

## Chief Executive's Office

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Date: 25 August 2005

**Chorley**  
Borough Council

Town Hall  
Market Street  
Chorley  
Lancashire  
PR7 1DP

**Chief Executive:**  
Jeffrey W Davies MA LLM

Dear Councillor

A meeting of the Statutory Licensing Sub-Committee B is to be held in the Council Chamber, Town Hall, Chorley on Wednesday, 7th September, 2005 commencing at 2.00 pm.

### AGENDA

1. **Declarations of Any Interests**

Members of the Sub-Committee are reminded of their responsibility to declare any personal interest in respect of matters contained in this agenda in accordance with the provisions of the Local Government Act 2000, the Council's Constitution and the Members Code of Conduct. If the personal interest is a prejudicial interest, then the individual Member should not participate in a discussion on the matter and must withdraw from the Council Chamber and not seek to influence a decision on the matter.

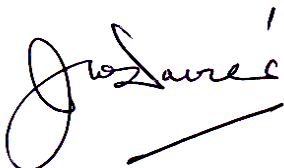
2. **Tut 'n' Shive, Market Street, Chorley. (Pages 1 - 60)**

Report of Director of Legal Services (enclosed)

Attached for Members information is the Hearing Procedure

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

Yours sincerely



Chief Executive

Continued....

## **Distribution**

1. Agenda and reports to all Members of the Statutory Licensing Sub-Committee B (Councillor Iddon (Chair), Councillors A Gee and McGowan for attendance).
2. Agenda and reports to Councillor David Dickinson (Reserve Member) to be present at the start of the meeting.
3. Agenda and reports to Director of Legal Services and Licensing Manager for attendance.
4. Agenda and reports to Executive Leader (Councillor J Wilson) Deputy Leader (Councillor Edgerley) Leader of Conservative Group (Councillor P Goldsworthy) and Leader of Liberal Democrat Group (Councillor K Ball) for information.
5. Agenda and reports to all remaining Chief Officers for information.
6. Agenda to all remaining Members of the Council for information.

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

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

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

01257 515823

کیجئے:

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

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

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

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

## HEARING PROCEDURE

### PREMISES/CLUB PREMISES LICENCE APPLICATIONS

**1. CHAIR OF SUB-COMMITTEE:**

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

**2. LICENSING OFFICER OUTLINES APPLICATION AND RELEVANT REPRESENTATIONS**

**3. QUESTIONS TO LICENSING OFFICER FOR CLARIFICATION FROM:**

- Sub-Committee
- Applicant

**4. APPLICANT OR REPRESENTATIVE OUTLINES APPLICATION**

**5. QUESTIONS TO APPLICANT FROM:**

- Sub-Committee
- Interested Representative

**6. LANCASHIRE POLICE REPRESENTATIONS**

**7. QUESTIONS TO LANCASHIRE POLICE FROM:**

- Sub-Committee
- Applicant

**8. LANCASHIRE FIRE & RESCUE REPRESENTATIONS**

**9. QUESTIONS TO LANCASHIRE FIRE & RESCUE FROM:**

- Sub-Committee
- Applicant

**10. ENVIRONMENTAL HEALTH (ENVIRONMENT) REPRESENTATIONS**

**11. QUESTIONS TO ENVIRONMENTAL HEALTH FROM:**

- Sub-Committee
- Applicant

**12. ENVIRONMENTAL HEALTH (HEALTH & SAFETY) REPRESENTATIONS**

**13. QUESTIONS TO ENVIRONMENTAL HEALTH FROM:**

- Sub-Committee
- Applicant

**14. PLANNING SERVICES REPRESENTATIONS****15. QUESTIONS TO PLANNING SERVICES FROM:**

- Sub-Committee
- Applicant

**16. SOCIAL SERVICES REPRESENTATIONS****17. QUESTIONS TO SOCIAL SERVICES FROM:**

- Sub-Committee
- Applicant

**18. TRADING STANDARD REPRESENTATIONS****19. QUESTIONS TO TRADING STANDARDS FROM:**

- Sub-Committee
- Applicant

**20. INTERESTED PARTIES REPRESENTATIONS****21. QUESTIONS TO INTERESTED PARTIES FROM:**

- Sub-Committee
- Applicant

**22. INTERESTED PARTIES INVITED TO BRIEFLY SUMMARISE****23. RESPONSIBLE AUTHORITIES INVITED TO BRIEFLY SUMMARISE****24. APPLICANT (OR REPRESENTATIVE) INVITED TO SUM UP****25. DECISION MAKING**

All parties retire whilst Sub-Committee makes decision.

**26. NOTICE OF DECISION**

Parties re-admitted and Chair announces decision and reasons.

Report of	Meeting	Date
Director of Legal Services	Statutory Licensing Sub-Committee	August 2005

**APPLICATION TO VARY PREMISES LICENCE IN RESPECT OF THE TUT N SHIVE MARKET STREET CHORLEY**

**PURPOSE OF REPORT**

1. For members to determine an application for the vary a premises licence.

**CORPORATE PRIORITIES**

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

**RISK ISSUES**

3. The issue raised and recommendations made in this report involve risk considerations in the following categories:

Strategy		Information	
Reputation		Regulatory/Legal	✓
Financial		Operational	
People		Other	

4. There is a right of appeal to the Magistrates Court by the applicant in respect of a decision to refuse to vary the premises licence or where the conditions of licence are modified. There is also the right of appeal to the Magistrates Court by a person who has made relevant representations against a decision to grant the variation or to modify the conditions of licence.

**CURRENT PREMISES LICENCE**

5. The premises licence was converted under the grandfather provisions. The current licensable activities are as follows:

Permitted licensing hours apply for on and off sales as extended by attached Special Hours certificate.

Ground Floor

Monday – Wednesday	11.00 – 23.00
Thursday – Saturday	11.00 – 02.00
Sundays and Good Friday	12.00 – 00.30
Sundays before Bank Holidays (excluding Easter Sunday)	12.00 – 02.00

Continued....



Basement Area

Friday – Saturday 10.00 – 02.00

New Years Eve 11.00 –New Years Day –terminal hours as existing

Christmas Day 12.00 –15.00 and 19.00 – 22.30

**PEL**

Permitted licensing hours authorised under the PEL are –

Monday – Wednesday 11.00 – 23.00

Thursday – Saturday 11.00 – 02.00

Sundays and Good Friday 12.00 – 00.30

Sundays before Bank Holidays 12.00 – 02.00  
(excluding Easter Sunday)

Basement area

Friday and Saturday 11.00 – 02.00

Only such conditions and restrictions as are inherent in the Licensing Act 1964 and in attached Special Hours Certificate and as per the attached PEL.

**THE APPLICATION**

5. A copy of the application to variation is attached to this report in full in Appendix 1. In summary the application is to conduct the following licensable activities and at the times set out below.

6. Provision of regulated entertainment

i) Films - Indoors

11.00 – 00.00 Monday – Wednesday

11.00 – 02.00 Thursday only

11.00 – 03.00 Friday and Saturday

11.00 – 00.30 Sunday

Non –Standard timings

When hours for sale of alcohol are extended hereunder these hours are also extended (box M on the application)

ii) Indoor sporting events – indoors

1.00 – 00.00 Monday – Wednesday

11.00 – 02.00 Thursday only

11.00 – 03.00 Friday and Saturday

11.00 – 00.30 Sunday

Non –Standard timings

When hours for sale of alcohol are extended hereunder these hours are also extended (box M on the application)

iii) Live Music – indoors



11.00 – 00.00 Monday – Wednesday  
 11.00 – 02.00 Thursday only  
 11.00 – 03.00 Friday and Saturday  
 11.00 – 00.30 Sunday

Live music and amplified voice

Non –Standard timings

When hours for sale of alcohol are extended hereunder these hours are also extended (box M on the application)

iv) recorded music – indoors

11.00 – 00.00 Monday – Wednesday  
 11.00 – 02.00 Thursday only  
 11.00 – 03.00 Friday and Saturday  
 11.00 – 00.30 Sunday

Recorded music, including juke box, with or without a DJ, during normal business hours or as part of functions and including participation as included in part b1 of the application.

