

LICENSING ACT 2003 SUB-COMMITTEE

TUESDAY, 10TH MARCH 2015, 10.00 AM

AGENDA

APOLOGIES

- 1 **DECLARATIONS OF ANY INTERESTS**
- 2 **PROCEDURE** (Pages 3 - 6)

General procedure points and hearing procedure for the meeting (enclosed)
- 3 **APPLICATION TO VARY A PREMISES LICENCE UNDER SECTION 34 OF THE LICENSING ACT 2003, FOR THE SIRLOIN INN, STATION ROAD, HOGHTON** (Pages 7 - 152)

Report of the Director of Public Protection, Street Scene and Community (enclosed)
- 4 **BACKGROUND PAPERS** (Pages 153 - 228)

Statement of Licensing Policy (enclosed)

To view the revised guidance under Section 182 of Licensing Act 2003 click the following link:
<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

To view the Live Music Act 2012 click the following link:
<http://www.legislation.gov.uk/ukpga/2012/2/contents/enacted>
- 5 **ANY URGENT BUSINESS PREVIOUSLY AGREED WITH THE CHAIR**

GARY HALL
CHIEF EXECUTIVE

Electronic agendas sent to Members of the Licensing Act 2003 Sub-Committee Councillor Anthony Gee (Chair), and Councillors Mike Handley and John Walker.

If you need this information in a different format, such as larger print or translation, please get in touch on 515151 or chorley.gov.uk

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 it's 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 but the Licensing Authority may exclude the public from all or part of a hearing where it “considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing taking place in public”. In the absence of any criteria in the Licensing Act 2003, the guidance issued under section 182 of the Act or the Licensing Hearings 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 and Regulations made thereunder 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 LICENCE/CLUBPREMISES CERTIFICATE 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
- The Applicant and/or Legal representative

4. THE APPLICANT AND/OR LEGAL REPRESENTATIVE MAKES REPRESENTATIONS REGARDING HIS/HER APPLICATION**5. QUESTIONS TO THE APPLICANT AND/OR LEGAL REPRESENTATIVE FROM:**

- Sub Committee
- Other Persons' Representative

6. OTHER PERSONS REPRESENTATIONS**7. QUESTIONS TO OTHER PERSONS FROM:**

- Sub Committee
- Applicant/Legal representative

8. OTHER PERSONS INVITED TO BRIEFLY SUMMARISE**9. THE APPLICANT/LEGAL REPRESENTATIVE INVITED TO SUM UP (IF THEY WISH)****10. DECISION MAKING**

All parties retire whilst Sub-Committee makes decision

11. NOTICE OF DECISION

Parties re-admitted and Chair announces decision and reasons

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Report of	Meeting	Date
Director of Public Protection, Street Scene and Community	Licensing Act 2003 Licensing Sub - Committee	10 March 2015

APPLICATION TO VARY A PREMISES LICENCE UNDER SECTION 34 OF THE LICENSING ACT 2003, FOR THE SIRLOIN INN.

PURPOSE OF REPORT

- To enable Members to determine an application received from Black Napkins Northwest Ltd for a variation of the premises licence for The Sirloin Inn, Station Road, Hoghton, PR5 0DD

RECOMMENDATION(S)

- Members are recommended to consider the application and any representations made by relevant authorities and / or other persons and after considering those representations determine the application for the purpose of the premises licence for The Sirloin Inn.

EXECUTIVE SUMMARY OF REPORT

- On 14 January 2015 the Council has received an application from Black Napkins Northwest Ltd made under Section 34 of the Licensing Act 2003 for the Variation of the Premises Licence for The Sirloin Inn, the application is attached as **Appendix 1**. The premises currently benefits from a premises licence PLA 0307, the current licence is attached as **Appendix 2**. The application seeks to increase the licensable hours, the scope of regulated entertainment provision and to include the licensable activities to both inside and outside the premises, to simultaneously remove conditions attached to the existing premises licence operating schedule and propose new conditions to the operating schedule of the premise licence to promote the Licensing objectives. The application has received a number (24) of representations from other persons, Lancashire Constabulary and the Council' Environmental Health Regulatory Officer; the representations are appended to the report at **Appendix 3**.

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all	X	A strong local economy	X
Clean, safe and healthy communities	X	An ambitious council that does more to meet the needs of residents and the local area	

BACKGROUND

5. The premises have a long history as a public house offering a range of facilities including the provision of alcohol, regulated entertainment and food. The current premises licence was determined by Members of the Councils Licensing Sub-Committee on the 1st November 2005. That application was made under the transitional arrangements available at that time following the introduction of the Licensing Act 2003, that application received a number of representations from residents local to the premises and from Lancashire Constabulary. The representations received by Lancashire Constabulary were withdrawn following mediation between the applicant and the Police prior to the hearing. The report and the committee decision in relation to that hearing is attached as **Appendix 4**.

6. The current application seeks to vary the existing licensable provisions to ;

Provision of Plays; Monday to Sunday 08.00 – 23.30 indoors and outdoors.

Provision of Films; Monday to Sunday 08.00 – 23.30 indoors and outdoors.

Provision of Boxing or Wrestling Entertainment; Monday to Sunday 08.00 – 23.30 indoors and outdoors.

Provision of Live Music; Monday to Sunday 08.00 – 23.30 indoors and outdoors.

Provision of Recorded Music; Monday to Sunday 08.00 – 23.30 indoors and outdoors.

Provision of Performances of Dance; Monday to Sunday 08.00 – 23.30 indoors and outdoors.

Provision of Anything of a Similar Description to Live Music Recorded Music or Performance of Dance; Monday to Sunday 08.00 – 23.30 indoors and outdoors.

Provision of Late Night Refreshment; Monday to Sunday 08.00 – 23.30 indoors and outdoors.

Supply of Alcohol; Monday to Sunday 00.00 - 24.00. On and Off the premises.

Hours Premises are Open to the Public; Monday to Sunday 00.00 - 24.00.

The application has made reference to each of the above proposed regulated activities providing further details of how each of the activities will be managed were the activity is conducted outside, Members attention is directed to the application at appendix 1 for the details in relation to the specific activity. Similarly, the application proposes to extend the licensable activity as listed outside until midnight on Good Friday, the day prior to a bank holiday and any other days of significance or national importance.

The application seeks to reduce the present terminal time for indoor regulated entertainment from midnight to 23.30 hrs.

The application seeks to amend the existing plan of the premises to include the whole of the area of the premises; this is represented as plan B to the application.

The application seeks to amend the operating schedule for the premises licence by removing conditions attached to the operating schedule, however at the time of writing the report it was not possible to identify which of the conditions attached to the operating schedule are intended to be removed. Members are advised to clarify with the applicant at the earliest opportunity which conditions they are proposing to remove.

