parkville Hotel and Truffles Restaurant 174 Preston Road, Whittle-le-Woods, Chorley, PR6 7HE.

RECOMMENDATION(S)

2. Members are recommended to consider the application and any representations made by relevant authorities or interested parties and after considering those representations determine the application for the purpose of the premises licence for Parkville Hotel and Truffles Restaurant.

EXECUTIVE SUMMARY OF REPORT

3. The Council has received an application from Marsden Rawsthorn/Hardwick's Solicitors on behalf of Ford Hotels Limited, under Section 34 of the Licensing Act 2003 for the Variation of the Premises licence for the Parkville Hotel and Truffles Restaurant at 174 Preston Road Whittle-le-Woods. The application is attached as appendix 1. The application seeks to vary the existing licensable provisions to :

- E Live music Monday to Sunday, 08.00 – 03.00 indoors and out.
- F Recorded Music Monday to Sunday, 08.00 – 03.00 indoors and out.
- H Anything of a similar description to that falling within (e), (f) or (g) Monday to Sunday 08.00 – 03.00 indoors and out.
- I Provisions of facilities for making music - Monday to Sunday, 08.00 – 03.00 indoors and out.
- J Provisions of facilities for dancing - Monday to Sunday, 08.00 – 03.00 indoors and out.
- K Provision of facilities for entertainment of a similar description to that falling within I or J, Monday to Sunday, 08.00 – 03.00 indoors and out.
- L Late night refreshment Monday to Sunday 00.01– 00.00 indoors and out (23.00 – 05.00).
- M Supply of alcohol Monday to Sunday 01.00 – 00.00 on and off the premises.
- O Hours the premises are open to the public Monday to Sunday 01.00 – 00.00.

4. The application seeks to remove existing conditions contained in Annex 1 and Annex 2 (a) of the Premises licence currently in force; this is attached at appendix 2.

P (This section describes the steps to be taken by the Premises Licence holder to promote the 4 licensing objectives),

a) General

These premises are to be used primarily for fine dining as a wine bar. Families are to be encouraged and the facilities are aimed at the higher end of the market.

b) The Prevention of Crime and Disorder,

CCTV to be installed with the approval of Lancashire Police within 31 days. Recording to be retained and made available to police. Think 21 policy to be implemented. Any events purely music and alcohol led consideration to be given for SIA door staff. Premises to be a member of local pub watch. No all inclusive drinks offers to be available.

c) Public Safety,

The premises will be fully certificated i.e. Fire safety ECT.
Incident book to be maintained.

d) The Prevention of Public Nuisance.

Provision to be made to ensure that these premises are run in an orderly manner. Signs to be displayed asking people to leave the premises in an orderly manner. Noise from entertainment to be monitored by DPS and adjusted accordingly, 30 minutes before closing music to be played at a lower volume and tempo. All outside areas used for consumption of alcohol shall cease to be used after midnight (this has now been amended to 23.00 hrs).

All external windows and doors other than for entry and egress shall remain closed after midnight when premises are open to the public. (A further condition has been agreed with the applicant which states; All doors and windows shall remain closed during the provision of regulated entertainment other than for entry and egress).

The DPS to monitor functions and record any actions in a daybook.

The DPS to monitor noise levels at the nearest noise sensitive location.

e) The protection of Children from Harm.

Children will only attend the premises with their parents and an ID policy will operate for 18 years old. Staff will be trained in this regard.

5. Representations from the Responsible Authorities.

There are no representations from the responsible authorities.

6. Lancashire Constabulary did raise representation towards this application, they have engaged with the applicant with regards to matters relating to this application with regards to The Prevention of Crime and Disorder, and are now satisfied that the operating schedule addresses the concerns raised, the representations have now been withdrawn.

7. The Council's Environmental Health Officer (Noise Pollution) has made the following comments with regards to noise complaints made towards the premises:

"Further to your consultation on the above premises, we have received 2 complaints in total relating to noise, both from the same complainant. The investigations have shown that the complaints have been unfounded. Conditions have been agreed with the applicant and included in the application, which should ensure no noise nuisance from the premises. Therefore I have no representation to make with regard to this application."

8. Representation received from interested parties.

The Council have received nine representations from interested parties, eight of these are from properties within the vicinity of the premises, and one has been received from the Chair of the local Parish Council on behalf of residents.

The issues raised by the representations relate to the licensing objective for;

- The Prevention of Crime and Disorder,
- The Prevention of Public Nuisance,
- Public Safety.

9. Where the representations have been received by the Council in a timely manner the persons making representation were invited to contact the Public Protection Officer to discuss their concerns and offer any remedies they believe would alleviate their concerns. Only one resident made contact to allow for mediation prior to making representation. The outcome of that meeting was not satisfactory to all parties.

10. All parties to this application have been invited to attend the hearing under the Licensing Act 2003 (Hearing) Regulations 2005, to make representation. The representations received are attached as appendix 3.

11. The Committee has the following options:

- (i) to reject the application in part or whole
- (ii) to grant the application
- (iii) to modify the conditions of the licence

POLICY AND LEGAL CONSIDERATIONS

12. 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.

13. 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.

14. The Licensing Authority shall determine the application, having had considered the representations that have been made, and having regard to its Statement of Licensing Policy and to the guidance issued by the Secretary of State under section 182 of the Act. Section 35 Licensing Act 2003 is the authority the Licensing Sub-Committee can rely upon with regards to this matter, which is reproduced below.

Section 35, Determination of application under Section 34.

- 1) This section applies where the relevant licensing authority:
 - (a) receives an application, made in accordance with section 34, to vary a premises licence, and
 - (b) is satisfied that the applicant has complied with any requirement imposed on him by virtue of subsection (5) of that section.
- 2) Subject to subsection (3) and section 36(6), the authority must grant the application.
- 3) Where relevant representations are made, the authority must—

- (a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and
 - (b) having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.
 - 4) The steps are:
 - (a) to modify the conditions of the licence;
 - (b) to reject the whole or part of the application;
and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added
 - 5) In this section “relevant representations” means representations which:
 - (a) are about the likely effect of the grant of the application on the promotion of the licensing objectives, and
 - (b) meet the requirements of subsection (6)
 - 6) The requirements are:
 - (a) that the representations are made by an interested party or responsible authority within the period prescribed under section 17(5) (c) by virtue of section 34(5),
 - (b) that they have not been withdrawn, and
 - (c) in the case of representations made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
 - 7) Subsections (2) and (3) are subject to sections 19, 20 and 21 (which require certain conditions to be included in premises licences).
15. 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

16. 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.

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 eg 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. 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

17. 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 (e.g. 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

18. 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 e.g. 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

19. 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

20. 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 (i.e. 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 of 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.

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 PUBLIC ENTERTAINMENT

21. Paragraph 12.1 - Where there is entertainment specifically provided for children (e.g. 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 relating to the Protection of Children from Harm.

PREVENTION OF PUBLIC NUISANCE

22 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, e.g. 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 e.g. 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 (e.g. 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 and 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. 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 and Disorder Act 1998.

PUBLIC SAFETY

23 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 and 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 (e.g. age)
- Use of special effects e.g. 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 and Rescue in accordance with the Protocol.

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. Any conditions imposed will relate to the particular circumstances of the individual premises and will not duplicate other requirements of the law.

REVIEWS

24. Paragraph 41.1- The Act 2003 makes provision for the review of premises licences where problems associated with crime and disorder, public safety, public nuisance or the protection of children from harm are occurring.

Paragraph 41.2 - At any stage following the grant of a premises licence, a responsible authority or an interested party (such as a resident living in the vicinity of the premises), may request the Licensing Authority review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.

Paragraph 41.3 - A review of a premises licence will follow any action by Lancashire Police to close down premises for up to 24 hours on grounds of disorder or noise nuisance as a result of a Magistrates' Courts' determination sent to the Licensing Authority.

Paragraph 41.4 - The Licensing Authority does not have the power to initiate its own review. However, officers of the Council who are specified as responsible authorities under the Act such as Environmental Health Officers may request the Licensing Authority for a review on any matter which relates to the promotion of one or more of the licensing objectives. Any such representations will be treated in the same way as representations made by any other body or individual.

Paragraph 41.5 - In all cases, the representation must relate to a particular premises for which a premises licence is in force and must be relevant to the promotion of the licensing objectives.

Paragraph 41.6 - Representations must be made in writing and may be amplified at the subsequent review or may stand in their own right. Additional representations, which do not amount to an amplification of the original representation, may not be heard at the hearing.

Paragraph 41.7 - Where the request for a review originates from an interested party e.g. a local resident, residents' association, the Licensing Authority has first to consider whether the complaint made is not relevant, vexatious, frivolous or repetitious. Relevance, vexatious and frivolous complaints were dealt with in paragraph 40.

Paragraph 41.8 - A repetitious complaint is one that is identical or substantially similar to:

- a ground for review made in respect of the same premises licence which has already been determined; or
- representations considered by the Licensing Authority when the premises licence was granted; or
- representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and
- in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or the grant of a licence

Paragraph 41.9 - The Licensing Authority recognises the need to prevent attempts to review licences, following the failure of representations on earlier occasions. The Licensing Authority will judge what is to be regarded as a reasonable interval in these circumstances. The Licensing Authority has regard to the recommendation in the guidance, that more than one review originating from an interested party should not be permitted within a period of 12 months on similar grounds except in compelling circumstances or where it arises following a Closure Order.

Paragraph 41.10 - The Licensing Authority recognises that the promotion of the licensing objectives relies heavily on a partnership approach. The Licensing Authority would

encourage authorised persons and responsible authorities to give licence holders warning of their concerns about problems identified at premises and of the need for improvement.

The Licensing Authority advises licence holders that a failure to respond to such a warning may lead to a responsible authority to request a review.

Paragraph 41.11 - The Licensing Authority will hold a hearing following a request for a review from a responsible authority, interested party or after closure procedures described earlier.

The Licensing Authority will make the licence holder fully aware of the representations received together with supporting evidence in order for the licence holder or his legal representatives to be able to prepare a response.

Paragraph 41.12 - In determining a review, the Licensing Authority has a range of powers it may exercise where it considers them necessary for the promotion of the licensing objectives:

- no action necessary as no steps required to promote the licensing objectives;
- issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time; The Licensing Authority regards such warnings as important mechanisms for ensuring that the licensing objectives are effectively promoted and any warning issued will be in writing to the licence holder.
- to modify the conditions of the premises licence (including adding new conditions, altering/omitting an existing condition);
- excluding a licensable activity from the licence;
- remove the designated premises supervisor,
- suspend the licence for a period of three months;
- to revoke the licence

Paragraph 41.13 - The Licensing Authority in determining what action to take will seek to establish the cause(s) of concern and any action taken will be directed at these causes. Any action taken to promote the licensing objectives will be necessary and proportionate.

25. 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.

26. Appeals following a variation of licence under section 35:

- 1) This paragraph applies where an application to vary a premises licence is granted (in whole or in part) under section 35.
- 2) The applicant may appeal against any decision to modify the conditions of the licence under subsection (4)(a) of that section.
- 3) Where a person who made relevant representations in relation to the application desires to contend:
 - (a) that any variation made ought not to have been made, or

- (b) that, when varying the licence, the licensing authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way, under subsection (4)(a) of that section, he may appeal against the decision.
- 4) In sub-paragraph (3) “relevant representations” has the meaning given in section 35(5).