Non –Standard timings

When hours for sale of alcohol are extended hereunder these hours are also extended (box M on the application)

v) Performance of dance – Indoors

11.00 – 00.00 Monday – Wednesday  
 11.00 – 02.00 Thursday only  
 11.00 – 03.00 Friday and Saturday  
 11.00 – 00.30 Sunday

Non –Standard timings

When hours for sale of alcohol are extended hereunder these hours are also extended (box M on the application)

vi) Provision of facilities for making music

11.00 – 00.00 Monday – Wednesday  
 11.00 – 02.00 Thursday only  
 11.00 – 03.00 Friday and Saturday  
 11.00 – 00.30 Sunday

To be used as and when required at any time when premises are open for the sale

Non –Standard timings

When hours for sale of alcohol are extended hereunder these hours are also extended (box M on the application)

vii) Provision of facilities for dancing

11.00 – 00.00 Monday – Wednesday  
 11.00 – 02.00 Thursday only  
 11.00 – 03.00 Friday and Saturday  
 11.00 – 00.30 Sunday

To be used as and when required at any time when premises are open for the sale

Non –Standard timings

When hours for sale of alcohol are extended hereunder these hours are also extended (box M on the application)

6. Provision of Late night Refreshment – indoors

23.00 – 00.00 Monday – Wednesday  
 23.00 – 02.00 Thursday only  
 23.00 – 03.00 Friday and Saturday  
 23.00 – 00.30 Sunday

Non –Standard timings

When hours for sale of alcohol are extended hereunder these hours are also extended (box M on the application)

7. Supply of Alcohol – On and Off the Premises

11.00 – 00.00 Monday – Wednesday  
 11.00 – 02.00 Thursday only  
 11.00 – 03.00 Friday and Saturday  
 11.00 – 00.30 Sunday

Non –Standard timings

To the extent that the variation in part B1 paragraph 3 is not granted or does not permit: to permit the sale of alcohol and such regulated entertainment as authorised hereunder until 03.00 on Friday, Saturday, Sunday and Monday, at bank holiday weekends, Christmas Eve, Boxing day.

Christmas Day 12.00 – 23.00

New Years Eve 10.00 to New Years Day – terminal hour as proposed.

8. Hours Premises are open to the public

11.00 – 00.45 Monday - Wednesday  
 11.00 - 02.45 Thursday  
 11.00 - 03.45 Friday and Saturday  
 11.00 - 01.15 Sunday

9. **ADDITIONAL STEPS TO BE TAKEN TO PROMOTE LICENSING OBJECTIVES**

The applicant has indicated that following additional steps will be taken to promote the licensing objectives:

i) General

I have undertaken my own risk assessment to take the following proposed steps.

The types of regulated entertainment proposed materially do no more than re-instate the normal pub entertainment that was previously unregulated.

No new steps have been identified in relation to the four licensing objectives save as below.

The premises will continue to comply with the Laural Pub Company Social Responsibility Policy

ii) Prevention of crime and disorder

No further risks have been identified which need to be addressed, save as below

Under the present licensing regime the premises already are able to open until 02.30

10. ADDITIONAL STEPS TO BE TAKEN TO PROMOTE LICENSING OBJECTIVES

The applicant has indicated that following additional steps will be taken to promote the licensing objectives:

i) General

Applicant has undertaken own risk assessment to take the following proposed steps.

The types of regulated entertainment proposed materially do no more than re-instate the normal pub entertainment that was previously unregulated in B1.

No new steps have been identified in relation to the four licensing objectives save as below.

ii) Prevention of crime and disorder

No further risks have been identified which need to be addressed, save as below

A Any person exercising a security activity (as defined by paragraph 2(1) (a) of schedule 2 of the Private Security Industry Act 2001) shall be licensed by the Security Industry Authority

B Such a person will be employed at the premises at the discretion of the designated premises supervisor/holder of the Premises Licence.

C Any person as defined in condition A will clearly display his name badge at all times whilst on duty.

D No customers apparently carrying open bottles upon entry shall be admitted to the premises at any times the premises are open to the public.

E Where CCTV is installed with recording facilities such recordings shall be retained for a period of 30 days and made available within a reasonable time upon request by the police.

F Alcoholic and other drinks may not be removed from the premises in open containers save for consumption in any external area provided for that purpose.

G The maximum occupancy of the building (including staff and performers) will be restricted to 300

iii) Public Safety

No further risks have been identified which need to be addressed, save as below

- A To comply with the reasonable requirements of the fire officer from time to time.
- B To complies with the reasonable requirements of the building control officer.

iv) The Prevention of public nuisance

No further risks have been identified which need to be addressed, save as below

- A Where appropriate, prominent clear and legible notices shall be displayed at all exits requesting the public request the needs of local residents and area quietly
- B Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.
- C. Where necessary to liase with environmental health department to restrict noise pollution in residential

v) The protection of children from harm

- A The restrictions set out in the licensing act 2003 will apply no unusual or additional risks of harm to children have been identified.
- B Persons under the age of 18 shall not be permitted to enter the premises after 22.00

10. Other Activities that may give rise to concern in respect of children

None

11. Conditions/ Restrictions to be removed on variation.

Remove all embedded restrictions inherent in the licensing act 1964, and in the attached Special Hours certificate save a specified elsewhere in part b of this application.

12. Relevant Representations – Responsible Authorities

There is a relevant representation received to the application to vary from the police. The objection is relevant to the following licensing objectives –

- Prevention of crime and disorder
- Prevention of public nuisance

The objection is in full attached to the report, however to summarise –

The hours sought for Friday and Saturday for sale of alcohol until 3am with a closing time of 3.45am are excessive and would undermine the prevention of crime and disorder’

The police would like to add the following conditions to the premises licence

No fewer than 5 door supervisors should be on duty Thursday, Friday and Saturday.

The maintaining of a register of door supervisors noting name, registration number, and times they are on duty.

Maintain an incident log.

Ensuring strict capacity checks are made and adhered to particularly in relation to the down stairs part of the premises.

Any persons make no sales of alcohol less than 18 years of age.

13. Relevant Representations – Interested Parties

None

14. Policy Considerations.

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

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

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

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

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

- i) reject the application in whole or in part
- ii) modify the conditions.

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

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

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

Paragraph 1.5 This policy does not seek to undermine the right of any individual to apply under the Act for a variety of permissions and as stated above each application will be

considered on its individual merits. Nor does the Policy seek to override the right of a person to make representations on an application or seek a review of a licence or certificate. However, the Council in adopting this policy is indicating that a wide range of considerations will be taken into account.

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

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

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

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

Paragraph 2.6 The Licensing Authority considers that every holder of a licence, certificate or permission and designated premises supervisor is responsible for minimising the impact of their activities and anti-social behaviour by their customers within the vicinity of their premises.

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

## **CRIME AND DISORDER**

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

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

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

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

Paragraph 6.5 The promotion of the crime and disorder-licensing objective, places a responsibility on licence holders to try and achieve this objective. Applicants will therefore be required to address, in their operating schedules, where appropriate, those measures

that have been identified and will be implemented and/ or maintained to reduce or prevent crime and disorder in the vicinity of their premises. The Licensing Authority considers that best practice will be exemplified by the night safe initiative and would recommend that licence holders join this initiative.

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

crime prevention measures

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

Paragraph 6.7 The Licensing Authority where relevant representations are made, will consider attaching conditions to deter and prevent crime and disorder, if appropriate and necessary and these may include conditions from the model pool of conditions at Appendix 3. Certain premises may be required to install CCTV system to an evidential standard should the Council be satisfied it is necessary and /or appropriate to meet the licensing objectives.

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

## **LICENSING HOURS**

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

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

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

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.

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

## **PREVENTION OF PUBLIC NUISANCE**

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

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

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

Paragraph 13.4 Activities that involve public entertainment, drinking or eating, have the potential to impact adversely on their surrounding areas due to noise, litter, and odours. There is also the potential for disturbance caused by those attending licensable activities. Late at night the impact of licensed activities is likely to be more objectionable to residents



living close to a licensed activity, as the ambient noise levels are often lower so noise disturbance becomes more noticeable.

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

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

- the location of the premises (in particular proximity to residential and other noise sensitive premises, 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 & Clubs produced by the Institute of Acoustics and the British Beer and Pub Association.

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

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

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

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

15. 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.

**ASSOCIATED PAPERS**

16 Application form and relevant representation.

ROSEMARY LYON  
DIRECTOR OF LEGAL SERVICES

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
H.Bee	5665	17 August 2005	LEGREP/90012AAS

12/7/05

28

30 day limit

9/8/05



# Lancashire Constabulary

Licensing Unit, Police Station, St Thomas's Road, Chorley, PR7 1DR

Tel: 01257 246215

Fax: 01257 246217

e-mail: southern-licensing@lancashire.pnn.police.uk

18 July 2005

Licensing Officer  
 Chorley Borough Council  
 Town Hall  
 Market Street  
 Chorley  
 PR7 1DP

*7m Dept*

*App. No. 4275*

Dear Sir

**RE: PREMISES LICENCE REPLY:- LICENSING ACT 2003 - REF Variation.**

Premises Tut N Shive, Market Street, Chorley

There are the following police representations to be made in respect of this application:-

The police would make representations to the variation for the above premises in respect of the hours sought for Fri and Sat for sale of alcohol till 3am and closing at 3.45am. The police feel this would greatly undermine the crime prevention objective in respect of crime and disorder in and around these premises.

We would also look for the following conditions

No fewer than 5 door supervisors should be on duty on Thursday, Friday and Saturday.

The maintaining of a register of door supervisors noting name, registration number, times they are on duty

Maintaining an incident log

Ensuring strict capacity checks are made and adhered to particularly in relation to the downstairs part of the premises.

No sales of alcohol are made by any person under 18 years of age.

These would assist in addressing the crime prevention and public nuisance aspects of the licensing objectives.