The applicant has proposed to include the following provisions to address the Licensing Objectives;

The prevention of crime and disorder

1. Installation of digital CCTV system with cameras both internally and externally. The system to be recording 24 hours a day 7 days a week, to be fully operated and, maintained to the satisfaction of Lancashire Constabulary.
2. Ensure there is one member of staff on duty at all times when the premises are trading who can operate and download images from the CCTV system. These images to be made available on reasonable request and in accordance with current provisions of the Data protection Act from any responsible authority.
3. The premises will operate an age challenge policy 25
4. The premises will have a written Drugs Policy.

Public safety

1. Staff will make regular checks of internal and external areas to ensure any unused glasses and bottles are collected.
2. Staff including door staff will be trained and have knowledge of fire precaution measures, illegal sales of alcohol, first aid and the drugs policy.
3. All staff training will be recorded and these records made available for inspection on request by any responsible authority. (d) Door staff requirements on trading nights will be determined by the Premises Licence holder/DPS on a risk assessed basis and such risk assessment details/decisions will be recorded in writing to the satisfaction of Lancashire Constabulary.

The prevention of public nuisance.

1. All Windows and doors will be kept closed whenever regulated entertainment is taking place after 22:00 hours.
2. A noise assessment will be conducted at not less than one meter to the nearest noise sensitive location at regular intervals (every hour) during the provision of any regulated entertainment, and a nominated member of staff will record both positive and negative results and any action taken to limit any noise will be recorded in document form and this should be made available for inspection at the request of any responsible authority.
3. Signage will be displayed on the premises asking customers to leave the premises quietly.
4. All outside areas will be prohibited from use for the purposes of any regulated activity from 23.00 hours until 9.00hrs. (Members will note that the times contained within this condition contradict those times applied for at other parts of the application, Members may wish to seek clarification on this point at the hearing).
5. The Premises Licence Holder will implement a daybook to be maintained and managed to the satisfaction of Lancashire Constabulary and the Local Authority.

The protection of children from harm

1. The premises will operate a challenge Policy which states that any person who appears to be under at least 25 years old will be asked to produce a recognized and approved form of I.D.
2. The Premises will display signage advertising this Challenge 25 Policy.
3. Any persons employed on the premises who are under the age of 18 shall be employed in accordance of the statutory regulations relating to the employment of young person's.
4. A record will be kept of any challenges under the Challenge policy.

Officer believe it is appropriate at this time and to assist Members (in view of the application received) to amend the existing conditions attached to the present Premises Licence PLA0307, by removing non-relevant conditions, the removed conditions have been identified as either redundant because other primary legislation now takes president or the conditions

are unenforceable. The following conditions are those that will remain relevant to the Premises licence and include;

Annex 1. Mandatory Conditions, all mandatory conditions remain unchanged.
Annex 2.

Prevention of Crime and Disorder

Incident logbooks are used to record any accidents or incidents of non-service.

An operational drugs policy is in force and the premises is part of the Pubwatch scheme in the local area.

Those who appear to be below the age of 21 must provide photographic evidence to prove they are over 18 in order to be served alcohol.

Public Safety

*The designated premises supervisor is a fully qualified first aider.
Pre-opening safety checks are carried out daily.*

Prevention of Public Nuisance

The premises are located in a residential area therefore all doors are kept closed, except for access to the public, in order to reduce noise pollution.

There are notices inside the premises requesting that customers leave in an orderly manner.

Local taxi firms will be informed of any changes in opening hours.

Recorded music may be played from 00.00 until close provided that it is played at a reduced level, as not to disturb neighbours i.e. music is inaudible to the nearest noise sensitive location.

Protection of Children From Harm

Children must be accompanied by an adult at all times.

Annex 3. CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

Additional conditions

- 1) All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency.
- 2) The licence holder or his representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises is used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record shall be made of those assessments in the logbook kept for that purpose and shall include, the time and date of the checks, the person making them and the results including any remedial action.
- 3) There shall be placed at all exits from the premises and in the car park, in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the area quietly. (Note this may also include a reference to vehicles.)
- 4) No outside areas(i.e. decking area) designated for the consumption of alcohol shall be used after 22.00 hours and all glasses and bottles should be removed at this time and a physical barrier across the entrance to emphasise the closure.

The times the current licence authorises the carrying out of licensable activities are;

Performance of Live Music (Indoors)

Monday to Sunday 11:00 - 00:00

Non Standard Timings:

Christmas Eve, Boxing Day, New Year's Eve 11.00 until 01.00

12 additional days provided written notice is given seven days in advance to Police and Licensing Authority.

Performance of Recorded Music (Indoors)

Monday to Sunday 11:00 - 00:00

Non Standard Timings:

Christmas Eve, Boxing Day, New Year's Eve 11.00 until 01.00. 12 additional days provided written notice is given seven days in advance to Police and Licensing Authority.

Entertainment Facilities - Dancing (Indoors)

Monday to Sunday 11:00 - 00:00

Non Standard Timings:

Christmas Eve, Boxing Day, New Year's Eve 11.00 until 01.00. 12 additional days provided written notice is given seven days in advance to Police and Licensing Authority.

Late Night Refreshment (Indoors)

Sunday 23:00 - 23:30

Monday to Thursday 23:00 - 00:30

Friday to Saturday 23:00 - 01:30

The sale by Retail of Alcohol (On and off the premises)

Sunday 11:00 - 23:30

Monday to Thursday 11:00 - 00:30

Friday to Saturday 11:00 - 01:30

Non Standard Timings:

New Year's Eve 11.00 - 01.30.

THE OPENING HOURS OF THE PREMISES

Sunday 11:00-23:30

Monday to Thursday 11:00-01:00

Friday to Saturday 11:00-02:00

Non Standard Timings:

New Year's Eve 11.00 - 02.00.

7. The Council's Environmental Health Officer has made the following comments with regards to noise complaints made towards the premises;

Neil Kirkham

Environmental Health Officer

In respect of the application to vary the premises licence Ref. No: 15/00040/LAPLA for The Sirloin Inn, Station Road, Hoghton, Preston, PR5 0DD, this department would like to make a representation following the receipt of 5 separate noise nuisance complaints from residents between the period of July and September 2014. The initial complaint pertained to noise from

an event on the rear car park and the remainder from noise emitting from the premises, including the external areas on an alleged regular basis.

All complaints were investigated under Statutory Noise Nuisance procedures. To date the Council has been unable to gather sufficient evidence to either substantiate or disprove a statutory noise nuisance. The current application to licence the outdoor areas and allow live and recorded music and other entertainment both inside the premises and outdoor areas to 23.30 each night, has in my opinion the potential to create a noise nuisance to neighbouring properties and therefore I object to the application in respect of the licensing objective The Prevention of Public Nuisance.