General provision about appeals under this Part:

- 1) An appeal under this Part must be made to the magistrates' court for the petty sessions area (or any such area) in which the premises concerned are situated.
- 2) An appeal under this Part must be commenced by notice of appeal given by the appellant to the justices' chief executive for the magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.
- 3) On an appeal under paragraph 2(3), 3(2)(b), 4(3), 5(2), 6(2) or 8(2)(a) or (c), the holder of the premises licence is to be the respondent in addition to the licensing authority.
- 4) On an appeal under paragraph 7(3), the person who gave the interim authority notice is to be the respondent in addition to the licensing authority.

JAMIE CARSON
 DIRECTOR PEOPLE & PLACES

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Stephen Culleton	5665	3 September 2010	

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

CHORLEY BOROUGH COUNCIL
TOWN HALL
CHORLEY

Appendix 1

Application to vary a premises licence 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.

XWe FORD HOTELS LIMITED (CO NO: 04334800)
(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

PLA0186

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference, or description

PARKVILLE HOTEL AND TRUFFLES RESTAURANT
174 PRESTON ROAD
WHITTLE-LE-WOODS

Post town CHORLEY

Post code PR6 7HE

Telephone number at premises (if any)

01257 261881

Non-domestic rateable value of premises

£ 22,000.00

Part 2 - Applicant Details

Daytime contact telephone number

01257 261881

E-mail address (optional)

Current postal address if different from premises address

SAME AS ABOVE

Post Town

Postcode

Part 3 - Variation

Please tick Yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

Day		Month		Year	

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

Provision of premises as a hotel and a restaurant and a wine bar. There are 6 hotel bedrooms. There will be a maximum number of 100 people on the premises at any one time.

Part 4 - Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

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)

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

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	
Tue					
Wed					
Thur			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Fri					
Sat					
Sun					
			<u>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</u> (please read guidance note 5)		

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 ✓ (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon	08:00	03:00	Please give further details here (please read guidance note 3)	Both	x
Tue	08:00	03:00			
Wed	08:00	03:00			
Thur	08:00	03:00			
Fri	08:00	03:00			
Sat	08:00	03:00			
Sun	08:00	03:00			
			State any seasonal variations for the performance of live music (please read guidance note 4)		
			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)		

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 ✓ (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon	08:00	03:00	Please give further details here (please read guidance note 3)	Both	x
Tue	08:00	03:00			
Wed	08:00	03:00			
Thur	08:00	03:00			
Fri	08:00	03:00			
Sat	08:00	03:00			
Sun	08:00	03:00			
			State any seasonal variations for playing recorded music (please read guidance note 4)		
			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)		

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 ✓ (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 ✓ (please read guidance note 2)	Indoors		
Mon	08:00	03:00			Outdoors	
Tue	08:00	03:00	Please give further details here (please read guidance note 3)		Both	
Wed	08:00	03:00				
Thur	08:00	03:00		State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri	08:00	03:00				
Sat	08:00	03:00		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)		
Sun	08:00	03:00				

Provision of facilities for making music Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing	
			Will the facilities for making music be indoors or outdoors or both - please tick ✓ (please read guidance note 2)	
			Indoors	
			Outdoors	
			Both	x
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon	08:00	03:00		
Tue	08:00	03:00	State any seasonal variations for the provision of facilities for making music (please read guidance note 4)	
Wed	08:00	03:00		
Thur	08:00	03:00	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)	
Fri	08:00	03:00		
Sat	08:00	03:00		
Sun	08:00	03:00		

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both - please tick ✓ (see guidance note 2)	
			Indoors	
			Outdoors	
			Both	
			x	
Day	Start	Finish	Please give a description of the facilities for dancing you will be providing	
Mon	08:00	03:00		
Tue	08:00	03:00	Please give further details here (please read guidance note 3)	
Wed	08:00	03:00		
Thur	08:00	03:00	State any seasonal variations for providing dancing facilities (please read guidance note 4)	
Fri	08:00	03:00		
Sat	08:00	03:00		
Sun	08:00	03:00		
			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)	

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 ✓ (please read guidance note 2)	Indoors	
Mon	08:00	03:00		Outdoors	
				Both	x
Tue	08:00	03:00	Please give further details here (please read guidance note 3)		
Wed	08:00	03:00	State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within I or J (please read guidance note 4)		
Thur	08:00	03:00			
Fri	08:00	03:00			
Sat	08:00	03:00	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	08:00	03:00			

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 ✓ (please read guidance note 2)		
Day	Start	Finish	Indoors		
Mon	00:01	00:00		Outdoors	
			Both	x	
Tue	00:01	00:00	Please give further details here (please read guidance note 3)		
Wed	00:01	00:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	00:01	00:00			
Fri	00:01	00:00			
Sat	00:01	00:00	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)		
Sun	00:01	00:00			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption please tick ✓ (please read guidance note 7)	On the premises	
				Off the premises	
Day	Start	Finish		Both	x
Mon	00:01	00:00	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Tue	00:01	00:00			
Wed	00:01	00:00			
Thur	00:01	00:00	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	00:01	00:00			
Sat	00:01	00:00			
Sun	00:01	00:00			

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)

N/A

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	
Mon	00:01	00:00	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) Non-staying guests to vacate the premises by 03:30
Tue	00:01	00:00	
Wed	00:01	00:00	
Thur	00:01	00:00	
Fri	00:01	00:00	
Sat	00:01	00:00	
Sun	00:01	00:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

Annex 1 - Mandatory conditions
 On-Off Licence
 Supper Hour Certificate
 Children Certificate
 Credit Sales
 Annex 2 - (a) General

Please tick Yes

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

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

These premises are to be used primarily for fine dining and as a wine bar. Families are to be encouraged and the facilities are aimed at the higher end of the market.

b) The prevention of crime and disorder

CCTV to be installed with approval of Lancashire Police within 31 days. Recordings to be retained and made available to Police. Think 21 policy to be implemented. Any events purely music and alcohol led consideration to be given for S1A doorstaff. Premises to be a member of local pub watch. No all inclusive drinks offers to be available.

c) Public safety

These premises will be fully certificated ie., fire safety etc. Incident book to be maintained.

d) The prevention of public nuisance

Provision to be made to ensure that these premises are run in an orderly manner. Signs to be displayed asking people to leave the premises in an orderly manner. Noise from entertainment to be monitored by DPS and adjusted accordingly. 30 mins before closing music to be played at a lower volume and tempo. All outside areas used for consumption of alcohol shall cease to be used after midnight. All external windows and doors other than for entry and egress shall remain closed after midnight when premises open to public.

*DPS to monitor functions and record any actions in a day book
DPS to monitor noise levels at the nearest noise sensitive location*

e) The protection of children from harm

Children will only attend the premises with their parents and an ID policy will operate for 18 years old. Staff will be trained in this regard.

Please tick Yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- 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 5- Signatures (please read guidance note 10)

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

Signature *John Hardwick*
 Date *19/7/10*
 Capacity *Solicitor for Applicant.*

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) 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 address for correspondence associated with this application (please read guidance note 13)	
John Hardwick Marsden Rawsthorn Solicitors 43 St Thomas's Road Chorley	
Post town Chorley	Post code PR7 1JE
Telephone number (if any) 01257 279511	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

Notes for Guidance

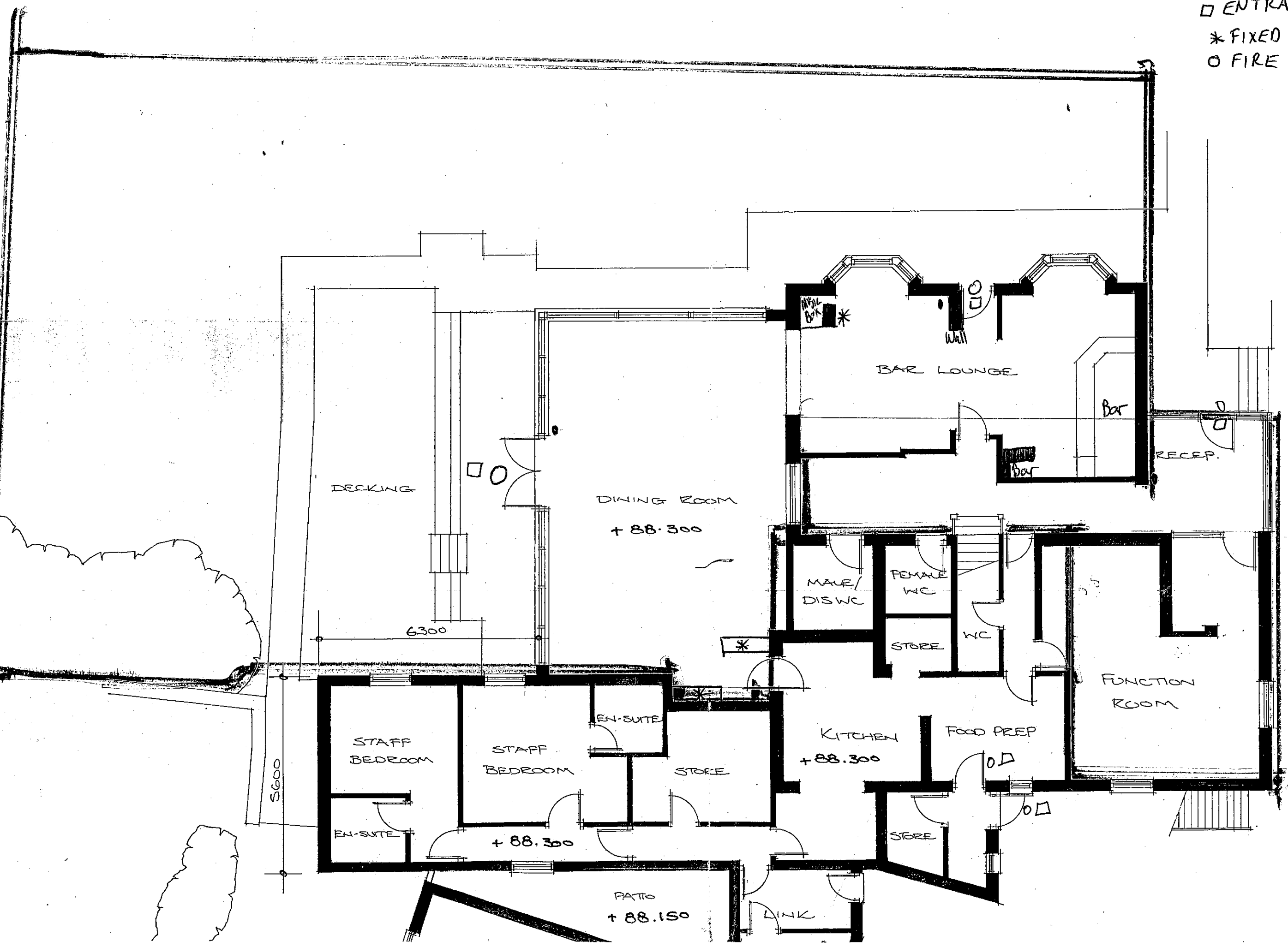
This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.