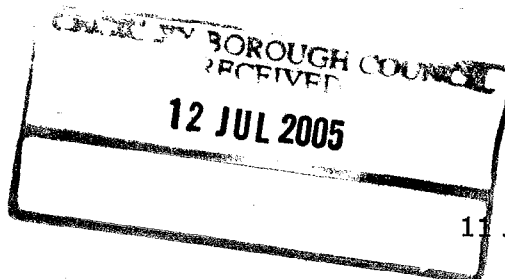
Yours faithfully

Police Sergeant 1506  
 (Licensing)

**JOHN GAUNT**  
 &  
**PARTNERS**

Our Ref: PJR/LPC/18193  
 Contact: Patrick Robson  
 Tel: 0114 266 3400

Chorley Borough Council  
 Licensing Officer  
 Town Hall  
 Market Street  
 Chorley  
 Lancashire  
 PR7 1DP



Dear Sirs

**Premises – Tut `N Shive, Market Street, Chorley, Lancs, PR7 1BD**  
**Applicant – Laurel Pub Company Ltd**

We act for Laurel Pub Company Ltd and Matthew Ellams.

On our client's behalf, we enclose by way of service on you Notice of Application for the grant of a Premises Licence for Tut `N Shive together with our cheque in your favour in the sum of £395.00 being the fee payable. Kindly acknowledge safe receipt.

In support of the application, we enclose a plan of the premises, the consent of the proposed DPS and the consent(s) of the current licensee(s) and originals or certified copies of the following documents:

Justices on Licence  
 AWP Permit  
 Special Hours Certificate  
 Public Entertainment Licence

The plans identify the licensed area edged in red. For the purpose of clarification we confirm that all proposed licensable activities extend to the public areas within this area.

We confirm that we have served copies of the enclosed application and supporting documents on the relevant authorities being the Police, Fire Authority, Local Enforcement of Health & Safety at work, Environmental Health Authority, Planning Authority, the relevant authority for Protection of Children from Harm and Weights and Measures.

You may have already received, or you should shortly receive, the application for the Personal Licence for the designed Premises Supervisor and any other related Personal Licence application to these premises.

The enclosed application comprises an application for conversion and variation.

Omega Court 372 Cemetery Road Sheffield S11 8FT  
 Telephone: 0114 266 8664 (Main) 0114 266 3400 (Reform)  
 Email: post@john-gaunt.co.uk Fax: 0114 266 0101 DX: 717212 Sheffield 27

Web: www.john-gaunt.co.uk www.licensing-reform.co.uk

Partners: John Gaunt Katharine Redford Tim Shield Michelle Hazlewood  
 Associates: David Hollis Craig Burman Practice Manager: Susie Glossop

glass - the gaunt licence application support service for reform

Solicitors Regulated by the Law Society



The variation proposed is detailed at part B1. It is not the intention of this application to alter the nature of the operation at these premises.

Please note that if the variation of hours requested at B1 paragraph 4 is granted, that variation sought at paragraph 2 will become redundant.

Should you have any queries, please do not hesitate to telephone us. Please quote our reference on all correspondence.

Thank you for your assistance.

Yours faithfully

A handwritten signature in black ink, appearing to be 'P. Robson', written over a vertical line.

**John Gaunt & Partners**  
**Email: PRobson@john-gaunt.co.uk**

**(Part A) Application for an existing licence to be converted to a premises licence under the Licensing Act 2003 and (Part B) application to vary the premises licence simultaneously**

**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.

**We, The Laurel Pub Company Ltd apply to convert an existing licence to a premises licence under Schedule 8 to the Licensing Act 2003 for the premises described in Part A1 below**

**Part A1 - Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description	
Tut `N Shive, Market Street	
Post town Chorley	Post code PR7 1BD

Telephone number of premises (if any) 01257 262858

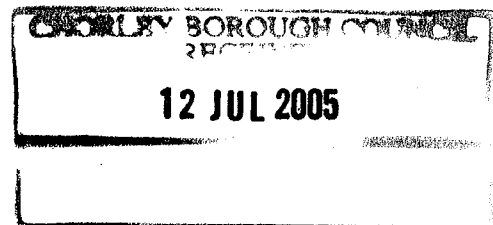
Non-domestic rateable value of premises £64500

**Part A2 - Applicant Details**

Please state the capacity in which you applying to convert your existing licence

Please tick ✓

- a) An individual or individuals  please complete section (A)
- b) a person other than an individual
  - i. as a limited company  please complete section (B)
  - ii. as a partnership  please complete section (B)
  - iii. as an unincorporated association or  please complete section (B)
  - iv. other (for example a statutory corporation)  please complete section (B)
- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)
- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)



**(A) INDIVIDUAL APPLICANTS (fill in as applicable)**

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

Surname

First names

Please tick

I am 18 years old or over

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

Email address (optional)

**Second Individual Applicant (if applicable)**

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

Surname

First names

Please tick

I am 18 years old or over

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

Email address (optional)

**(B) OTHER APPLICANTS**

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

Name The Laurel Pub Company Ltd
Address Porter Tun House 500 Capability Green Luton LU1 3LS
Registered number (where applicable) 4314584
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any)
E-mail address (optional)



**Part A3 - Operating Schedule**

If 5000 or more people attend the premises at any one time please state the number

N/A

General description of premises (please read guidance note 1)

Laurel with PEL

Established public house providing entertainment and food as identified on the deposited plans trading with a PEL and Special Hours Certificate also with rights to provide "regulated entertainment" inherent in LA 1964.

These premises are entitled to sell to residents and supply their bona fide guests 24 hours a day pursuant to section 63(2) LA 1964.

These premises are entitled to provide private entertainment.

3 AWP Machines under s.34 Gaming Act 1968 Permit

What existing licensable activities are authorised by your existing licence(s)?

**Provision of regulated entertainment**

- a) plays
- b) films
- c) indoor sporting events
- d) boxing or wrestling entertainment
- e) live music
- f) recorded music
- g) performances of dance
- h) anything of a similar description to that falling within (e), (f) or (g)

**Provision of entertainment facilities for:**

- i) making music
- j) dancing
- k) entertainment of a similar description to that falling within (i) or (j)

**Provision of late night refreshment**

**Sale by retail of alcohol**

- a) for consumption on the premises
- b) for consumption off the premises

Please state who you wish to be specified to be the premises supervisor under the new licence

Name: Matthew Ellams .....

Address: Tut `N Shive, Market Street, Chorley, Lancs, PR7 1BD.....

Personal Licence number, if known: Not Known.....

on the hours during which you are permitted by your licence(s) or any additional  
t licensable activities, including the sale of alcohol.

ad guidance

hours apply for on and off sales as extended by the attached Special Hours Certificate

y: 11:00 - 23:00  
y: 11:00 - 02:00  
Friday: 12:00 - 00:30  
Holidays (excluding Easter Sunday): 12:00 - 02:00

0:00 - 02:00  
0 - New Years Day - terminal hour as existing  
0 - 15:00 and 19:00 - 22:30

hours authorised under the PEL are:

y: 11:00 - 23:00  
y: 11:00 - 02:00  
30  
Holidays (excluding Easter Sunday): 12:00 - 02:00

:00 - 02:00

Special

Empty rectangular box for special hours entry.

Empty rectangular box for special hours entry.

Empty rectangular box for special hours entry.

Empty rectangular box for special hours entry.

limitations on the hours during which you are permitted by your licence(s) or any additional  
conduct licensable activities, including the sale of alcohol.

opening hours apply for on and off sales as extended by the attached Special Hours Certificate

Wednesday: 11:00 – 23:00  
Saturday: 11:00 – 02:00  
Good Friday: 12:00 – 00:30  
Public Bank Holidays (excluding Easter Sunday): 12:00 – 02:00

Monday: 10:00 – 02:00  
Tuesday: 11:00 – New Years Day – terminal hour as existing  
Friday: 12:00 – 15:00 and 19:00 – 22:30

opening hours authorised under the PEL are:

Wednesday: 11:00 – 23:00  
Saturday: 11:00 – 02:00  
Good Friday: 12:00 – 00:30  
Public Bank Holidays (excluding Easter Sunday): 12:00 – 02:00

Monday: 11:00 – 02:00

al


State any limitations on the hours during which you are permitted by your licence(s) or any additional authorities to conduct licensable activities, including the sale of alcohol.