Representations received from Lancashire Constabulary

The police have concerns that the granting of the proposed variations would undermine the licensing objectives of the Prevention of Crime and Disorder and the Prevention of Public Nuisance.

In essence the police concerns can be grouped into three distinct categories, these being;

- 1) The hours being sought for certain licensable activity
- 2) The extension of the licensed area and the provision of activities outside the premises
- 3) The steps outlined within the operating schedule to promote the licensing objectives.

Lancashire Constabulary have provided a detailed representation which is attached as **Appendix 3**, Members will note that the Constabulary have put forward at appendix 2 to the representation a list of favoured conditions to be attached to the Premises Licence for The Sirloin Inn. Members are advised that it would only be appropriate to attach those licensing conditions that it believes are appropriate to promote the licensing objectives, and it would only be appropriate to affect any change to the existing licensing conditions to the premises licence operating schedule were a variation to the licensable activities has been granted.

Officer has considered the Constabulary representations and believes it is presented with an emphasis on presumption

Members are urged to consider the representations made by Lancashire Constabulary in detail, it would be appropriate to clarify with any officer present representing Lancashire Constabulary the evidential value of the representation received and determine the appropriate weight to that evidence in light of the application received and the licensing conditions presented at appendix 2 of the representations.

8. Representation received from interested parties.

The Council have received 22 representations from interested parties.

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

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

Where relevant representations have been received by the council in a timely manner the persons making representation have been invited to attend today's hearing by the prescribed statutory notice, Members will be advised at the hearing of the number of replies received indicating their intention to attend or not to attend the hearing and whether any remedies

have been received to the proposed application. In view of the number of representations received the Lead Licensing & Enforcement Officer took the decision to not engage in the mediation process with any of those making representation.

Members attention is drawn to the representation's received, consideration should only be given to those statements that have been made that would ordinarily be affected by the Licensing Objectives.

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

The Committee has the following options:

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

POLICY AND LEGAL CONSIDERATIONS

9. Section 4 of the Licensing Act 2003 provides that a Licensing Authority must have regard to its Statement of Licensing Policy, the guidance issued by the Secretary of state under section 182 of the Licensing Act 2003, the most recent version of which in paragraphs 15.10 onwards addresses the provisions of the Live Music Act 2012.". The Live Music Act 2012."is provided as a background document.

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.

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

Section 35, Determination of application under Section 34.

(1) This section applies where the relevant licensing authority—

- (a) receives an application, made in accordance with [section 34](#), to vary a premises licence, and
- (b) is satisfied that the applicant has complied with any requirement imposed on him by virtue of [subsection \(5\)](#) of that section.

(2) Subject to subsection (3) and [section 36\(6\)](#), the authority must grant the application.

(3) Where relevant representations are made, the authority must—

- (a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and

(b) having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers [appropriate] ¹ for the promotion of the licensing objectives.

(4) The steps are—

(a) to modify the conditions of the licence;

(b) to reject the whole or part of the application;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

(5) In this section “*relevant representations*” means representations which -

(a) are about the likely effect of the grant of the application on the promotion of the licensing objectives, and

(b) meet the requirements of subsection (6).

(6) The requirements are—

(a) that the representations are made by [a responsible authority or other person] ² within the period prescribed under [section 17\(5\)\(c\)](#) by virtue of [section 34\(5\)](#),

(b) that they have not been withdrawn, and

(c) in the case of representations made by [a person who is not a responsible authority] ³, that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.

(7) Subsections (2) and (3) are subject to [\[sections 19 to 21\]](#) ⁴ (which require certain conditions to be included in premises licences).

11. 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:
12. 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.
13. 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.
14. 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.

15. Paragraph 2.2 each of the licensing objectives are of equal importance with these objectives.
16. Paragraph 2.3 each of the licensing objectives is of equal importance for the purposes of this policy.
17. 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.
18. 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.
19. 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.
20. 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

21. Paragraph 6.1 Licensed premises, especially those offering late night entertainment, alcohol and refreshment can be a source of crime and disorder problems.
22. 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 .
23. 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.
24. 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.
25. 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.

26. Paragraph 6.6 Where relevant representations are received on the crime and disorder objective, the Licensing Authority may have regard to the following where relevant: (though this is not an exhaustive list):
- Crime prevention measures.
 - Physical security features installed in the premises, (this may include CCTV both inside and outside the premises, where alcohol is stored in relation to off licences, the use of toughened drinking glasses).
 - Weapon detection and search facilities.
 - procedures for risk assessing promotions and events such as 'happy hours', drinks promotions, for the potential to cause crime and disorder, and the plans to minimising such risks.
 - Adoption of best practice guidance in relation to safer clubbing guide.
 - measures to prevent the use or supply of illegal drugs including search and entry policies.
 - Employment of licensed door supervisors.
 - Participation in other appropriate schemes eg pub watch scheme.
 - measures to be taken for the prevention of violence or disorder.
27. 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.
28. 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

29. 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.
30. 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.
31. Paragraph 7.3 The Licensing Authority, however, considers that the risk to disturbance to local residents is greater when licensable activities continue late at night and into the early hours of the morning as the ambient noise levels will be lower. The Licensing Authority may impose stricter conditions with regard to noise control in areas, which have denser residential accommodation, but each premise will be considered on its individual merits.
32. 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.

33. 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
34. 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.
35. 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

36. Paragraph 13.1 Licensed Premises have significant potential to adversely impact on communities through public nuisances arising from their operation.
37. 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.
38. 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.
39. 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.

40. 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.
41. 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
42. 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.
43. Paragraph 13.8 On receipt of relevant representations, the Licensing Authority, where it considers it necessary and/or appropriate may attach conditions to a licence to prevent public nuisance including those drawn from the Model Pool of Conditions . In particular, it may attach a condition requiring the use of door supervisors licensed by the Security Industry Authority.
44. Paragraph 13.9 The Licensing Authority requires Operating Schedules, where relevant to satisfactorily address the issue of public nuisance.
45. 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).