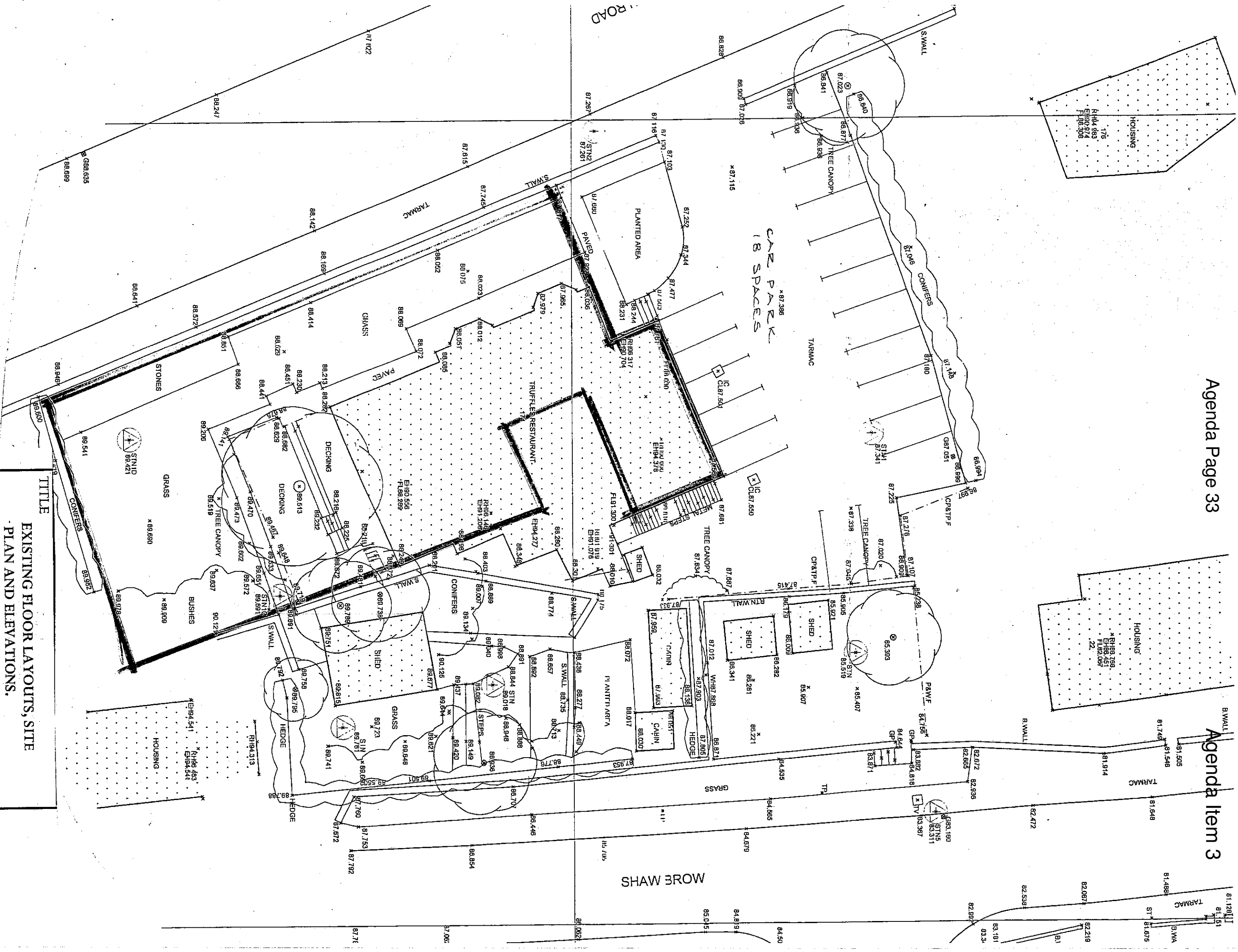
Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

PROV ALCOHOL
REC. ENT

- FIRE ALARM AND FIRE EXTINGUISHER
- ENTRANCE
- * FIXED FURNATURE
- FIRE ESCAPE





EXISTING SITE LAYOUT.

TITLE			
EXISTING FLOOR LAYOUTS, SITE PLAN AND ELEVATIONS.			
SCALE	DATE	DRAWN	DRAWING NO
1:100 1:200	JUN 2009	AJL	TR/BR/09/001

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Licensing Act 2003

Premises Licence

PL(A)0186

Part 1 - Premises Details

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

Parkville Hotel & Truffles Restaurant

174 Preston Road, Whittle-le-Woods, Chorley, Lancashire, PR6 7HE.

Telephone 01257 261881

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
- a performance of dance
- 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)	Monday to Sunday	18:30	00:00
F. Playing of recorded music (Indoors)	Monday to Sunday	18:30	00:00
G. Performance of dance (Indoors)	Monday to Sunday	18:30	00:00
L. Late night refreshment (Indoors)	Monday to Saturday	23:00	00:00
	Christmas Day	23:00	23:30
M. The sale by retail of alcohol for consumption ON the premises only	Monday to Saturday	11:00	00:00
	Sunday	12:00	23:30
	Good Friday	12:00	23:30
	Christmas Day	12:00	23:30

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Saturday	11:00	00:30
Sunday	12:00	00:00
Good Friday	12:00	00:00
Christmas Day	12:00	00:00

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



Licensing Act 2003
Premises Licence **PL(A)0186**

Part 2

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

Ford Hotels Ltd Parkville Hotel & Truffles Restaurant, 174 Preston Road, Whittle le Woods, Lancashire, PR6 7HE.
 Telephone 01257 261881

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

Ford Hotels Ltd 04334800

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

James FORD 174 Preston Road, Whittle le Woods, Chorley, Lancashire, PR6 7HE.
 Telephone 01257 261881

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. PA0116 Issued by Chorley

ANNEXES

ANNEX 1 - MANDATORY CONDITIONS

On and Off Licence

- 1 Alcohol shall not be sold or supplied except during permitted hours.

Regulatory Reform (Special Occasions Licensing) Order 2002

The premises may remain open for the sale of alcohol from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day (or if there are no permitted hours on the following day, Midnight on 31 December)

The above restrictions do not prohibit:

- a) During the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- b) During the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- c) During the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- d) Consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- e) The ordering of alcohol to be consumed off the premises, or the dispatch by the vendor of the alcohol so ordered;



Licensing Act 2003

Premises Licence

PL(A)0186

ANNEXES continued ...

- f) The sale of alcohol to a trader or club for the purposes of the trade or club;
- g) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- h) The taking of alcohol from the premises by a person residing there; or
- i) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- j) The supply of alcohol for consumption on the premises to person employed there for the purposes of business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

Where a supper hours certificate is in force (Section 68, Licensing Act 1964):

- 1 Alcohol may be sold or supplied for one hour following the hours set out above, and on Christmas Day, between 3pm and 7pm to persons taking table meals in the premises, or in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the standard hours set out above shall continue to apply.

Where there is no children's certificate:

- 1 No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
 - a) He is the child of the holder of the premises licence.
 - b) He resides in the premises, but is not employed there.
 - c) He is in the bar solely for the purpose of passing to or from some part of the premises that is not a bar and to or from some part of the premises where there is no other convenient means of access or egress.
 - d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. However, an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

Licensed Premises - Credit Sales

Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied:

- (a) with and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;
- (b) for consumption by a person residing in the premises or his guest and paid for together with his



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ANNEXES continued ...

accommodation;
(c) to a canteen or mess.

Alcohol

- 1 No supply of alcohol may be made under the premises licence -
 - a) At a time when there is no designated premises supervisor in respect of the premises licence,
or
 - b) At a time when the designated premises supervisor does not hold a personal licence, or his personal licence is suspended.
- 2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Public Entertainments Licence Conditions

Additional condition

The maximum number of persons permitted in the licensed premises at any one time shall not exceed 75 persons.

For the purpose of these special conditions and to which they relate the expressions "the Council" and/or "the Licensing Authority" means Chorley Borough Council.

Structural Condition

The premises, services, fixtures and fittings shall be maintained in good order and structural condition at all times.

No structural alteration shall be carried out which effects the licensed area without prior consultation of the Borough Councils Licensing Officers. This condition is without prejudice to any other function/department of the Council.

Means of escape

All means of escape (including external escape routes to a place of safety) as agreed by the Local Authority shall be properly maintained in a proper state, be in efficient working order, be in good repair and kept free from obstruction at all times when the premises are occupied.

The contents of the licensed area i.e., tables, chairs, plants, DJ's equipment etc. shall be so arranged or disposed as to provide for any persons therein an unobstructed escape route to a means of escape in case of emergency.

The nosings to steps, landings etc. painted white or otherwise suitably marked or constructed to make



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ANNEXES continued ...

them conspicuous shall be properly maintained in that condition to the satisfaction of the Licensing Authority.

Electrical Installation

Should any new electrical work be required or undertaken, then the Licensing Authority should be notified. Any such work must be carried out in an approved system of wiring for public entertainment premises notably wiring that conforms to the current edition of the IEE regulations and in addition, wiring enclosed in screwed steel conduit or metal trunking, mineral insulated copper sheathed cable or in armoured cable.

Any temporary wiring or equipment for a specific function must be under the control of a competent person who must ensure its safe erection and use including disconnection and removal after use.

Satisfactory access to the electrical intake, main control switch gear and any back up battery system for the emergency/safety lighting (where relevant) must be maintained at all times and combustibles must not be stored in the same area.

Should any visual fault occur (i.e. physical damage to cables, cords, switches, plugs and socket outlets or flickering lights or blown fuses) it should be reported immediately to a competent person who should take appropriate action to isolate and/or rectify the defect.

No electrical appliance fixed or portable shall be used within the licensed premises without that appliance meeting the following requirements: -

- (a) The appliance should conform to the relevant British Standard.
- (b) The appliance should be installed in accordance with the manufacturers' instructions.
- (c) All portable appliances should be tested fully in accordance with the Portable Appliance Tests (PAT) by a suitably qualified person and certificates provided should be readily available for examination by the Licensing Authority.
- (d) All manufacturers/installers instructions or manuals regarding the installation and use of the appliance should be kept available for inspection by the licensing team.

Emergency/Safety Lighting

Supervision

A competent person should be appointed to supervise the system. This person should be given sufficient authority to ensure the carrying out of any work necessary to maintain the system in correct operation. The person appointed must ensure that the emergency lighting system is switched on prior to any member of the public being allowed access to the premises and that the system is not switched off until all members of the public have vacated the premises.

Routine Inspections and Tests

Inspections and tests should be carried out at the following intervals: -

- (a) Daily
- (b) Monthly
- (c) Six monthly



Licensing Act 2003

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ANNEXES continued ...

Daily

An inspection should be made every day the building is used for its licensed purpose to ensure that all luminaries and illuminated signs are lit.