Permitted licensing hours apply for on and off sales as extended by the attached Special Hours Certificate

Ground Floor

Monday to Wednesday: 11:00 – 23:00

Thursday to Saturday: 11:00 – 02:00

Sundays and Good Friday: 12:00 – 00:30

Sundays before Bank Holidays (excluding Easter Sunday): 12:00 – 02:00

Basement Area

Friday to Saturday: 10:00 – 02:00

New Years Eve: 11:00 – New Years Day – terminal hour as existing

Christmas Day: 12:00 – 15:00 and 19:00 – 22:30

**PEL:**

Permitted licensing hours authorised under the PEL are:

Ground Floor

Monday to Wednesday: 11:00 – 23:00

Thursday to Saturday: 11:00 – 02:00

Sunday: 12:00 – 00:30

Sundays before Bank Holidays (excluding Easter Sunday): 12:00 – 02:00

Basement area

Friday & Saturday 11:00 – 02:00

- |   | Please tick              | Yes                                 |
|---|--------------------------|-------------------------------------|
| ▪ I have made or enclosed payment of the fee  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ▪ I have enclosed my existing licence(s) or a certified copy of each licence                          | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ▪ I have enclosed a plan of the premises  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ▪ I have sent copies of this application to the chief officer of police (please read guidance note 3) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ▪ I have enclosed the consent form completed by the proposed premises supervisor, if relevant         | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ▪ I have enclosed the consent of the justices' licence holder to my application, if relevant          | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ▪ I understand that if I do not comply with the above requirements my application will be rejected    | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE £5000, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

**Part A4 – Signatures (please read guidance note 4)**

**Signature of applicant or applicant's solicitor or other duly authorised agent.** (Please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature John Gaunt & Partners.....

Date 11<sup>th</sup> July 2005 .....

Capacity: Solicitors.....

**For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent.** (Please read guidance note 6). **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 7) John Gaunt and Partners Solicitors 372 Omega Court Cemetery Road	
Post town Sheffield	Post code S11 8FT
Telephone number 0114 266 3400	DX 717212 Sheffield 27
E-mail address (optional) PRobson@john-gaunt.co.uk	

**IF YOU WISH TO APPLY SIMULTANEOUSLY FOR A VARIATION OF THE PREMISES LICENCE IF IT IS CONVERTED FROM YOUR EXISTING LICENCE(S) UNDER SECTION 34 OR 37 OF THE LICENSING ACT 2003, NOW COMPLETE PART B OF THIS FORM.**

**IF YOU DO NOT WISH TO APPLY SIMULTANEOUSLY FOR A VARIATION OF THE PREMISES LICENCE IF IT IS CONVERTED FROM YOUR EXISTING LICENCE(S), YOU SHOULD LEAVE PART B BLANK.**

Describe the conditions subject to which your existing licence(s) has/have been granted (please read guidance note 2):

**a) General – all four licensing objectives (b,c,d,e)**

Only such conditions and restrictions as are inherent in the Licensing Act 1964 and in the attached Special Hours Certificate as per the attached PEL

**b) The prevention of crime and disorder**

See (a) above

**c) Public safety**

See (a) above

**d) The prevention of public nuisance**

See (a) above

**e) The protection of children from harm**

See (a) above

**PART B - Application to vary a premises licence under the Licensing Act 2003**

**We The Laurel Pub Company Ltd being the proposed premises licence holder of an existing licence to be converted under the terms of Schedule 8 to the Licensing Act 2003 apply to vary it under section 34 of the Licensing Act 2003 (delete as applicable) for the premises described in Part A above.**

**Part B1 - Variation**

Do you want the proposed variation to have effect from the second appointed day?

Day                      Month                      Year

If not do you want the variation to take effect from                      N/A

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 read guidance note 8)

1. To permit regulated entertainment comprising: Live music and amplified voice, recorded music by juke box and music systems, comperes for functions and quizzes and similar forms of entertainment, indoor pub games comprising a sporting event in the presence of an audience, exhibition of a film principally video entertainment on screens and TV screens and amusement machines.
2. To the extent that the variation in paragraph 3 is not granted or does not permit: to permit sale of alcohol and such regulated entertainment until 03:00 the following morning on Friday, Saturday, Sunday and Monday at bank holiday weekends, Christmas Eve, Boxing Day To allow the sale of alcohol and such regulated entertainment as specified in the appropriate boxes below.
3. To permit provision of refreshment after 23:00
4. To remove the requirement for the availability of food under the Special Hours Certificate
5. To remove all embedded restrictions under LA 1964 and in particular those restrictions relating to the Special Hours Certificate, Children and Young Persons Act 1933, Cinematograph (Safety) Regulations 1955 and Sporting Events (Control of Alcohol etc) Act 1985.

**Part B2 - Operating Schedule**

Please complete those parts of the operating schedule which would be subject to change if this application to vary were successful.

What licensable activities do you now intend to conduct on the premises and/or at what varied times do you intend to conduct them?

(please see section 1 of the Licensing Act 2003 and Schedule 1 to the Licensing Act 2003)

**Provision of regulated entertainment**

**Yes**

- 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)**

Please complete Part B3 on this form.

**A**

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both - please tick {Y} (please read guidance note 9).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 10) N/A	Both	
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 11)		
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 12)		
Sat					
Sun					

**B**

Films Standard days and timings (please read guidance note 8)	Will the exhibition of films take place indoors or outdoors or both - please tick {Y}(please read guidance note 9).	Indoors	✓
		Outdoors	



Day	Start	Finish	Both
Mon	11:00	00:00	Please give further details here (please read guidance note 10) As stated in B1 above
Tue	11:00	00:00	
Wed	11:00	00:00	State any seasonal variations for the exhibition of films (please read guidance note 11)  N/A - Save as below
Thur	11:00	02:00	
Fri	11:00	03:00	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 12) When hours for sale of alcohol are extended hereunder these hours are also extended (see box M below)
Sat	11:00	03:00	
Sun	11:00	00:30	

**C**

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 10) As stated in B1 above
Day	Start	Finish	
Mon	11:00	00:00	State any seasonal variations for indoor sporting events (please read guidance note 11) N/A - save as below
Tue	11:00	00:00	
Wed	11:00	00:00	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 (please read guidance note 12) When hours for sale of alcohol are extended hereunder these hours are also extended (see box M below)
Thur	11:00	02:00	
Fri	11:00	03:00	
Sat	11:00	03:00	
Sun	11:00	00:30	

**D**

Boxing or wrestling entertainment Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both - please tick {Y}(please read guidance note 9).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 10)  N/A	Both	
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 11)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 12)		
Sat					

Sun			

**E**

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick {Y} (please read guidance note 9).	Indoors	✓
Day	Start	Finish		Outdoors	
Mon	11:00	00:00	Please give further details here (please read guidance note 10) Live music and amplified voice as stated in B1 above	Both	
Tue	11:00	00:00			
Wed	11:00	00:00			
Thur	11:00	02:00	State any seasonal variations for the performance of live music (please read guidance note 11) N/A – save as below		
Fri	11:00	03:00			
Sat	11:00	03:00	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 12) When hours for sale of alcohol are extended hereunder these hours are also extended (see box M below)		
Sun	11:00	00:30			

**F**

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick {Y} (please read guidance note 9).	Indoors	✓
Day	Start	Finish		Outdoors	
Mon	11:00	00:00	Please give further details here (please read guidance note 10) Recorded music, including juke box, with or without a DJ, during normal business hours or as part of functions and including audience participation as specified in B1 above.	Both	
Tue	11:00	00:00			
Wed	11:00	00:00			
Thur	11:00	02:00	State any seasonal variations for playing recorded music (please read guidance note 11) N/A – save as below		
Fri	11:00	03:00			
Sat	11:00	03:00	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 12) When hours for sale of alcohol are extended hereunder these hours are also extended (see box M below)		
Sun	11:00	00:30			

**G**

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick {Y} (please read guidance note 9).	Indoors	✓
Day	Start	Finish		Outdoors	
Mon	11:00	00:00	Please give further details here (please read guidance note 10) As stated in B1 above	Both	

Tue	11:00	00:00	
Wed	11:00	00:00	State any seasonal variations for the performance of dance (please read guidance note 11) N/A - save as below
Thur	11:00	02:00	
Fri	11:00	03:00	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 12) When hours for sale of alcohol are extended hereunder these hours are also extended (see box M below)
Sat	11:00	03:00	
Sun	11:00	00:30	

**H**

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing	
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both - please tick {Y} (please read guidance note 9).	Indoors
				Outdoors
Mon				Both
Tue			Please give further details here (please read guidance note 10)	
Wed				
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 11)	
Fri				
Sat			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 12)	
Sun				

**I**

Provision of facilities for making music. Standard days and timings (please read guidance note 8)			Please give a description of the facilities for making music you will be providing The normal facilities for making music will be on offer as conveniently available and as appropriate for this type of venue		
			Will the facilities for making music be indoors or outdoors or both – please tick {Y} (please read guidance note 9).	Indoors	✓
				Outdoors	
				Both	
Day	Start	Finish			
Mon	11:00	00:00	Please give further details here (please read guidance note 10) To be used as and when required at any time when the premises are open for the sale of alcohol		
Tue	11:00	00:00			
Wed	11:00	00:00	State any seasonal variations for the provision of facilities for making music (please read guidance note 11) N/A – save as below		
Thur	11:00	02:00			
Fri	11:00	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 12) When hours for sale of alcohol are extended hereunder these hours are also extended (see box M below)		
Sat	11:00	03:00			
Sun	11:00	00:30			