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

PUBLIC SAFETY

47. Paragraph 14.1 The Licensing Authority considers that members of the public when visiting licensed premises, have a right to expect that due consideration has been given to public safety. The Licensing Authority notes that the public safety objective is concerned with the physical safety of people using premises and not with public health which is dealt with in other legislation.
48. Paragraph 14.2 The Licensing Authority is committed to ensuring public safety across the Borough by working in partnership with Lancashire Police, Lancashire Fire & Rescue and Licence Holders.
49. Paragraph 14.3 Applicants should carefully consider the safety of the premises having regard to the licensable activities that are proposed and to address in the operating schedule, where relevant, how public safety will be achieved. Such measures may include, where relevant to the premises:
- the occupancy capacity of the premises
 - age, design and layout of the premises including means of escape
 - nature of the licensable activities to be provided, in particular the sale and supply of alcohol
 - hours of operation
 - customer profile (e.g. age)
 - Use of special effects e.g. lasers, pyrotechnics, smoke/foam machines.
50. Paragraph 14.4 The Act requires a plan of the premises to be supplied with operating schedules showing prescribed information.
51. The Licensing Authority will take notice of a health and safety risk assessment submitted with an operating schedule.
52. Paragraph 14.5 all licensed premises will be risk related according to a Protocol agreed with Lancashire Fire and Rescue. Inspections will be carried out by Lancashire Fire & Rescue in accordance with the Protocol.
53. Paragraph 14.6 The Licensing Authority may inspect premises where it considers it appropriate on public safety grounds.
54. Paragraph 14.7 on receipt of relevant representations the Licensing Authority may, where it considers it necessary and/or appropriate, impose conditions to secure the public safety objective including those drawn from the Model Pool of Conditions.. Any conditions imposed will relate to the particular circumstances of the individual premises and will not duplicate other requirements of the law.

REVIEWS

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

56. Paragraph 41.2 At any stage following the grant of a premises licence, a responsible authority or an interested party (such as a resident living in the vicinity of the premises), may request the Licensing Authority review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
57. Paragraph 41.3 A review of a premises licence will follow any action by Lancashire Police to close down premises for up to 24 hours on grounds of disorder or noise nuisance as a result of a Magistrates' Courts' determination sent to the Licensing Authority.
58. Paragraph 41.4 The Licensing Authority does not have the power to initiate its own review. However, officers of the Council who are specified as responsible authorities under the Act such as Environmental Health Officers may request the Licensing Authority for a review on any matter which relates to the promotion of one or more of the licensing objectives. Any such representations will be treated in the same way as representations made by any other body or individual.
59. Paragraph 41.5 In all cases, the representation must relate to a particular premises for which a premises licence is in force and must be relevant to the promotion of the licensing objectives.
60. Paragraph 41.6 Representations must be made in writing and may be amplified at the subsequent review or may stand in their own right. Additional representations, which do not amount to an amplification of the original representation, may not be heard at the hearing.
61. Paragraph 41.7 Where the request for a review originates from an interested party e.g. a local resident, residents' association, the Licensing Authority has first to consider whether the complaint made is not relevant, vexatious, frivolous or repetitious. Relevance, vexatious and frivolous complaints were dealt with in paragraph 40.
62. Paragraph 41.8 A repetitious complaint is one that is identical or substantially similar to:
 - a ground for review made in respect of the same premises licence which has already been determined; or
 - representations considered by the Licensing Authority when the premises licence was granted; or
 - representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and
 - in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or the grant of a licence.
63. Paragraph 41.9 The Licensing Authority recognises the need to prevent attempts to review licences, following the failure of representations on earlier occasions. The Licensing Authority will judge what is to be regarded as a reasonable interval in these circumstances. The Licensing Authority has regard to the recommendation in the guidance, that more than one review originating from an interested party should not be permitted within a period of 12 months on similar grounds except in compelling circumstances or where it arises following a Closure Order.
64. Paragraph 41.10 The Licensing Authority recognises that the promotion of the licensing objectives relies heavily on a partnership approach. The Licensing Authority would encourage authorised persons and responsible authorities to give licence holders warning of their concerns about problems identified at premises and of the need for improvement.
65. The Licensing Authority advises licence holders that a failure to respond to such a warning may lead to a responsible authority to request a review.

66. Paragraph 41.11 The Licensing Authority will hold a hearing following a request for a review from a responsible authority, interested party or after closure procedures described earlier.
67. The Licensing Authority will make the licence holder fully aware of the representations received together with supporting evidence in order for the licence holder or his legal representatives to be able to prepare a response.
68. Paragraph 41.12 In determining a review, the Licensing Authority has a range of powers it may exercise where it considers them necessary for the promotion of the licensing objectives:
- no action necessary as no steps required to promote the licensing objectives;
 - issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time; The Licensing Authority regards such warnings as important mechanisms for ensuring that the licensing objectives are effectively promoted and any warning issued will be in writing to the licence holder.
 - to modify the conditions of the premises licence (including adding new conditions, altering/omitting an existing condition);
 - excluding a licensable activity from the licence;
 - remove the designated premises supervisor,
 - suspend the licence for a period of three months;
 - to revoke the licence
69. Paragraph 41.13 The Licensing Authority in determining what action to take will seek to establish the cause(s) of concern and any action taken will be directed at these causes. Any action taken to promote the licensing objectives will be necessary and proportionate.
70. 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.

Schedule 5 APPEALS Part 1 PREMISES LICENCES

4 Variation of licence under section 35

- (1) This paragraph applies where an application to vary a premises licence is granted (in whole or in part) under [section 35](#).
- (2) The applicant may appeal against any decision to modify the conditions of the licence under [subsection \(4\)\(a\)](#) of that section.

- (3) Where a person who made relevant representations in relation to the application desires to contend—
 - (a) that any variation made ought not to have been made, or
 - (b) that, when varying the licence, the licensing authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way, under [subsection \(4\)\(a\)](#) of that section, he may appeal against the decision.
- (4) In sub-paragraph (3) “*relevant representations*” has the meaning given in [section 35\(5\)](#).

IMPLICATIONS OF REPORT

71. This report has implications in the following areas and the relevant Directors’ comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	X	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

COMMENTS OF THE MONITORING OFFICER

- 72. Some changes to the Licensing Act 2003 have been taken into account in the Section 182 Guidance issued by the Secretary of State but have not been reflected in the Council’s Statement of Licensing Policy. For example the concept of vicinity in relation to representations no longer applies and the test for imposing conditions has been amended from what is necessary to what is appropriate for the promotion of the licensing objectives. Members are advised to give more weight to the Section 182 Guidance where the Council’s Statement of Licensing Policy is out of date.
- 73. The applicant may appeal a refusal in whole or part of the application or the modification of conditions attached to the premises licence
- 74. Appeals are made to the local magistrates’ court within 21 days of notice of the decision.

JAMIE CARSON
 DIRECTOR OF PUBLIC PROTECTION, STREETSCENE AND COMMUNITIES

There are background papers to this report.