Monthly

The following procedures should be undertaken: -

- (a) Each luminaire and internally illuminated exit sign should be switched to "Battery mode" by simulation of a failure of the normal electrical supply for a period of no less than 15 minutes but no more than 30 minutes. During the test period all luminaries and/or signs should be examined visual to ensure that they are working correctly.
- (b) Clean the exterior of the luminaries and signs.
- (c) Check that defects recorded in the logbook have been corrected.
- (d) Check the level of electrolyte in central battery systems.
- (e) Check that all indicator lamps are functioning.
- (f) Record all data in the logbook.

Six Monthly

The monthly inspection should be carried out but the simulated mains supply failure time should be increased to one hour.

Liquefied Petroleum Gas (LPG)

No portable LPG heaters should be in the premises when members of the public are present. Containers of LPG should be protected against unauthorised interference and accidental leakage. LPG cylinders, both full and empty, should be kept in safe positions in the **open air** away from other flammable materials, or where this is not reasonably practical because of **exceptional circumstances**, in an adequately ventilated storeroom.

LPG in use should be sited outside the structure and with their valves readily accessible in case of an emergency.

Pyrotechnics

Application for the licensing authority's consent to the use of pyrotechnics and special effects should be made by the licensee in writing at least seven days before the first performance of the entertainment. The notice should give full details of the proposed use and the date and time on which a demonstration can be witnessed if required by a representative of the licensing authority.

Seating and Gangways



Licensing Act 2003

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ANNEXES continued ...

When the Licensed area is used for a closely seated audience, gangways should be provided at the side, centre, front and rear wherever possible. They should be of adequate width for the number of seats served but in no circumstances should they be less than 1050mm wide. (Measurement in the case of side gangways to be taken from the foremost projection).

Where more than **two hundred** (200) persons are to be accommodated as a closely seated audience, all loose chairs used for seating should be securely battened or clipped together in blocks of at least four seats and not more than twelve seats.

There should be an unobstructed seatway of not less than 305mm in depth measured between perpendiculars between the back of one seat and the foremost portion of the seat, arm or frame behind.

No seat shall be more than 3.6m from any gangway.

No portion of any gangway should normally be more than 18m from any exit from the premises measured along the line of the gangway.

When a sports entertainment takes place the following conditions should apply: -

When **four hundred** (400) or more are to be accommodated as well as clipping, or battening the seats in blocks, the chairs or sets of chairs adjoining, front, rear, cross, sides, and centre gangways, together with those adjoining the exits should be securely fixed to the floor (or fixed in some similar manner to the satisfaction of the Licensing Authority).

There should be a clear seatway or space of at least 305mm measured between the perpendiculars from the back of one seat unit to the foremost position of the seat, arm or frame of the one behind.

The number of seats in a row shall not exceed: -

Seven seats where there is a gangway at one end only except that up to a maximum of **eleven** seats may be permitted if the 305mm referred to above is increased by 25mm for each additional seat over seven and

Fourteen seats where there is a gangway at each end, except that up to **eighteen** seats may be permitted if the 305mm seatway referred to above is increased to not less than 400mm and more than **eighteen** seats may be permitted up to **twenty two** seats with a seatway of not less than 500mm.

Staff Fire Procedures

At all times the public are on the premises, it shall be the specific duty of at least one responsible person to call the fire brigade in case of fire or suspected fire. Such person(s) should know the location of the nearest telephone and be familiar with the emergency method of calling the fire brigade. In addition, a further responsible person or persons should be available to ensure the safe and orderly exit of the public from the building to minimise the possibility of a panic situation.



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Premises Licence

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ANNEXES continued ...

Before the public is allowed on the premises, a competent person should carry out the following duties: -

- (a) Check that all the fire fighting equipment is in place and accessible.
- (b) Ensure that all the exit routes/doors are free from obstruction and operating effectively.
- (c) Ensure that the emergency lighting/safety lighting is switched on and operating satisfactorily.

Responsible persons mentioned above shall not be less than eighteen years of age.
The licensee shall be under a duty to maintain good order, conduct and decency on the premises.

Where it is proposed to use any pyrotechnic type effects within the Licensed Area the Borough Council and the Fire Authority should be notified within seven days prior to the event-taking place.

In premises where children and parents are likely to be separated, or use different floors, the council shall be notified and arrangements must be made to have the children supervised by a competent person or persons who are over the age of eighteen to ensure satisfactory evacuation of the premises in case of an emergency.

Door Staff Registration

No person shall be employed or engaged in or about the premises to limit admission or to maintain order unless he/she is registered with the Security Industry Agency.

For the purpose of this condition a person is registered with the Security Industry Agency for so long as he/she is the holder of a door staff certificate of registration issued by the Agency and which has not expired or been suspended.

Furniture/Decorations

No decorations which affect the existing surface spread of flame characteristics of the building shall be carried out without the Borough Council being notified so that, if necessary a reassessment of these conditions can be undertaken.

All new or replacement items of upholstered seating/furniture should satisfy as a minimum standard the "fire tests for furniture" BS 5852 part 1 1979 and BS 5852 part 2 1982.

All curtains and drapes within the licensed area shall be of a material which is inherently flame retardant or be treated with a durable flame retardant which complies with Type "B" performance requirements of BS 5867 part 2 1980 (Flammability requirements for curtains and drapes).

Toilet Accommodation

The toilet accommodation provided for use by members of the public and performers must be maintained in a clean and tidy condition with an adequate and constant supply of washing/drying equipment.

If the location of the toilet accommodation is not immediately obvious to persons present in the licensed area due to it being some distance from the main activity then adequate notices indicating their location



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ANNEXES continued ...

should be displayed prominently. Each door should be properly marked Male/Female as appropriate.

Hypnotism

No exhibition, demonstration or performance of hypnotism (as defined in section 6 of the Hypnotism Act 1952) shall be given on any person at the place licensed.

Other Matters

Should any circumstances arise that prevents compliance with these conditions of use then the use of the premises must be discontinued and the Borough Council notified immediately.

Adequate access for the fire brigade vehicles and equipment should be provided and maintained at all times.

Arrangements for the admission of disabled persons, to the premises who are totally reliant on wheelchairs for mobility shall be made and maintained to the satisfaction of the Licensing Authority.

The Borough Council must be notified before any proposed alteration to the licensed area is carried out whether of a structural or non-structural nature so that they can assess the impact, if any, the proposed changes will have on the premises suitability for the use as licensed.

Any authorised officer of the Licensing Authority or the Fire Authority may at any time enter and inspect the premises so licensed for the purpose of ensuring that the terms, restrictions and conditions on or subject to which the licence is held are being complied with.

Adequate provision should be provided within the premises for the application of first aid treatment by suitably trained staff to persons injured within the premises.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

a) General

Intoxicating liquor shall not be sold or supplied on the premises otherwise than

- (i) to persons taking table meals there and for consumption by such a person as an ancillary to his her meal or to persons residing there.
- (ii) to persons attending by prior invitation, weddings, organised functions and meetings or similar activities being held on the premises.

b) The prevention of crime and disorder

None



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Premises Licence

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ANNEXES continued ...

c) Public safety

Safety film added to all areas where there may be dancing (for windows and doors)

d) The prevention of public nuisance

None

e) The protection of children from harm

None

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

None



Licensing Act 2003

Premises Licence Summary

PL(A)0186

Premises Details

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

Parkville Hotel & Truffles Restaurant

174 Preston Road, Whittle-le-Woods, Chorley, Lancashire, PR6 7HE.

Telephone 01257 261881

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
- a performance of dance
- 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)	Monday to Sunday	18:30	00:00
F. Playing of recorded music (Indoors)	Monday to Sunday	18:30	00:00
G. Performance of dance (Indoors)	Monday to Sunday	18:30	00:00
L. Late night refreshment (Indoors)	Monday to Saturday	23:00	00:00
	Christmas Day	23:00	23:30
M. The sale by retail of alcohol for consumption ON the premises only	Monday to Saturday	11:00	00:00
	Sunday	12:00	23:30
	Good Friday	12:00	23:30
	Christmas Day	12:00	23:30

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Saturday	11:00	00:30
Sunday	12:00	00:00
Good Friday	12:00	00:00
Christmas Day	12:00	00:00

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



Civic Offices
Union Street
Chorley
PR7 1AL
DX 18411 Chorley
Facsimile: 01257 515197
licensing@chorley.gov.uk
www.chorley.gov.uk

Licensing Act 2003

Premises Licence Summary

PL(A)0186

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Ford Hotels Ltd Parkville Hotel & Truffles Restaurant, 174 Preston Road, Whittle le Woods, Lancashire, PR6 7HE.

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

Ford Hotels Ltd 04334800

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

James FORD

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

Restricted



176 Preston Road
 Whittle le woods
 Chorley
 PR6 7HL
 012572 77024

CHORLEY COUNCIL CORPORATE SUPPORT SERVICE UNION STREET OFFICES	
REC'D 31 AUG 2010	
FILE	
ACKD	
ATTEN OF	
COPIES TO	

Chorley Borough Council
 Licensing Board
 Town Hall
 Chorley

Friday, 27 August 2010

Dear Sirs

Re Application from PARKVILLE HOTEL & TRFFLES RESTAURANT

**174 Preston Road
 Whittle le woods**

I am most concerned that this Hotel is applying for license to be Open for music from 0800hr until 0300hs every day inside and out for the following reasons

- 1 My property is next door with only a hedge between.
- 2 The car park is adjacent so customers leaving until 0330 will be a constantly disturb my sleep
- 3 At present when there is a wedding reception on the noise from customers standing outside, smoking and chatting causes me disturbance until late at night. Any extension of this will be unacceptable.
- 4 At present the music is just tolerable but any increase in length of time and volume is not wanted in this residential area.

Please seriously consider my welfare when this application comes before the committee

Yours faithfully

Margaret Dibsall

M. Dibsall

Stephen Culleton

From: Hazel Ingham [hazelingham@hotmail.co.uk]
Sent: 20 August 2010 14:28
To: Stephen Culleton
Subject: application to vary licence parkville hotel 174 preston rd whittle le woods

Dear Mr. Culleton,

Thank you for your letter on the above matter. We have no objection to our comments being used when determining this application.

We wish to clarify that whilst our current address is Dunscar, Shaw Hill, we will be moving into the new Half Moon House, which is next door to Dunscar & directly across the road from Parkville Hotel. We would estimate the distance from our main bedroom window as 30- 40 yards.

The provision of 24 food & drink is perfectly reasonable for Hotel Guests, but the change to a public Wine Bar with live & recorded music until 3.00am 7 days a week is not.

Neither Shaw Hill Golf & Country Club or the Pines play music after 12.30-1.00am.

We would also question the ability of the sole applicant to supervise such a licence were it granted. This formerly thriving business with immaculate premises has deteriorated over the years since Mr Ford took over. It is presently half painted with weedy gardens barely cared for & the barge boards which fell down some years ago remain unrepaired.