**J**

Provision of facilities for dancing Standard days and timings (please read guidance note 1)			Will the facilities for dancing be indoors or outdoors or both – please tick {Y} (see guidance note 9).		
				Indoors	✓
				Outdoors	
				Both	
Day	Start	Finish			
Mon	11:00	00:00	Please give further details here (please read guidance note 10) To be used as and when required at any time when the premises are open for the sale of alcohol		
Tue	11:00	00:00			
Wed	11:00	00:00	State any seasonal variations for providing dancing facilities (please read guidance note 11) N/A – save as below		
Thur	11:00	02:00			
Fri	11:00	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 12) When hours for sale of alcohol are extended hereunder these hours are also extended (see box M below)		
Sat	11:00	03:00			
Sun	11:00	00:30			

**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 8)			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		Indoor

			or both – please tick {Y} (please read guidance note 9).	Outdoor
Mon				Both
Tue			Please give further details here (please read guidance note 10)	
Wed				
Thur				
Fri			State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within J or K (please read guidance note 11)	
Sat				
Sun			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 J or K at different times to those listed in the column on the left, please list (please read guidance note 12)	

**L**

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick {Y} (please read guidance note 9).	Indoors	✓
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 10) As stated in B1 above		
Mon	23:00	00:00			
Tue	23:00	00:00			
Wed	23:00	00:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 11) N/A – save as below		
Thur	23:00	02:00			
Fri	23:00	03:00	Non standard timings. Where you intend to use the premises for the provision of late night entertainment at different times, to those listed in the column on the left, please list (please read guidance note 12) When hours for sale of alcohol are extended hereunder these hours are also extended (see box M below)		
Sat	23:00	03:00			
Sun	23:00	00:30			

**M**

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption (Please tick box Y) (please read guidance note 13)	On the premises	
Day				Off the premises	
	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon	11:00	00:00	State any seasonal variations for the supply of alcohol (please read guidance note 11)		
Tue	11:00	00:00			
Wed	11:00	00:00			
Thur	11:00	02:00	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 12)		
Fri	11:00	03:00	To the extent that the variation in part B1 paragraph 3 is not granted or does not permit: to permit sale of alcohol and such regulated entertainment as authorised hereunder until 03:00 on Friday, Saturday, Sunday and Monday at bank holiday weekends, Christmas Eve, Boxing Day.  Christmas Day: 12:00 to 23:00 New Years Eve: 10:00 to New Years Day – terminal hour as proposed		
Sat	11:00	03:00			
Sun	11:00	00:30			

**IN ALL CASES PLEASE COMPLETE BOXES N, O, P and Q below**

**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 14)  
 NONE save for the presence of AWP machines already authorised the use of which is not permitted by persons under the age of 18

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variation (please read guidance note 11)  Please see box M above
Day	Start	Finish	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 12)  The premises will close 45 minutes after the end of the non-standard timings identified in box M above.
Mon	11:00	00:45	
Tue	11:00	00:45	
Wed	11:00	00:45	
Thur	11:00	02:45	
Fri	11:00	03:45	
Sat	11:00	03:45	
Sun	11:00	01:15	

Please identify any of the conditions, terms or restrictions currently imposed on the converted licence which you believe could be removed as a consequence of the proposed variation you are seeking

Removal of all embedded restrictions inherent in Licensing Act 1964 and in the attached Special Hours Certificate save as specified elsewhere in part B of this application.

**Q** Please describe any additional steps that you intend to take in order to promote the four licensing objectives if the proposed variation is granted:

**a) General – all four licensing objectives (b,c,d,e) (please read guidance note 15)**

I have undertaken my own risk assessment to take the following proposed steps.

The types of regulated entertainment proposed materially do no more than reinstate the normal pub entertainment that was previously unregulated as identified in B1 above.

No new steps have been identified in relation to the four licensing objectives save as below.

The premises will continue to comply with the Laurel Pub Company Social Responsibility Policy.

**b) The prevention of crime and disorder**

No further risks have been identified which need to be addressed, save as below

Under the present licensing regime the premises already are able to be open until 02:30

1. Any person exercising a security activity (as defined by paragraph 2(1)(a) of schedule 2 of the Private Security Industry Act 2001) shall be licensed by the Security Industry Authority.
2. Such a person will be employed at the premises at the discretion of the designated premises supervisor/holder of the Premises Licence.
3. Any person as defined in condition (1) will clearly display his name badge at all times whilst on duty.
4. No customers apparently carrying open bottles upon entry shall be admitted to the premises at any times the premises are open to the public.
5. Where CCTV is installed with recording facilities such recordings shall be retained for a period of 30 days and made available within a reasonable time upon request by the police.
6. Alcoholic and other drinks may not be removed from the premises in open containers save for consumption in any external area provided for that purpose.
7. The maximum occupancy of the building (including staff and performers) will be restricted to 300 persons.

**c) Public safety**

No further risks have been identified which need to be addressed, save as below

1. To comply with the reasonable requirements of the fire officer from time to time.
2. To comply with the reasonable requirements of the building control officer.

**d) The prevention of public nuisance**

No further risks have been identified which need to be addressed, save as below

1. Where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.
2. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.
3. Where necessary to liaise with the environmental health department to restrict noise pollution in residential areas.

**e) The protection of children from harm**

The restrictions set out in the Licensing Act 2003 will apply. No unusual or additional risks of harm to children have been identified.

Persons under the age of 18 shall not be permitted to enter the premises after 22:00.



**Part B3 - Premises Supervisor**

**Full name of proposed designated premises supervisor**  
Matthew Ellams

**Address of proposed designated premises supervisor**  
Tut `N Shive, Market Street, Chorley, Lancs, PR7 1BD

**Personal licence number of proposed designated supervisor, if any, and issuing authority of the personal licence, if applicable**  
N/A

Please tick ✓

- I enclose the consent form completed by the proposed premises supervisor
- I will give a copy of Part B3 of this application to the chief officer of police (section 37 of the Licensing Act 2003)
- I have sent copies of this application to vary (except Part B3) to responsible authorities and others where applicable (section 34 of the Licensing Act 2003)
- I understand that I must now advertise my application to vary (section 37 of the Licensing Act 2003)
- I understand that if I do not comply with the above requirements my application will be rejected

**Part B4 – Signatures (please read guidance note 16)**

**Signature of applicant (the proposed current premises licence holder) or applicant’s solicitor or other duly authorised agent.** (See guidance note 17) **If signing on behalf of the applicant please state in what capacity.**

Signature: John Gaunt & Partners .....  
 Date 11<sup>th</sup> July 2005 .....  
 Capacity: Solicitors.....

**Where the premises licence is jointly held signature of 2nd applicant (the proposed current premises licence holder) or 2nd applicant’s solicitor or other authorised agent.** (please read guidance note18). **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 19) John Gaunt & Partners Omega Court 372 Cemetery Road	
Post town Sheffield	Post code S11 8FT

**Notes for Guidance**

**PART A**

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which would be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and provide a place for consumption of these off-supplies you must include a description of where the place is and its proximity to the premises.
2. Where the conditions to which your existing licence(s) is granted do not relate solely to any one of the four licensing objectives, please describe such conditions in the general box.
3. The law requires you to send a mandatory copy of this application to the chief officer of police for that area at the same time as sending to the relevant licensing authority.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
7. This is the address we shall use to correspond with you about this application.

## PART B

**This application cannot be used to vary the licence 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.**

8. Please give timings in 24 hour clock and only give details for days of the week when you intend the premises to be used for the activity.
9. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
10. Please 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.
11. For example (but not exclusively), where the activity will occur on additional days during the summer.
12. For example (but not exclusively), where you wish the activity to go on longer on a particular day i.e Christmas Eve.
13. 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.
14. Please give information about anything to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gambling machines.
15. Please list here steps you will take to promote all four licensing objectives together.
16. The application form must be signed.
17. A applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
18. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
19. This is the address which we shall use to correspond with you about this application.

Justices' Licence  
Intoxicating Liquor

Licence No.14

**COUNTY OF LANCASHIRE  
PETTY SESSIONAL DIVISION OF CHORLEY**

**LICENSING ACT 1964**

At the Licensing Session held at the Court House, St Thomas's Road, Chorley, on the 2<sup>ND</sup> day of April 2003 for the Division of Chorley in the County of Lancashire.

The Licensing Justices for the said Licensing district hereby grant  
To Matthew Joseph Ellams  
Of Tut & Shive, Market Street, Chorley, Lancashire

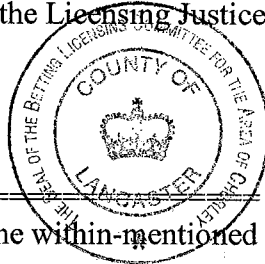
(hereinafter called the licensee this Justices' Licence authorising her to sell by retail at the premises known as Tut & Shive

intoxicating liquor of all descriptions for consumption (either ON or) OFF the premises.

The owner(s) of the premises in respect of which this licence is granted  
Are The Laurel Pub Co  
Of PO Box 888, Porz Ave, Dunstable, LU5 5XA

This licence (is granted subject to the conditions endorsed hereon and) shall be in force from the date hereof until the fourth day of April, year 2007.

Given under the official stamp of the Licensing Justices which is hereto affixed under their authority by me.