Background Papers			
Document	Date	File	Place of Inspection
The Councils Statement of licensing Policy	2011		***
The Live Music Act 2012.	2013		
Section 182 Secretary of State Guidance.	Oct 2014		

Report Author	Ext	Date	Doc ID
S Culleton	5665	26 February 2015	



Chorley
Application to vary a premises licence
Licensing Act 2003

For help contact
contact@chorley.gov.uk
 Telephone: 01257 515151

* required information

Section 1 of 17

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

Gokhan

* Family name

Gundogdu

* E-mail

info@thesirloin.co.uk

Main telephone number

01254 852293

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

* Is your business registered in the UK with Companies House?

Yes No

* Registration number

179 8809 35

* Business name

Black Napkins NW Limited

If your business is registered, use its registered name.

* VAT number

8644901

Put "none" if you are not registered for VAT.

* Legal status

Private Limited Company

Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Section 2 of 17

APPLICATION DETAILS

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

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

27,066.41

Section 3 of 17

VARIATION

Do you want the proposed variation to have effect as soon as possible? Yes No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

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

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

The Sirloin is a licensed restaurant and pub located in the village of Hoghton. As well as the serving of food and drinks, the Sirloin also hosts a number of events and hosts a number of functions throughout the calendar year. This application is to amend existing conditions, as we feel they are no longer fully suitable for our pub/restaurant. We wish to remove some old conditions and include appropriate conditions; add additional conditions and also remove the existing plan and add the new presented one Labeled Plan B with the premise license to be extended (as per Plan B). We would also like a revision to our entertainment provisions.

Section 4 of 17

PROVISION OF PLAYS

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

Continued from previous page...

WEDNESDAY

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Start	<input type="text"/>	End	<input type="text" value="23:30"/>

THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

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Will the performance of a play take place indoors or outdoors or both?

- Indoors
 Outdoors
 Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

Provide further details here.

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.

We would like to regulate both inside and out but also put control measures in place. In relation to provision of plays or shows outdoors, these will be hosted outside until 23:30. There will be control measures put in place to ensure that noise levels are kept at a reasonable level and anyone attending this event will be escorted into the premises at 23:30.

State any seasonal variations for performing plays.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

May take place in a temporary structure within the Sirloin's premises or indoors with regulated activities.

Non standard timings. Where the premises will be used for the performance of a play at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

New years Eve
Christmas Eve

Continued from previous page...

Good Friday
 The day prior to a bank holiday and;
 Any other days of significance or national importance.
 On these dates outside activity may go on until 24:00.

Section 5 of 17

PROVISION OF FILMS

Will the schedule to provide films be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

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End

Will the exhibition of films take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

Continued from previous page...

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.

We would like to regulate both inside and out but also put control measures in place. In relation to provision of films outside the premises, these will be hosted outside until 23:30. There will be control measures put in place to ensure that noise levels are kept at a reasonable level and anyone attending these events will be escorted into the premises at 23:30.

State any seasonal variations for the exhibition of film.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

May take place in a temporary structure within the Sirloin's premises or indoors with regulated activities.

Non standard timings. Where the premises will be used for the exhibition of film at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

New years Eve
 Christmas Eve
 Good Friday
 The day prior to a bank holiday and;
 Any other days of significance or national importance.
 On these dates outside activity may go on until 24:00.

Section 6 of 17

PROVISION OF INDOOR SPORTING EVENTS

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes No

Section 7 of 17

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

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Start End

Will the boxing or wrestling entertainment take place indoors or outdoors or both?

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

- Indoors Outdoors Both

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.

We would like to regulate both inside and out but also put control measures in place. In relation to provision of wrestling or boxing entertainments, these will be hosted outside until 23:30. There will be control measures put in place to ensure that noise levels are kept at a reasonable level. Security will be on site for any events of this nature and anyone attending this event will be escorted into the premises at 23:30.

State any seasonal variations for boxing and wrestling entertainment.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

May take place in a temporary structure within the Sirloins premises or indoors, with regulated activities

Non-standard timings. Where the premises will be used for the boxing or wrestling entertainment at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

New years Eve
Christmas Eve

Continued from previous page...

Good Friday
 The day prior to a bank holiday and;
 Any other days of significance or national importance.
 On these dates outside activity may go on until 24:00.

Section 8 of 17

PROVISION OF LIVE MUSIC

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

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End

Will the performance of live music take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

Continued from previous page...

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.

We would like to regulate both inside and out but also put control measures in place.
 In relation to provision of live music, this will take place both indoors and outdoors. Live music outdoors will be until 23:30. There will be control measures put in place to ensure that noise levels are kept at a reasonable level to avoid disruption. Live music will be stopped at 23:30 and anyone attending an event where live music is being played, will be escorted into the premises at 23:30.
 Amplified and un-amplified music to be played outside from 08.00 until 23.30.

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

May take place in a temporary structure with in the Sirloin's premises or indoors with regulated actives.

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed, above below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

New years Eve
 Christmas Eve
 Good Friday
 The day prior to a bank holiday and;
 Any other days of significance or national importance.
 On these dates outside activity may go on until 24:00.

Section 9 of 17

PROVISION OF RECORDED MUSIC

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

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Will the playing of recorded music take place indoors or outdoors or both?

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

- Indoors
 Outdoors
 Both

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.

We would like to regulate both inside and out but also put control measures in place.
 In relation to provision of recorded music, there will be control measures put in place to ensure that noise levels are kept at a reasonable level. Recorded music outside will cease being played at 23:30.
 Amplified and unamplified recorded music to be played outside from 08.00 until 23.30.

State any seasonal variations for playing recorded music.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

May take place in a temporary structure within the Sirloin's premises or indoors with regulated activities.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

New years Eve
 Christmas Eve
 Good Friday
 The day prior to a bank holiday and;
 Any other days of significance or national importance.

On these dates outside activity may go on until 24:00.

Continued from previous page...

Section 10 of 17

PROVISION OF PERFORMANCES OF DANCE

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

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End

Will the performance of dance take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

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.

We would like to regulate both inside and out but also put control measures in place.

In relation to provision of performances of dance outside the premises, these will be hosted outside until 23:30. There will be control measures put in place to ensure that noise levels are kept at a reasonable level and anyone attending these

Continued from previous page...

events will be escorted into the premises at 23:30.

State any seasonal variations for the performance of dance.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

May take place in a temporary structure within the Sirloin's premises or indoors with regulated activities.

Non-standard timings. Where the premises will be used for the performance of dance at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

New years Eve
 Christmas Eve
 Good Friday
 The day prior to a bank holiday and;
 Any other days of significance or national importance.

On these dates outside activity may go on until 24:00.

Section 11 of 17

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

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FRIDAY

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SATURDAY

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SUNDAY

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Start End

Provide a description of the type of entertainment that will be provided.