We are aware he has tried to sell these premises in the past, & are understandably concerned as to where the granting of such a licence might lead.

yours sincerely

John & Hazel Ingham

Stephen Culleton

From: Jayne Day
Sent: 09 August 2010 11:14
To: Bob Beeston; Paul Carter; Stephen Culleton
Subject: FW: Licensing Application Comment From Website

Hi

I believe this one is for your files to go with the application

Jayne

From: Hazel Ingham [mailto:hazelingham@hotmail.co.uk]
Sent: 09 August 2010 08:42
To: Contact
Subject: Licensing Application Comment From Website

To Chorley Borough Council

Re -Application to vary premises licence at Parkville Hotel/ Truffles Restaurant, 174, Preston road, Whittle le Woods.

We wish to object to the proposed variation on the grounds of public nuisance.

A licence to play music seven days a week until 3.00am is inappropriate in a built up residential area.

As the owners of the property directly opposite these premises, our main bedroom is literally yards away.

The noise from the outdoor areas would continue after the proposed midnight deadline because people will go outside to smoke.

Also the noise caused by people leaving & car doors slamming etc is not acceptable in the early hours.

Whilst the proposed change is to a "wine bar", it may as well be called a "night club", as it will attract late night drinkers in just the same way.

We could have tolerated this application had it been for say Friday & Saturday nights to accommodate private functions/ weddings etc, but seven days is preposterous.

We would also have appreciated being informed of this application other than by a concerned neighbour.

Yours sincerely,

John & Hazel Ingham
Dunscar, Shaw Hill, Whittle-le-Woods, PR6 7PP. 01257 232420.

Copy

Chorley Council

Rated "Excellent" - aiming higher
Civic Offices
Union Street
Chorley
PR7 1AL

Our Ref: SC

12 August 2010

Mr & Mrs John & Hazel Ingham
Dunscar
Shaw Hill
Whittle-le-Woods
PR6 7PP

Dear Mr & Mrs John & Hazel Ingham

SECTION 35 OF THE LICENSING ACT 2003, APPLICATION TO VARY A PREMISES LICENCE FOR THE PARKVILLE HOTEL & TRUFFLES RESTAURANT, 174 PRESTON ROAD, WITTLE-LE-WOODS, CHORLEY PR6 7HE.

Thank you for your email dated 9th August 2010, within which you raised objections to the application for a variation to the premises licence at Parkville Hotel & Truffles Restaurant.

When objections have been received towards premises licence applications the Council has a responsibility to determine the application by either mediation between the applicant and objector, or failing that process, the licence will be determined by a Licensing Sub Committee at a hearing.


At this stage and prior to the hearing if you feel there are any material changes that could be included or altered on the variation premises licence application that would satisfy your concerns, would you please contact Stephen Culleton, the Public Protection Officer who is dealing with this application. This would then allow for mediation.

In any case I will schedule a hearing for this matter to be determined by the Council's Licensing Sub Committee to determine this application. Confirmation of the hearing date and time will be forwarded to you in due course, together with an invitation for you to attend that hearing to make your representations.

As your letter will form part of the report this will be submitted to the hearing and is within the public domain, if you have any objections to your name and address being included in the report, please contact me either by telephone on 01257 515665 or by email at Stephen.culleton@chorley.gov.uk. If I do not hear from you within seven days from the date of this letter I will assume you have no objection.

If you have any questions please do not hesitate to contact Stephen Culleton, Public Protection Officer on 01257 515665.

Yours sincerely


Stephen Culleton
Public Protection Officer.
Email: Stephen.culleton@chorley.gov.uk
Tel: 01257 515665
Fax: 01257 51521



2008-2009
Transforming Services:
Citizen Engagement
and Empowerment



2009-2010
Cohesive and resilient communities



2009-2010
Better outcomes for people and places

RECEIVED 23 AUG 2010

Part 2 – Licensing Act 2003 Representation Form

On completion this form and any additional sheets or other accompanying documentation should be posted to: Licensing Manager, Chorley Council, Civic Offices, Union Street, Chorley, PR7 1AL

Please indicate in which capacity you are making this representation by ticking a box below:

- A person living in the vicinity of the premises
- A body representing persons in the vicinity of the premises
- A person involved in a business in the vicinity of the premises
- A person involved in a business in the vicinity of the premises

Contact details (of person completing form)

Name:	Barbara Higham (Chairman)
Name of organisation/ body/ person you represent (if appropriate)	Whittle-le-Woods Parish Council
Your full postal address or that of organisation or body you represent	Hillfoot Cottage Hill Top Lane Whittle-le-Woods Chorley
Post Code	PR6 7QR
Daytime contact phone number	01257 264180
E-mail address (optional)	higham@hillfoot.co.uk

Details of person / body making representation (if different from above)

Name of organisation/ body/ person you represent (as appropriate)	Whittle-le-Woods Parish Council
Full postal address of the person/organisation or body making representation	Clerk to Whittle-Woods Parish Council 10 Chester Place Adlington Chorley
Post Code	PR6 9RP
Daytime contact phone number	01257 474961
E-mail address (optional)	whittlelewoodspc@yahoo.co.uk

Premises / Club Details

Name of premises/club you are making representation about	Parkville Hotel and Truffles Restaurant
Name of applicant for Licence (if known)	Ford Hotels Ltd
Postal address	Parkville Hotel and Truffles Restaurant 174 Preston Road Whittle-le-Woods Chorley
Post Code	PR6 7HE

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)
Noise, disturbance

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	X	The protection of children from harm	

What are your concerns?

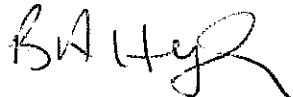
Please provide full details of your concerns regarding the application and include or enclose with the form any evidence you may have in support of it. (continue on a separate sheet if necessary)

The current situation is that the present licence allows the premises to be used as a fine dining restaurant and hotel and as such there is little disruption to the surrounding properties.
 The new application would suggest that there would be a change of emphasis to create a nightclub type of atmosphere with the request for dancing, music, both live and recorded, and drinking until 3.00am both inside and outside the property.
 This concept is out of place in this residential area and would cause intrusive noise and disruption to the surrounding residents. Vehicles leaving the premises at this later time would also cause a noise nuisance to the neighbouring properties.

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)

In order to reduce the impact of noise emitting from the premises it is suggested that no music or customers are allowed outside the premises after 11.00pm and that all windows and doors are kept closed after that time.

Also notices in the car park should display a request for respect for neighbours when leaving the premises.

Signature:	
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Capacity:	Parish Council Chairman
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Date:	18 August 2010
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RECEIVED 25 AUG 2010

Part 2 – Licensing Act 2003 Representation Form

On completion this form and any additional sheets or other accompanying documentation should be posted to: Licensing Manager, Chorley Council, Civic Offices, Union Street, Chorley, PR7 1AL

Please indicate in which capacity you are making this representation by ticking a box below:

- A person living in the vicinity of the premises
- A body representing persons in the vicinity of the premises
- A person involved in a business in the vicinity of the premises
- A person involved in a business in the vicinity of the premises

Contact details (of person completing form)

Name:	JESSICA GALLAGHER-SMITH
Name of organisation/ body/ person you represent (if appropriate)	
Your full postal address or that of organisation or body you represent	13 SHAW BROW, WHITTCLE-LE- WOODS, NR CHORLEY, LANCS.
Post Code	PR67LE
Daytime contact phone number	01257 268614
E-mail address (optional)	

Details of person / body making representation (if different from above)

Name of organisation/ body/ person you represent (as appropriate)	
Full postal address of the person/organisation or body making representation	
Post Code	
Daytime contact phone number	
E-mail address (optional)	

Premises / Club Details

Name of premises/club you are making representation about	TRUFFLES RESTAURANT
Name of applicant for Licence (if known)	
Postal address	SHAW BROW / PRESTON ROAD WHITTLE - LE - WOODS , NR CHORLEY , LANCAS
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)

Noise , disturbance

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)

MY DAUGHTER RUBY SMITH IS AGE 5 AND HAS A DISABILITY BILIARY ATRESIA (LIVER DISEASE) AND NEEDS LOTS OF SLEEP AND REST. IF THERE WAS A LATE MUSIC LICENSE AT THE HOTEL THIS WOULD MEAN RUBY WOULD NOT BE ABLE TO SLEEP AND WOULD GET ILL. WE LIVE DIRECTLY ACROSS FROM THE HOTEL, THERE WOULD ALSO BE MORE NOISE FROM PEOPLE OUTSIDE THE PREMISES.

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)

[Empty box for suggesting conditions]

Signature: [Handwritten signature]

Capacity:

Date: 23.8.2010

RECEIVED 18 AUG 2010

Part 2 – Licensing Act 2003 Representation Form

On completion this form and any additional sheets or other accompanying documentation should be posted to: Licensing Manager, Chorley Council, Civic Offices, Union Street, Chorley, PR7 1AL

Please indicate in which capacity you are making this representation by ticking a box below:

- A person living in the vicinity of the premises
- A body representing persons in the vicinity of the premises
- A person involved in a business in the vicinity of the premises
- A person involved in a business in the vicinity of the premises

Contact details (of person completing form)

Name:	ROBERT - JOAN RAE
Name of organisation/ body/ person you represent (if appropriate)	A/A
Your full postal address or that of organisation or body you represent	BRAMBLEWOOD, SHAW HILL WHITTLE-LE-WOODS, CHORLEY
Post Code	PR 6 7PP
Daytime contact phone number	01257 263044
E-mail address (optional)	ROBERTRAE6@BTINTERNET.COM

Details of person / body making representation (if different from above)

Name of organisation/ body/ person you represent (as appropriate)	
Full postal address of the person/organisation or body making representation	A/A.
Post Code	
Daytime contact phone number	
E-mail address (optional)	

Premises / Club Details

Name of premises/club you are making representation about	PARKVILLE HOTEL AND TRUFFLES RESTAURANT
Name of applicant for Licence (if known)	FORD HOTELS LIMITED
Postal address	174 PRESTON ROAD WHITTLE-LE-WOODS, CHORLEY
Post Code	PR6 7HE

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)

NOISE, DISTURBANCE & DISORDER

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	

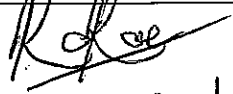
What are your concerns?

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)

SEE ATTACHED SHEET

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)

SEE ATTACHED SHEET.

Signature: 
J.M. Rae.

Capacity: PEOPLE LIVING IN THE VICINITY OF THE PREMISES

Date: 18/8/2010

Re Application for Licence Variation – Ford Hotels Ltd, Parkview Hotel & Truffles

Concerns.

The applicants are requesting extending their licence to 24 hours seven days a week opening to the public with the supply of alcohol, refreshments and entertainment both inside and outside the premises for an increase in capacity to a maximum of 100. They are also requesting facilities for dance, live and recorded music, and entertainment both inside and outside the premises with a 7 days a week extension until 03.00 am with guests only having to leave by 03.30 am.

As we live directly opposite the premises we are very concerned about the noise and disturbance through loud music and the general clamour which can be heard.

To date there have not been many such disturbances but on one or two recent occasions the music has been excessively loud causing difficulty in sleeping.

As the premises have only 6 bedrooms most of the guests will have to travel by car or taxi, probably leaving early in the mornings. No additional car parking has been provided and the anticipated noise of cars and taxis with running engines will be a further disturbance, together with the associated noise of people arriving and leaving the premises.