Clerk to the Licensing Justices

CONDITIONS subject to which the within-mentioned licence is granted:-

No. 14

**GAMING ACT 1968, s.34**

**PERMIT**  
for the use of  
**Machines for Gaming by way of Amusement with Prizes**

**THE LICENSING JUSTICES** for the Licensing District of Chorley

in the County of Lancashire

within which licensing district the undermentioned premises are situated **HEREBY**

**GRANT** to Matthew Joseph Ellams

of Market Street, Chorley

this [renewal of the] **PERMIT** for the use of machines for gaming under s. 34 of the Gaming Act 1968 on the premises known as Tut n Shire

of which premises the above mentioned holds a justices' on-licence.

[**THIS PERMIT** is issued subject to the condition that the number of machines which may be made available on the premises for gaming shall be limited to two \*]

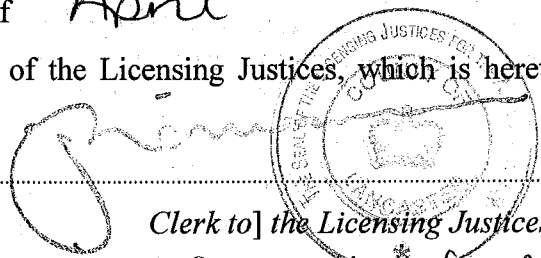
**THIS PERMIT** shall be in force from the 2nd day of April 2003

and, subject to paragraphs 18 to 20 of Schedule 9 to the said Act, shall cease to be in force at the end of the 1st day of April 2006

Receipt of the fee of £32.00 is acknowledged.

**DATED** this 2nd day of April

[**GIVEN** under the official [seal] [stamp] of the Licensing Justices, which is hereto affixed under their authority by me\*\*



Clerk to] the Licensing Justices

That any machine in respect of which the condition mentioned in section 34(5a) of this Act are observed is located in a bar

**NOTE:** This permit is **NOT TRANSFERABLE** and shall cease to have effect if the holder of the permit ceases to be the holder of the justices' on-licence in respect of the premises to which it relates (save as provided by para. 20 of Schedule 9 to the Act in the event of the death of the holder).

**IT IS IMPORTANT THAT YOU READ THE NOTES ON THE REVERSE OF THIS FORM.**

\*Insert number

†Not less than three years from the date of the permit

\*\*Where there is no official seal or stamp the permit must be signed by the majority of the licensing justices present when the permit is granted



Licensing Act 1964, sect.77

**Special Hours Certificate**

AT the Licensing Sessions for the Licensing District of CHORLEY

held on the 5th day of JANUARY, 2005.

THE Licensing Justices for the said licensing district, being satisfied as respects the licensed premises known as TUT 'N' SHIVE, MARKET STREET, CHORLEY

- (a) that a music and dancing licence is in force as respects the premises; and
- (b) that [the premises are] [the following part of the premises, that is to say GROUND FLOOR AT TUT 'N' SHIVE,


structurally adapted and *bona fide* [intended to be] used for the purpose of providing for persons resorting to the premises music and dancing and substantial refreshment to which the sale of intoxicating liquor is ancillary. is]

HEREBY GRANT under section 77 of the Licensing Act 1964, this **Special Hours Certificate** as respects the said (part of the) premises.

[By virtue of section [78A] [and] [80] of the Licensing Act 1964 this certificate shall be limited to the [following times of the day, namely THURSDAYS TO SATURDAYS (INCLUSIVE) UNTIL 2.00 AM [and] (the) [following days namely SUNDAYS UNTIL 12.30 AM [and] (the) [following part(s) of the year, namely SUNDAYS BEFORE BANK HOLIDAYS (EXCLUDING EASTER SUNDAY) UNTIL 2.00 AM ]\*

GIVEN under the official (seal) (stamp) of the Licensing Justices, which is hereto affixed under their authority by met

*[Signature]*  
 Clerk to the Licensing Justices



Strike out such of the words within the square brackets as are not required.

\*Where different limitations are imposed for different days, specify accordingly.

†Where there is no official seal or stamp the certificate must be signed by the majority of the Licensing Justices present when the certificate is granted.

**CHORLEY BOROUGH COUNCIL**

We hereby certify that  
 this is a true copy of  
 the original document

Dated 27/1/2005

*[Signature]*

John G. [Signature]  
 Omega Court,  
 372 Cemetery Road,  
 Sheffield S11 8FT

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

**PUBLIC ENTERTAINMENTS LICENCE**

1. The **CHORLEY BOROUGH COUNCIL** (hereinafter called "*The Licensing Authority*") hereby grant a Licence in pursuance of the above mentioned Act to Matthew Joseph Ellams of Tut 'n' Shive, Market Street, Chorley, Lancashire (hereinafter called "*the Licensee*") for the use of the premises (hereinafter called "*the premises*") known as Tut 'n' Shive, Market Street, Chorley in the County of Lancashire for the purpose of public entertainment within the meaning of Part 1 and the First Schedule of the said Act being public music singing and dancing subject to the provisions of the said Act and to the special terms, conditions and restrictions relating to the premises specified in the Public Entertainment Special Conditions of Use dated 14 January 2005.

The maximum number of persons permitted in the licensed area at any one time shall not exceed **300 (three hundred) persons**.

2. The premises shall not be used for the purpose for which they have been licensed except at the following times Ground Floor – Monday, Tuesday, Wednesday 11am until 11pm, Thursday, Friday and Saturday 11am until 2am and Sundays 12 noon until 12.30am and Sundays before Bank Holidays (excluding Easter Sunday) 12 noon until 2am. Basement – Friday and Saturday 11am until 2am.

3. The period during which this Licence shall remain in force shall be 11 January 2005 until 04 October 2005.

4. This Licence is liable to be revoked by the Licensing Authority in the event of the use of the premises in contravention of the said Act or the Conditions of Licence.

5. When the basement of the premises are used under the provisions of any Special Hours Certificate granted in respect of the premises the following additional conditions shall be complied with:

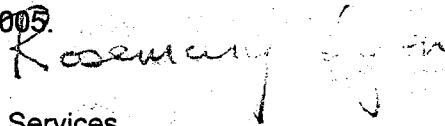


- 5.1 A minimum of 5 door staff registered pursuant to the door staff registration scheme administered by the S.I.A and for the time being in force, shall be employed each Friday, and Saturday night and 3 door staff on each Sunday night whilst a Special Hours Certificate is in force.
- 5.2 The fire exit door at the rear of the premises shall be alarmed to indicate when it is opened in order to notify any unauthorised use.
- 5.3 The existing CCTV camera system shall be updated and improved as agreed with Lancashire Police.

Dated this 14 January 2005.

Signed

Director of Legal Services



#### NOTES

Any breach or contravention of the said Act or the Conditions of Licence is punishable under the provisions of Part 1 and Paragraph 12 of the First Schedule to this Act.

By Paragraph 17 of the First Schedule to the said Act any person aggrieved by any of the terms, conditions or restrictions subject to which this Licence is granted may appeal to a Magistrates' Court acting for the Petty Sessions area within which the premises are situated within 21 days of the date of notification of the said terms, conditions or restrictions.

Specify type of use or uses e.g., public music, public music and dancing in the premises or in each part thereof.

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.



**PUBLIC ENTERTAINMENT SPECIAL CONDITIONS OF USE**

<b>Premises</b>	<b>Tut N Shive</b>
<b>File</b>	<b>C23</b>
<b>Date</b>	<b>21 January 2005</b>

These conditions relate to the whole of the premises.

The maximum number of persons permitted in the licensed area at any one time shall not exceed 300 (three hundred) persons.

## LICENCE EXHIBITED

The licence accompanying these conditions shall be kept on the premises and exhibited in a conspicuous place.

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

## DISPLAYING IDENTIFICATION PLATE

Upon the grant of a Public Entertainment Licence a plate will be provided by the Council indicating the maximum occupancy of the premises.

This plate must be permanently fixed in a prominent position on the outside of the main entrance to the premises so as to be visible to all patrons of, or callers to, the premises.

The plate remains the property of the Council and must be returned to the Council within 14 days of the Public Entertainment Licence expiring

## 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 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

#### 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

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 PROCEDURE

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.

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 Council.

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

Every application to be registered with the council must be made in the form prescribed by the council. The Council may refuse to register or cancel the registration of any person it considers is not a fit and proper person to be registered.

### 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 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.

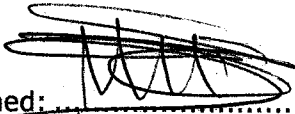
Any authorised officer of the Licensing Authority or the Fire Authority may at any time enter and inspect the premises so licensed for the purpose of ensuring that the terms, restrictions and conditions on or subject to which the licence is held are being complied with.

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.

**SCHEDULE 2**

**Form of Consent given by the person whom the applicant wishes to be the premises supervisor.**

I, Matthew Ellams hereby consent to being named as the premises supervisor in a new licence granted under paragraph 4 of Schedule 8 to the Licensing Act 2003 to Laurel Pub Company Ltd in respect of the application to convert an existing justices' licence where the holder of the licence has consented to the application being made by the applicant for Tut N Shive, Market Street, Chorley, Lancashire, PR7 1BD if that application is successful.