Live music and recorded music will be played on the premises, both inside and out between 08:00 and 23:30. This will be both amplified and unamplified.

Will this entertainment take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

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.

We would like to regulate both inside and out but also put control measures in place.
 Live and recorded amplified and unamplified music to be played outside from 08.00 until 23.30.
 Live and recorded amplified and unamplified acoustic music to be played from 08.00 until 23.30.
 Control measures will be put in place to keep noise levels at a reasonable level to avoid disruption.

State any seasonal variations for entertainment.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

May take place in a temporary structure within the Sirloin's Premises or indoors, with regulated activities.

Non-standard timings. Where the premises will be used for entertainment at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

New years Eve
 Christmas Eve
 Good Friday
 The day prior to a bank holiday and;
 Any other days of significance or national importance.

Continued from previous page...

On these dates outside activity may go on until 24:00.

Section 12 of 17

PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes
 No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors
 Outdoors
 Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

Continued from previous page...

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.

Provision of food and drink to customers on occasions when activities extend later than 23:00.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

New years Eve
 Christmas Eve
 Good Friday
 The day prior to a bank holiday and;
 Any other days of significance or national importance.

On these dates outside activity may go on until 24:00.

Section 13 of 17

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

Continued from previous page...

THURSDAY

Start	<input type="text" value="00:00"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text" value="24:00"/>

FRIDAY

Start	<input type="text" value="00:00"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text" value="24:00"/>

SATURDAY

Start	<input type="text" value="00:00"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text" value="24:00"/>

SUNDAY

Start	<input type="text" value="00:00"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text" value="24:00"/>

Will the sale of alcohol be for consumption?

- On the premises
 Off the premises
 Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

May take place in a temporary structure within the Sirloin's premises or indoors, with regulated activities.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

New years Eve
 Christmas Eve
 Good Friday
 The day prior to a bank holiday and;
 Any other days of significance or national importance.

 On these dates outside activity may go on until 24:00.

Section 14 of 17

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Continued from previous page...

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

N/A

Section 15 of 17

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

May take place in a temporary structure within the Sirloin's premises or indoors, with regulated activities.

Continued from previous page...

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

New years Eve
 Christmas Eve
 Good Friday
 The day prior to a bank holiday and;
 Any other days of significance or national importance.

On these dates outside activity may go on until 24:00.

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

Those sections highlighted within a pink box on the attached scanned copy of our Premises Licence will be removed.

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

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

Section 16 of 17

LICENSING OBJECTIVES

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

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

List here steps you will take to promote all four licensing objectives together.

See sections outlined below.
 We will work closely with Lancashire Police Constabulary and the Local Authority to ensure that the four licensing objectives are adhered to and actively promoted at all times.

b) The prevention of crime and disorder

1. Installation of digital CCTV system with cameras both internally and externally. The system to be recording 24 hours a day 7 days a week, to be fully operated and, maintained to the satisfaction of Lancashire Constabulary.
2. Ensure there is one member of staff on duty at all times when the premises are trading who can operate and download images from the CCTV system. These images to be made available on reasonable request and in accordance with current provisions of the Data protection Act from any responsible authority.
3. The premises will operate an age challenge policy 25
4. The premises will have a written Drugs Policy.

Continued from previous page...

c) Public safety

1. Staff will make regular checks of internal and external areas to ensure any unused glasses and bottles are collected.
 2. Staff including door staff will be trained and have knowledge of fire precaution measures, illegal sales of alcohol, first aid and the drugs policy.
 3. All staff training will be recorded and these records made available for inspection on request by any responsible authority.
- (d) Door staff requirements on trading nights will be determined by the Premises Licence holder/DPS on a risk assessed basis and such risk assessment details/decisions will be recorded in writing to the satisfaction of Lancashire Constabulary.

d) The prevention of public nuisance

1. All Windows and doors will be kept closed whenever regulated entertainment is taking place after 22:00 hours.
2. A noise assessment will be conducted at not less than one meter to the nearest noise sensitive location at regular intervals (every hour) during the provision of any regulated entertainment, and a nominated member of staff will record both positive and negative results and any action taken to limit any noise will be recorded in document form and this should be made available for inspection at the request of any responsible authority.
3. Signage will be displayed on the premises asking customers to leave the premises quietly.
4. All outside areas will be prohibited from use for the purposes of any regulated activity from 23.00 hours until 9.00hrs.
5. The Premises Licence Holder will implement a daybook to be maintained and managed to the satisfaction of Lancashire Constabulary and the Local Authority.

e) The protection of children from harm

1. The premises will operate a challenge Policy which states that any person who appears to be under at least 25 years old will be asked to produce a recognized and approved form of I.D.
2. The Premises will display signage advertising this Challenge 25 Policy.
3. Any persons employed on the premises who are under the age of 18 shall be employed in accordance of the statutory regulations relating to the employment of young persons
4. A record will be kept of any challenges under the Challenge policy.

Section 17 of 17

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

<http://chorley.gov.uk/Documents/Licensing/Licensing%20Fees%20v1.pdf>

* Fee amount (£)

190.00

DECLARATION

- * I understand it is an offence, liable on summary conviction to a fine not exceeding level 5 on the standard scale, under section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application.
- * I understand that I must now advertise my application.
- * I understand that if I do not comply with the requirements my application will be rejected.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

Gokhan Gundogdu

Continued from previous page...

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:

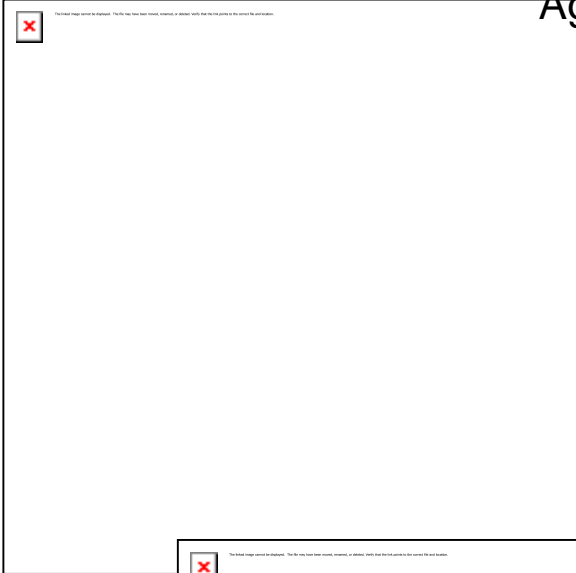
1. Save this form to your computer by clicking file/save as...
 2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/chorley/change-1> to upload this file and continue with your application.
- Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