The premises are on a trunk road close to an existing black spot, (the junction of Dawson Lane and the A6) and an increase in traffic on arrival either by car or taxi and departure late at night or early morning would be a very dangerous hazard just around this junction.

There are a number of licensed premises in the locality none of which appear to have such extensive licence conditions. We understand that the Government is reviewing its attitude to 24 hour drinking and if acceptable at all it should be in a town centre away from residential properties in order that it can be properly supervised by the police.

There would appear to be no demand for this type of business in the centre of a residential area in a village.

It appears that the applicants are already advertising their proposed new licence by e-mailing clients confirming that from mid August they will offer a Champagne Wine bar with dancing to 1.00 am. This appears to show a disregard for the terms of the existing licence and can only weaken any comments made by the applicant with regard to additional steps to be taken to promote the terms imposed in the licence variation.

We would strongly urge that the application for a variation in terms is refused.

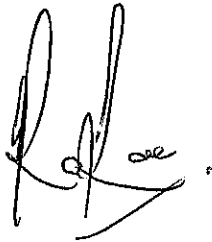
Re Application for Licence Variation – Ford Hotels Ltd, Parkview Hotel & Truffles

Conditions

Despite our concerns/objections, should the licence variations still be granted we would like them to exclude all activities outdoors after a reasonable hour such as 10.30 pm and have all doors and windows closed at that time. Interior activities should not continue after 11.30 pm except for hotel residents, and then only until midnight.

Robert & Joan Rae,

Bramblewood,
Shaw Hill,
Whittle-le-Woods,
PR6 7PP.

A handwritten signature in black ink, appearing to read 'Rae' with a flourish underneath.

RECEIVED 26 AUG 2010

RECEIVED 26 AUG 2010

Part 2 – Licensing Act 2003 Representation Form

On completion this form and any additional sheets or other accompanying documentation should be posted to: Licensing Manager, Chorley Council, Civic Offices, Union Street, Chorley, PR7 1AL

Please indicate in which capacity you are making this representation by ticking a box below:

- A person living in the vicinity of the premises
- A body representing persons in the vicinity of the premises
- A person involved in a business in the vicinity of the premises
- A person involved in a business in the vicinity of the premises

Contact details (of person completing form)

Name:	SARAH RIMMER
Name of organisation/ body/ person you represent (if appropriate)	
Your full postal address or that of organisation or body you represent	KYNDERE, SHAW HILL, WHITTLE-LE-WOODS, CHORLEY
Post Code	PR6 7PP
Daytime contact phone number	07931 933889
E-mail address (optional)	Sarah@secureassure.co.uk.

Details of person / body making representation (if different from above)

Name of organisation/ body/ person you represent (as appropriate)	
Full postal address of the person/organisation or body making representation	
Post Code	
Daytime contact phone number	
E-mail address (optional)	

Premises / Club Details

Name of premises/club you are making representation about	PARKVILLE HOTEL AND TRUFFLES RESTAURANT,
Name of applicant for Licence (if known)	JAMES FORD (FORD HOTELS LTD)
Postal address	174 PRESTON ROAD WHITTLE-LE-WOODS CHORLEY
Post Code	PR6 7HE

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)
CRIME & DISORDER PUBLIC NUISANCE - NOISE & DISTURBANCE PUBLIC SAFETY

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)

THE PREMISES IN QUESTION ARE LOCATED IN A RESIDENTIAL AREA, WITH PRIVATE HOUSES AS NEIGHBOURING PROPERTIES IN ALL DIRECTIONS. THE REQUEST TO ADD THE PROVISION OF LATE NIGHT REFRESHMENT & THE SALE OF ALCOHOL TO THE CURRENT LICENCE IS LIKELY TO SIGNIFICANTLY INCREASE THE NUMBERS OF CLIENTS AT THE PREMISES, WITH 1000 STATED AS THE MAXIMUM IN THE APPLICATION

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)

LICENCE TO REMAIN AS CURRENT.

Signature: S. Rimmer

Capacity: Property Owner

Date: 24/5/14

CONCERNS (CONT)

THE APPLICATION ALSO REQUESTS THAT ALCOHOL & ~~REFRESHMENTS~~ BE SERVED 24 HRS PER DAY, SEVEN DAYS A WEEK FOR RESIDENTS & FROM 8:00 AM TO 3:00 AM EACH DAY FOR THE PUBLIC. THERE IS LIKELY TO BE SIGNIFICANT NUMBERS OF PEOPLE LEAVING THE PREMISES LATE AT NIGHT / EARLY HOURS OF THE MORNING, WHICH DESPITE THE DISPLAYING OF SIGNS ETC, IS BOUND TO CAUSE CONCERN & DISTURBANCE TO ALL NEIGHBOURING PROPERTIES. OUR PROPERTY IS SITUATED DIRECTLY ACROSS THE AL FROM TRUFFLES RESTAURANT, WITH OUR BEDROOM & OUR CHILDRENS' BEDROOMS ON THE CLOSEST SIDE.

WE ARE ALSO CONCERNED ABOUT THE REQUEST FOR AN ENTERTAINMENT / MUSIC & DANCE LICENCE. THE OUTDOOR TERRACE OF THE RESTAURANT IS LOCATED VERY CLOSE TO OUR PROPERTY & OTHERS. ON THE ODD OCCASION THAT FUNCTIONS WITH DISCOS HAVE BEEN HELD AT TRUFFLES, THE MUSIC & LAUGHTER OF THE CLIENTS CAN BE CLEARLY HEARD FROM OUR PROPERTY EVEN WITH THE INTENTION TO CLOSE DOORS & WINDOWS AFTER MIDNIGHT, THIS IS TOO LATE TO AVOID DISTURBANCE TO CHILDREN. TRYING TO SHUT THE OUTDOOR TERRACE IS ALSO USED AS A SMOKING AREA & SO CLIENTS WILL BE OUTSIDE AT ALL THE TIMES THE

PREMISES ARE OPEN, AS THEY ARE NOT ALLOWED TO SMOKE INSIDE.

THE BLUE LIGHTS ALREADY INSTALLED ON THE RESTAURANT GABLE ALREADY POLLUTE THE AREA. JUST RECENTLY SOME ADDITIONAL BLUE LIGHTING HAS BEEN INSTALLED ON THE MAIN HOTEL BUILDING. THESE LIGHTS ARE OFTEN ON UNTIL MIDNIGHT, EVEN WHEN THERE ARE NO GUESTS DINING IN THE RESTAURANT. THE LIGHTS SHINE INTO THE BEDROOMS OF OUR PROPERTY.

THE NUMBER CLIENTS VISITING THE HOTEL AND RESTAURANT IS CURRENTLY LOW & APPEARS TO BE REDUCING ALL THE TIME. ON MANY WEEKDAY NIGHTS THERE ARE NO CLIENTS AT ALL & THE NUMBERS ON A FRIDAY AND SATURDAY ARE OFTEN LOW.

THE REQUEST FOR THE ADDITIONAL LICENSING & THE INTRODUCTION OF A WINE BAR CAN ONLY BE FOR COMMERCIAL REASONS, TO BOOST DWINDLING INCOME. AS A RESULT, I CANNOT BELIEVE THAT THE STATEMENT IN SECTION P (PART A) CAN BE TRUE, IN THAT FINE DINING WILL BE THE PRIMARY USE.

THE CAR PARK OF THE PREMISES IS SMALL. I WOULD ESTIMATE IT CAN FACILITATE THE PARKING OF 20 CARS MAXIMUM. THIS IS NOT SUFFICIENT TO FACILITATE UP TO 100 GUESTS. THE LACK OF SPACE FOR CAR PARKING WOULD

CONCERNS (CONT)

MEAN THAT A NUMBER OF CARS WOULD NEED TO PARK ON THE ROAD. THE CLOSE PROXIMITY OF THE PREMISES TO THE ALREADY DANGEROUS DAWSON LANE JUNCTION IS OF GREAT CONCERN AS SEVERAL ACCIDENTS OCCUR AT THIS POINT EACH YEAR. THE ADDITIONAL TRAFFIC, COUPLED WITH CARS PARKED ON PRESTON ROAD, RESTRICTING VISIBILITY WILL ONLY INCREASE THE RISK OF ACCIDENTS.

IN SUMMARY, THE INTRODUCTION OF A WINE BAR IN A RESIDENTIAL AREA IS OF GREAT CONCERN. THE NOISE & SOUND POLLUTION, TOGETHER WITH THE ROAD SAFETY / PUBLIC SAFETY ISSUES MAKE IT TOTALLY UNACCEPTABLE FOR ANYONE LIVING IN CLOSE PROXIMITY.

RECEIVED 25 AUG 2010

Premises / Club Details

Name of premises/club you are making representation about	PARKVILLE HOTEL & TRUFFLES RESTAURANT.
Name of applicant for Licence (if known)	FORI HOTELS LIMITED.
Postal address	174 PRESTON ROAD WHITTLE-LE-WOODS. CHORLEY
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) HOURS, NOISE DISTURBANCE PUBLIC SAFETY

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	

Part 2 – Licensing Act 2003 Representation Form

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Please indicate in which capacity you are making this representation by ticking a box below:

- A person living in the vicinity of the premises
- A body representing persons in the vicinity of the premises
- A person involved in a business in the vicinity of the premises
- A person involved in a business in the vicinity of the premises

Contact details (of person completing form)

Name:	STEPHEN DERRYSHIRE
Name of organisation/ body/ person you represent (if appropriate)	
Your full postal address or that of organisation or body you represent	'SPRINGFIELD' SHAW BROW WHITTLE-LE-WOODS CHORLEY
Post Code	PR6 7LE
Daytime contact phone number	01257 262881
E-mail address (optional)	

Details of person / body making representation (if different from above)

Name of organisation/ body/ person you represent (as appropriate)	
Full postal address of the person/organisation or body making representation	
Post Code	
Daytime contact phone number	
E-mail address (optional)	

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 ON PRINTED SHEET.

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)

AS ON PRINTED SHEET.

Signature:	
------------	-------------------------------------------------------------------------------------

Capacity:	
-----------	--

Date:	25/8/10
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Springfield position in relation to Parkville Hotel

Springfield is positioned close to the top of Shaw Brow and directly facing the rear of Parkville Hotel and hotel car park. The view of the hotel is mainly unobstructed and the carpark is completely unobstructed this allows sound and light to intrude into other properties.

Concerns regarding application

1. Parkville Hotel is in close proximity to many residential properties and the hours applied for will have a very high impact on them.
2. Music may not be played at sensible levels or at sensible times, this has been a problem for residents in the past.
3. Toilet facilities in Parkville may not be adequate for 100 customers .
4. Lack of parking spaces in Parkville Hotel grounds, causing problems on Preston road and Shaw Brow as customers try to find alternative parking. If people do park on Preston Road this will block the cycle path and obstruct a bus stop, if cars park on Shaw Brow this obstructs the view of traffic entering the road from Preston road causing major problems as pedestrians try to cross the road and as homeowners try to exit driveways.
5. Trespass onto private property at the rear of the Parkville Hotel car park as people try to gain access to by shortcut.
6. General noise from clients, vehicles and taxis at closing times.
7. Alcohol being consumed outdoors and off premises.
8. Lighting at the rear of Parkville Hotel will be on for periods.
9. Lighting on the front of Parkville Hotel causes issues with drivers on Preston Road

Conditions

1. Reduce hours applied for.
2. Ensure noise levels are kept to a sensible level when guests use the premises.
3. Ensure toilet facilities are adequate.
4. Carefully monitor guests parking and possibly put down yellow lines if problems arise.
5. Police the area around the hotel sufficiently.
6. Monitor noise levels.
7. Carefully monitor alcohol sales and possible underage drinking.
8. Ensure lighting is carefully adjusted and not intrusive.
9. Monitor lighting on the main road.