Signed:  .....

Dated: ...09/04/05.....

**SCHEDULE 3**

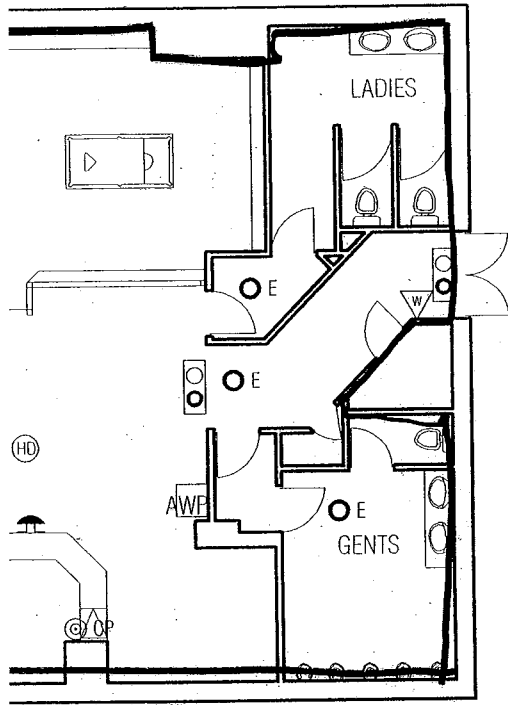
**Form of consent given by the person who holds existing licence**

I, Matthew Ellams, being the holder of an existing Justices On Licence granted by Chorley Magistrates on 4/2/2004 [date jol granted], and Public Entertainment Licence granted by Chorley Borough Council on 14/1/2005 [date pel granted], hereby consent to the application by Laurel Pub Company Limited (Company Name) under paragraph 2 of Schedule 8 to the Licensing Act 2003 for the grant of a licence under paragraph 4 of that Schedule to succeed the said existing licence held by me in respect of the Tut N Shive, Market Street, Chorley, Lancashire, PR7 1BD.

Signed:  .....

Dated: 09/04/05 .....





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NOTES

All dimensions to be checked on site and any discrepancies notified prior to commencement of work.

Do not scale from this drawing.

If in doubt ask.

REVISIONS.

Date Ref. By

FB	FIRE BLANKET
W	EXTINGUISHER - WATER
F	EXTINGUISHER - FOAM
DP	EXTINGUISHER - DRY POWDER
CO <sub>2</sub>	EXTINGUISHER - CO 2
HD	HEAT DETECTOR
CP	CALL POINT
☰	SOUNDER
E	EMERGENCY LIGHT
⊙	EXIT EMERGENCY SIGN

ANY IDENTIFIED STEP SHALL BE TAKEN TO REPRESENT A RISE / FALL OF NOT MORE THAN 170mm

ALL EXISTING AND REQUIRED FIRE AND OTHER SAFETY EQUIPMENT ON SITE SHALL BE RETAINED AND SHOW FROM THE SCHEDULE THE AREAS (NOT THE POSITIONS) THAT THE FIRE SAFETY EQUIPMENT COVERS



ARCHITECTURAL & INTERIOR DESIGNERS  
**WHITTAKER DESIGN**

23 QUEEN STREET  
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TEL NO: 0161 620 1438  
FAX NO: 0161 627 0563  
E MAIL: WHITDES@AOL.COM

job title  
**Laurel Pub Company  
Tut ' N' Shive  
Market Street, Chorley**

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drawing title  
**as existing**

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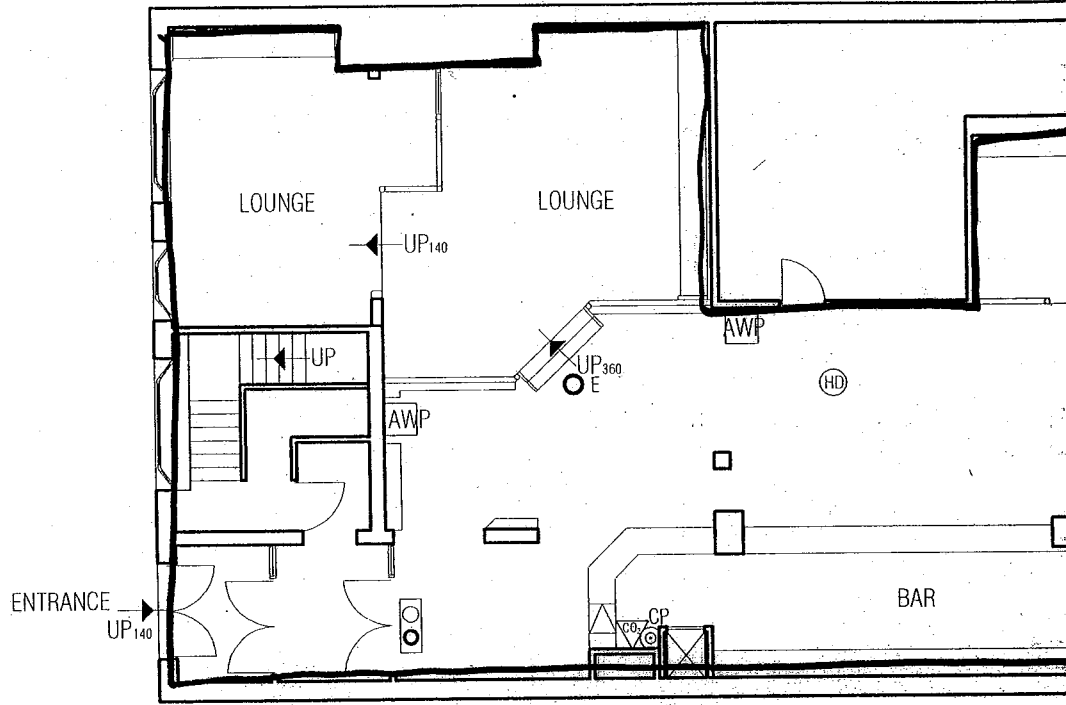
scale 1:100 date April 2005

drawn L.Hollinworth checked

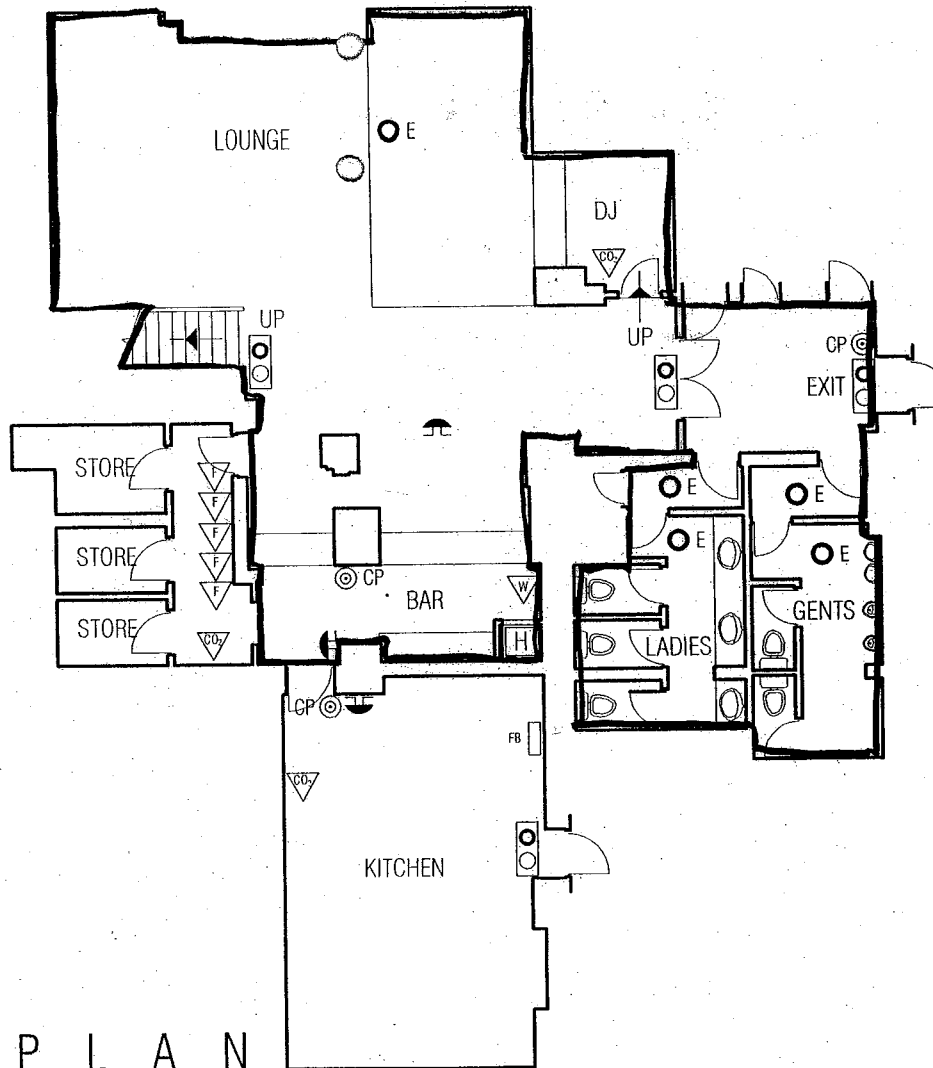
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number revision