OFFICE USE ONLY

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

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Licensing

Part 1 – Premises Details

0307

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

The Sirloin Inn
 Station Road Hoghton Preston PR5 0DD

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- Performance of Live Music
- Performance of Recorded Music
- Entertainment Facilities - Dancing
- Late Night Refreshment
- The sale by Retail of Alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and area if applicable)	Days and times
Performance of Live Music (Indoors)	Monday to Sunday 11:00 - 00:00 Non Standard Timings: Christmas Eve, Boxing Day, New Year's Eve 11.00 until 01.00 12 additional days provided written notice is given seven days in advance to Police and Licensing Authority.
Performance of Recorded Music (Indoors)	Monday to Sunday 11:00 - 00:00 Non Standard Timings: Christmas Eve, Boxing Day, New Year's Eve 11.00 until 01.00 12 additional days provided written notice is given seven days in advance to Police and Licensing Authority.
Entertainment Facilities - Dancing (Indoors)	Monday to Sunday 11:00 - 00:00



Licensing Premises

Non Standard Timings:
 Christmas Eve, Boxing Day, New Year's Eve 11.00 until 01.00
 12 additional days provided written notice is given seven days in
 advance to Police and
 Licensing Authority.

0307

Late Night Refreshment (Indoors)

Sunday 23:00 - 23:30
 Monday to Thursday 23:00 - 00:30
 Friday to Saturday 23:00 - 01:30

The sale by Retail of Alcohol (On and off the premises)

Sunday 11:00 - 23:30
 Monday to Thursday 11:00 - 00:30
 Friday to Saturday 11:00 - 01:30

Non Standard Timings:
 New Year's Eve 11.00 - 01.30.

THE OPENING HOURS OF THE PREMISES

Sunday 11:00-23:30
 Monday to Thursday 11:00-01:00
 Friday to Saturday 11:00-02:00

Non Standard Timings:
 New Year's Eve 11.00 - 02.00.

WHERE THE LICENCE AUTHORISES THE SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

The sale by retail of alcohol for consumption both ON and OFF the premises.



Part 2

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

Black Napkins NW Limited

The Sirloin Inn Station Road Hoghton Preston PR5 0DD
 Email address: info@thesirloin.co.uk
 Telephone number: 01254 852293



	
	
Premis	
REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)	
Black Napkins NW Limited	8644901
NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL	
Mr Gokhan Gundogdu	77 Blackberry Drive Hindley Wigan WN2 3JU
PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL	
Licence Number: PL2971	Issuing Authority: Wigan Metropolitan Borough Council

ANNEXES

ANNEX 1 – MANDATORY CONDITIONS

MANDATORY DRINKS CODE

No supply of alcohol may be made under the premises licence - (a) at a time when there is no designated premises supervisor in respect of the premises licence; or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

ALCOHOL PROMOTIONS

(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -



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(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective ;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner

DISPENSING ALCOHOL

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

FREE TAP WATER

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

AGE VERIFICATION

- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or .
 - (b) an ultraviolet feature. .

ALCOHOL MEASURES

The responsible person shall ensure that-

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
 - (i) beer or cider: 1/2 pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and





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(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

EXHIBITION OF FILMS

- 1a) The Premises licence holder shall ensure that the admission of children to the exhibition of any film shall be restricted in accordance with section 20 of the Licensing Act 2003(the Act)
 1b) Unless section 20(3) (b) of the Act applies, admission of children to the exhibition of any film must be restricted in accordance with any recommendation made by the film classification board specified in this licence
 1c) Where section 20(3) (b) of the Act applies, admission of children to the exhibition of any film must be restricted in accordance with any recommendation made by the licensing authority
 1d) Where no film classification board is specified in this licence admission of children to the exhibition of any film shall be restricted in accordance with any recommendation made by the licensing authority.
 1e) For the purposes of this condition:-
 "children" means persons aged under 18; and
 "film classification board" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984
 (authority to determine suitability of video works for classification)

DOOR SUPERVISORS

The Premises licence holder shall ensure that each individual present on the premises to carry out a security activity [as defined by paragraph 2(1) (a) of the Schedule 2 to the Private Security Industry Act 2001] must be licensed by the Security Industry Authority.

SCHEDULE Mandatory Licensing Condition

MINIMUM DRINKS PRICING

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1-
 - (a)"duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(1); .
 - (b)"permitted price" is the price found by applying the formula- .

where-

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the



Licence Premises

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sale or supply of the alcohol, and
 (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(2).

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

ANNEX 2 – CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

Note – Some conditions may apply to one or more of the objectives

General

None

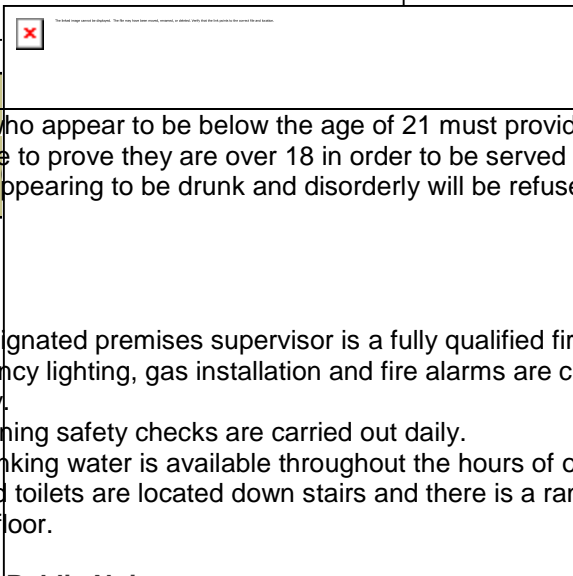
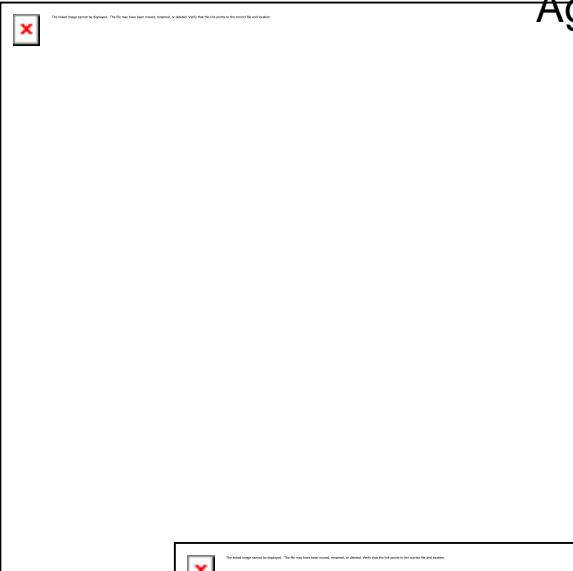
Prevention of Crime and Disorder

Incident logbooks are used to record any accidents or incidents of non-service.