RECEIVED 16 AUG 2010

Part 2 – Licensing Act 2003 Representation Form

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Please indicate in which capacity you are making this representation by ticking a box below:

- A person living in the vicinity of the premises
- A body representing persons in the vicinity of the premises
- A person involved in a business in the vicinity of the premises
- A person involved in a business in the vicinity of the premises

Contact details (of person completing form)

Name:	JOHN + MARY TIFFANY
Name of organisation/ body/ person you represent (if appropriate)	/
Your full postal address or that of organisation or body you represent	WOODVILLE, SHAW HILL, WHITTLE-LE- WOODS, CHORLEY, LANCs
Post Code	PR6 7PP
Daytime contact phone number	01257 269208
E-mail address (optional)	JOHN.TIFFANY@BTINTERNET.COM

Details of person / body making representation (if different from above)

Name of organisation/ body/ person you represent (as appropriate)	/
Full postal address of the person/organisation or body making representation	/
Post Code	/
Daytime contact phone number	/
E-mail address (optional)	/

Premises / Club Details

Name of premises/club you are making representation about	PARKVILLE HOTEL + TRUFFLES RESTAURANT.
Name of applicant for Licence (if known)	FORD HOTELS LTD
Postal address	174, PRESTON ROAD WHITTLE-LE-WOODS CHORLEY, LANCs
Post Code	PR6 7HE

What are you making a representation about?

<p>Please indicate which part of the licence / certificate application you are making a representation about</p> <p>(i.e. crime, disorder, noise, disturbance) ALL OF THESE</p>

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	

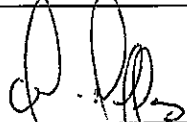
What are your concerns?

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)

WE ARE CONCERNED ABOUT NOISE + NUISANCE. THIS APPLIES PARTICULARLY TO THE REQUEST FOR A 24 HOUR DRINKS LICENCE + DANCING + LIVE MUSIC INSIDE AND OUTSIDE UNTIL 3.00 AM. HE APPEARS TO BE TRYING TO CREATE A NIGHT CLUB + DRINKING DEN IN THE MIDDLE OF AN EXPENSIVE + EXCLUSIVE RESIDENTIAL AREA

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)

A LICENCE FOR ALL APPLICATIONS TO FINISH AT 11.00 PM
11.30 PM

Signature: 

Capacity: HOUSEHOLDER

Date: 12 | 8 | 2010

RECEIVED 25 AUG 2010

Part 2 – Licensing Act 2003 Representation Form

On completion this form and any additional sheets or other accompanying documentation should be posted to: Licensing Manager, Chorley Council, Civic Offices, Union Street, Chorley, PR7 1AL

Please indicate in which capacity you are making this representation by ticking a box below:

- A person living in the vicinity of the premises
- A body representing persons in the vicinity of the premises
- A person involved in a business in the vicinity of the premises
- A person involved in a business in the vicinity of the premises

Contact details (of person completing form)

Name:	Mr and Mrs M J Batty
Name of organisation/ body/ person you represent (if appropriate)	N/A
Your full postal address or that of organisation or body you represent	Bay Horse Cottage 24 Shaw Brow Whittle-le-Woods
Post Code	PR6 7LE
Daytime contact phone number	01257 230508
E-mail address (optional)	

Details of person / body making representation (if different from above)

Name of organisation/ body/ person you represent (as appropriate)	N/A
Full postal address of the person/organisation or body making representation	
Post Code	
Daytime contact phone number	
E-mail address (optional)	

Premises / Club Details

Name of premises/club you are making representation about	Parkville Hotel and Truffles Restaurant
Name of applicant for Licence (if known)	Ford Hotels Limited (Mr James Ford)
Postal address	174 Preston Road Whittle-le-Woods Chorley
Post Code	PR6 7HE

What are you making a representation about?

<p>Please indicate which part of the licence / certificate application you are making a representation about.</p> <p>(i.e. crime, disorder, noise, disturbance)</p> <p>We are making a representation about hours and location of licensed activities with regard to noise and disturbance.</p>

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 this application and include or enclose with the form any evidence you may have in support of it. (continue on a separate sheet if necessary)

Our property has common boundaries with the restaurant and hotel. It is close to the hotel dining room and even closer to decking which has been constructed outside the dining room. We have been subjected to noise and disturbance from the hotel for a few years (see attached history).

When live or recorded music is played with restaurant doors open it is clearly audible throughout our house. When played with all the doors and windows closed, it is still disturbing in our garden and bedrooms. The dining room is of a conservatory type construction and modifications have been made to the ceiling and internal layout so that it seems unable to efficiently contain the noise.

When the decking is in use, we are disturbed by shouting and laughing, and later in the evening as the ambient noise levels drop, even normal conversation carries to our house.

People tend to come onto the decking via the double doors from the dining room while music is being played inside. This causes a blast of sound which continues until the hotel staff notice and close the doors again. Inevitably this situation is repeated when the customers go back inside.

The hotel is now advertising regular dances, discos and salsa parties with "dancing to hot and funky Latin rhythms". Our concern is that unless conditions are applied, we will be subjected to nuisance more and more frequently, to a much greater degree and until a much later time.

We are concerned about the application to increase the licensed hours, because even accepting that nuisance can be controlled during the functions, taxis and minibuses to collect potentially 100 people must inevitably disturb neighbours on the car park side of the hotel.

We are also concerned about the application for music and dance outdoors, because indoor functions already cause nuisance. If these activities were permitted outdoors, we feel that they could not be contained well enough to prevent disturbance to the many residential properties in close proximity.

The application is requesting a license for alcohol sales without the need to purchase food. We are concerned that the garden/decking area could be used as a "beer garden" throughout the day and evening with resulting noise disturbance. Our sitting room and bedrooms are only 2.5 metres from its boundary.

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)

No music or dance permitted outside.

The decking and lawned area to the side of the dining room shall cease to be used from 22:00 to 11:00

No change to current hours except premises closing time on Sunday to be 11:30 pm.

Front and side doors and all downstairs windows to be kept closed when regulated entertainment and/or provision of entertainment facilities for making music and dancing is taking place (except in emergencies). Entry and egress to be via the reception area and door which could provide an acoustic lobby to reduce the escape of sound.

Advice to be taken on prevention of sound which still escapes from the building when the doors are closed – more insulation in the roof, noise absorbing curtains, triple glazing or other techniques.

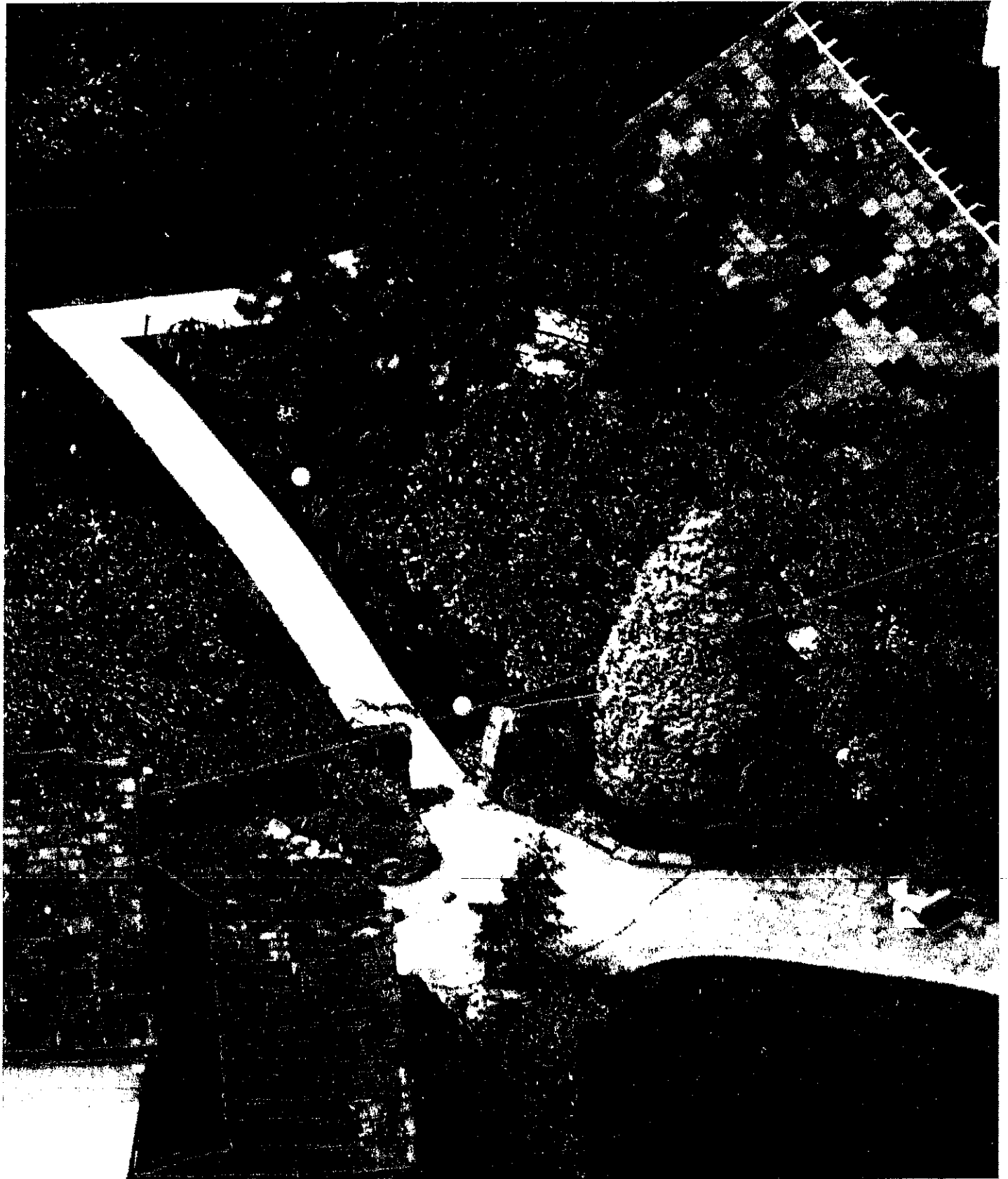
Suitable fencing to be erected to screen off the decking and/or garden area and mature shrubs to be planted to help natural sound absorption.

DPS to monitor to ensure that the noise will be inaudible inside noise sensitive properties in the vicinity of the licensed premises.