**5100509/TUT 'N' SHIVE**



G R O U N D F L O O R P L A N



C E L L A R P L A N

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NOTES

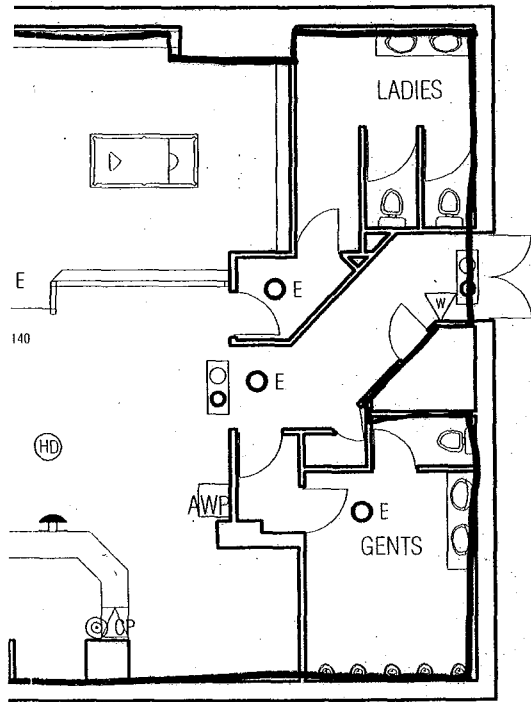
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REVISIONS.

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	FIRE BLANKET
	EXTINGUISHER - WATER
	EXTINGUISHER - FOAM
	EXTINGUISHER - DRY POWDER
	EXTINGUISHER - CO 2
	HEAT DETECTOR
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scale 1:100  
 date April 2005

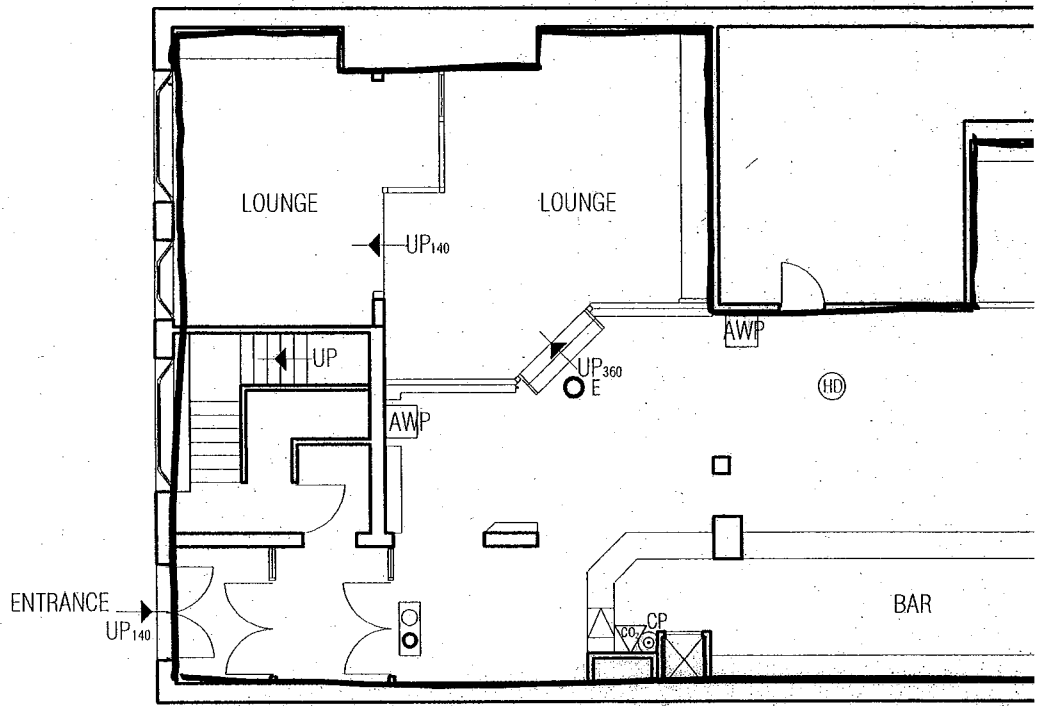
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drawn by Hollinworth  
 checked

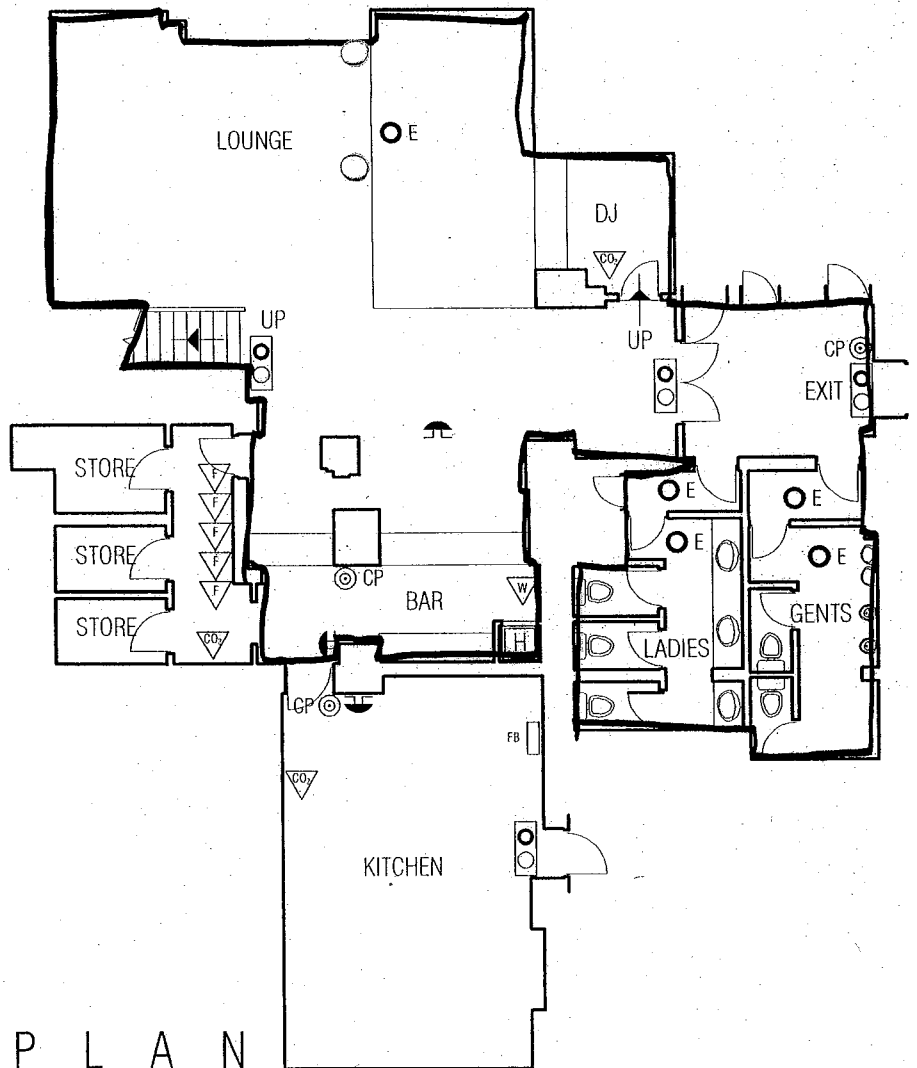
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number  
**5100509/TUT 'N' SHIVE**

revision



G R O U N D F L O O R P L A N



C E L L A R P L A N

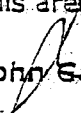
JOHN GAUNT  
\_\_\_\_\_  
&  
PARTNERS

### Information on plans

Plans of the premises must accompany the application and unless the relevant Licensing Authority has previously agreed in writing with the applicant following request that an alternative scale is acceptable to it, the plans should be drawn on a standard scale (1:100).

Under the Licensing Act 2003 (Schedule 8 Paragraph 2 (6)(b)), the plan is required to be in the specified form (in accordance with the Regulations), of the premises to which the relevant existing licence or licences relate - unless, therefore, any of the existing (current) Licences specifically licence any external area, no external areas need to be shown on the plans, a view to which the DCMS appears to agree.

The plans identify the licensed area edged in red. For the purpose of clarification we confirm that all proposed licensable activities extend to the public areas within this area.

  
John Gaunt & Partners

March 2005

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Email: post@john-gaunt.co.uk Fax: 0114 266 0101 DX: 717212 Sheffield 27

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Partners: John Gaunt Katharine Redford Tim Shield Michelle Hazlewood  
Associates: David Hollis Craig Burman Practice Manager: Susie Glossop

glass - the gaunt licence application support service for reform



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