Record of noise nuisance from Truffles Restaurant

- Pre Summer 2006 building used primarily as a restaurant with occasional functions – outside areas rarely used. Dining Room screened by shrubbery. Picture 1
- Summer 2006 shrubbery screening the restaurant was removed and a raised decking area constructed, bringing customers 7 metres closer to our property. Picture 2
- From Summer 2006 to 2009 there were noise problems from music and loud voices. Tolerated these up to 11pm. After 11pm complained to hotel.
- From Summer 2009 problems becoming more frequent.
- Sunday 31st May 2009, afternoon barbecue – music playing inside with doors open to allow it to be heard outside. Loud in our garden. Continued from 3pm to 7pm. Reported to Chorley BC Licensing on 2nd June where it was confirmed that there was no licence for outside music and that we would need to request a review of the licence for conditions such as shutting doors and windows to be imposed.
- 11th August 2009 some very large laurel bushes which had provided some screening were cut down. Pictures 3 & 4
- Saturday 22nd August 2009 - evening, no music, loud voices from decking and children shouting. Stopped at 12.15am
- Sunday 23rd August 2009 - evening, loud music, doors open after midnight, people outside until 1.30am. Reported 24th August to Environmental Health – Truffles were informed that there had been a complaint.
- 28th August 2009, discussed problems with Mr. Beeston.
- 3rd September 2009, Mr. Beeston visited 24 Shaw Brow to assess the situation.
- 30th September 2009, during a phone conversation with Mr. Beeston we were informed that he would visit Truffles and give advice on noise control measures that could be taken.
- Friday 7th May 2010, Loud music from 8pm. Doors opened and closed throughout the evening by people coming onto decking. Doors finally closed 11:10, music still audible in our bedroom.
- Saturday 8th May 2010, Music from 10pm, doors closed 11pm, not as loud as Friday.
- Friday 11th June 2010, Disco from 9:30, loud music, shouts and screams heard throughout garden and house. Doors not closed until 10:55, opened again at 11:30. At 11:35 rang hotel to request doors to be shut. No reply. Doors shut at 11:50.
- Tuesday 15th June 2010, noted this incident in e-mail to Janet Brereton in Licensing.
- Saturday 10th July 2010, Very loud live singer, music, dancing and shouting. Doors shut at 9:30. People outside until 11:45. We rang at 11pm to request volume to be turned down. Phone answered by waiter, who came out into garden to monitor volume. Volume reduced but still clearly audible in bedrooms.
- Sunday 11th July 2010, music and dancing, doors to decking closed 9:45, front door open, music heard in bedrooms until midnight.
- Monday 12th July 2010, reported both incidents to Environmental Health, received written acknowledgement from Mr. Cartwright. In a phone call a few days later we were advised to monitor situation while waiting for possible application to vary the licence.
- Wednesday 21st July 2010, music from 8:30, front door open throughout, side doors intermittently opened and closed, music clearly heard in bedrooms until midnight.
- Sunday August 1st 2010, music and dancing, side doors closed at 9:00, opened at 11:20, very loud in bedrooms. Went downstairs and politely asked man walking around lawn using mobile phone if he could shut the doors. Request ignored. Doors were closed at 11:50, music continued until 12:15.

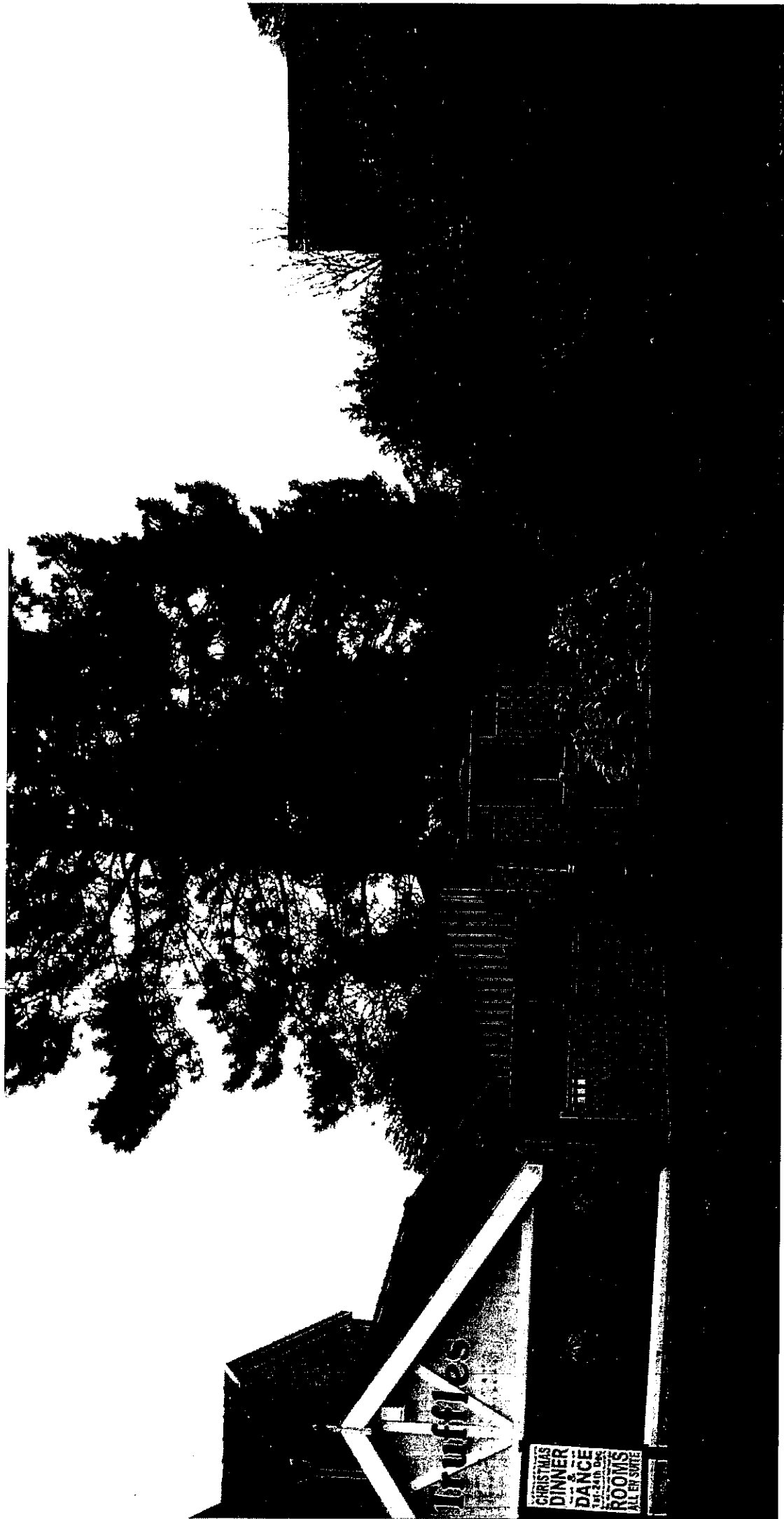
<p>Signature:</p>	<p><i>P.M. Batty</i> <i>M J Batty</i></p>
<p>Capacity:</p>	<p>Persons living in the vicinity of the premises</p>
<p>Date:</p>	<p>25th August 2010</p>



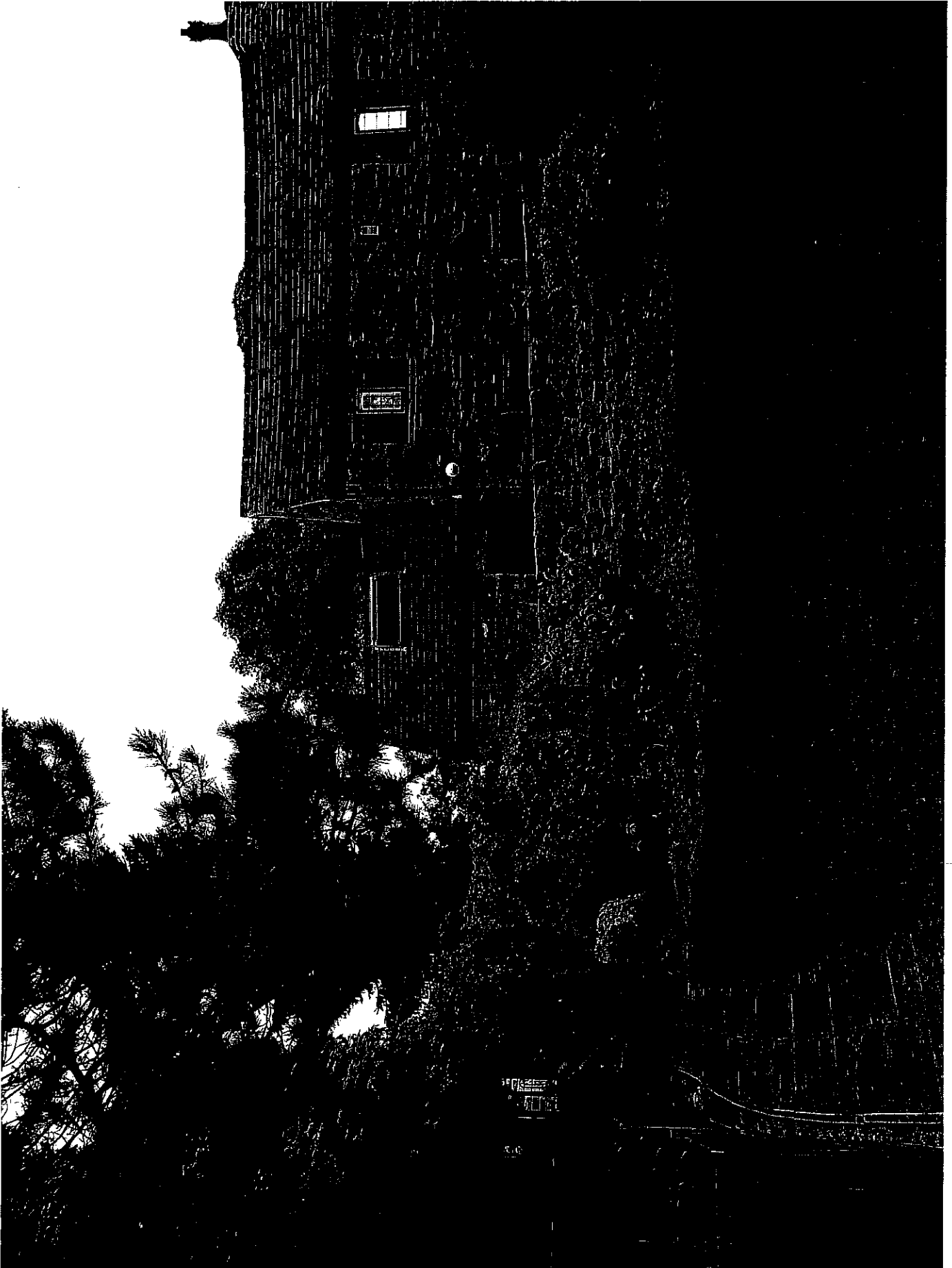
Picture 1
Truffles Dining Room screened by shrubbery.



Picture 2
Shrubbery removed, raised decking area constructed close to neighbouring property.



Picture 3
Mature Laurels provide some screening and noise reduction.



Picture 4
Screening removed.