Toughened drinking glasses are used as much as possible.

An operational drugs policy is in force and the premises is part of the Pubwatch scheme in the local area.





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Those who appear to be below the age of 21 must provide photographic evidence to prove they are over 18 in order to be served alcohol. Those appearing to be drunk and disorderly will be refused service of alcohol.

Public Safety

The designated premises supervisor is a fully qualified first aider. Emergency lighting, gas installation and fire alarms are checked annually. Pre-opening safety checks are carried out daily. Free drinking water is available throughout the hours of opening. Disabled toilets are located down stairs and there is a ramp to the ground floor.

Prevention of Public Nuisance

The premises are located in a residential area therefore all doors are kept closed, except for access to the public, in order to reduce noise pollution. There are notices inside the premises requesting that customers leave in an orderly manner. Local taxi firms will be informed of any changes in opening hours. Recorded music may be played from 00.00 until close provided that it is played at a reduced level, as not to disturb neighbours i.e. music is inaudible to the nearest noise sensitive location.

Protection of Children From Harm

Children must be accompanied by an adult at all times.

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

PUBLIC ENTERTAINMENTS LICENCE

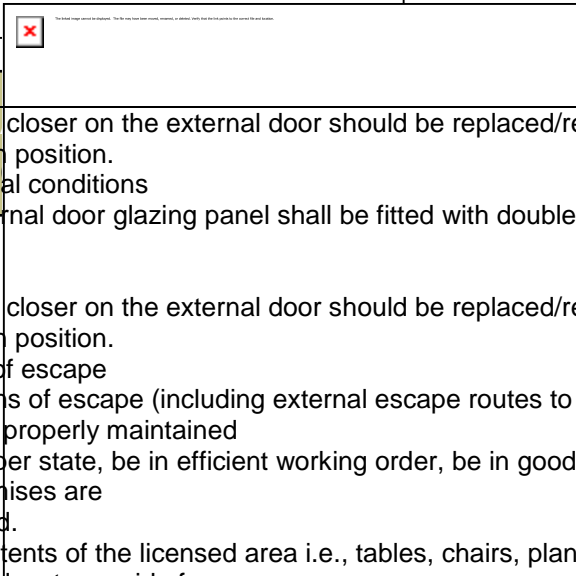
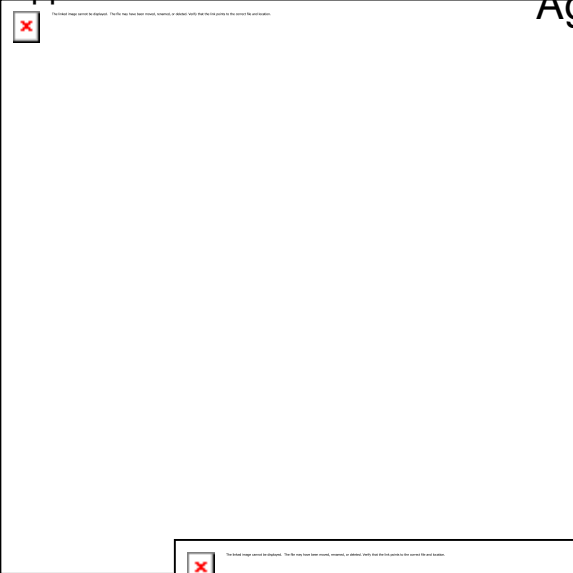
Conditions For the purpose of these special conditions and to which they relate the expressions "the Council" and/or "the Licensing Authority" means Chorley Borough Council.

The Maximum number of persons permitted in the licensed area at any one time shall not exceed 100 (one hundred) persons

Additional conditions

The internal door glazing panel shall be fitted with double or secondary acoustic glazing to a specification agreed with the Council.





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The self closer on the external door should be replaced/ repaired and adjusted to ensure that it does not stick in the open position.
Additional conditions

The internal door glazing panel shall be fitted with double or secondary acoustic glazing to a specification agreed with the Council.

The self closer on the external door should be replaced/ repaired and adjusted to ensure that it does not stick in the open position.

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.

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.

Emergency/Safety Lighting
Supervision
A competent person should be appointed to supervise the system. This person should be given sufficient



Licensed Premises

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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. 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 visually 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





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Licensed Premises

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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 Procedures

At all times the public are on the premises, it shall be the specific duty of at least one responsible person to call the fire brigade in case of fire or suspected fire.

Such person(s) should know the location of the nearest telephone and



Licensed Premises

0307

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

Furniture/Decorations

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

All new or replacement items of upholstered seating/furniture should

satisfy as a minimum standard the "fire tests for furniture" BS 5852 part 1 1979 and BS 5852 part 2 1982.

All curtains and drapes within the licensed area shall be of a material which is inherently flame retardant or be treated with a

durable flame retardant which complies with Type "B" performance requirements of BS 5867 part 2 1980 (Flammability requirements for curtains and drapes).

Toilet Accommodation

The toilet accommodation provided for use by members of the public and performers must be maintained in a clean and tidy condition with an





0307

Licensed Premises

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.

1) All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency.

2) The licence holder or his representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises is used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause a disturbance

to local residents. A written record shall be made of those assessments in the logbook kept for that purpose and shall include,

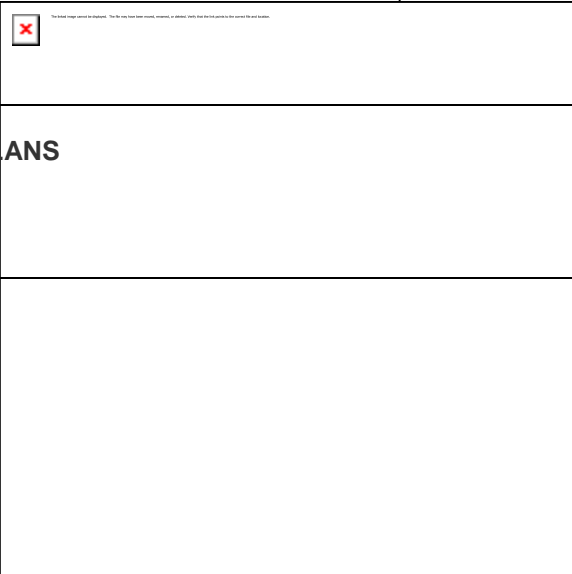
the time and date of the checks, the person making them and the results including any remedial action.

3) There shall be placed at all exits from the premises and in the car park, in a place where they can be seen and easily read by the public,

notices requiring customers to leave the premises and the area quietly. (Note this may also include a reference to vehicles.)



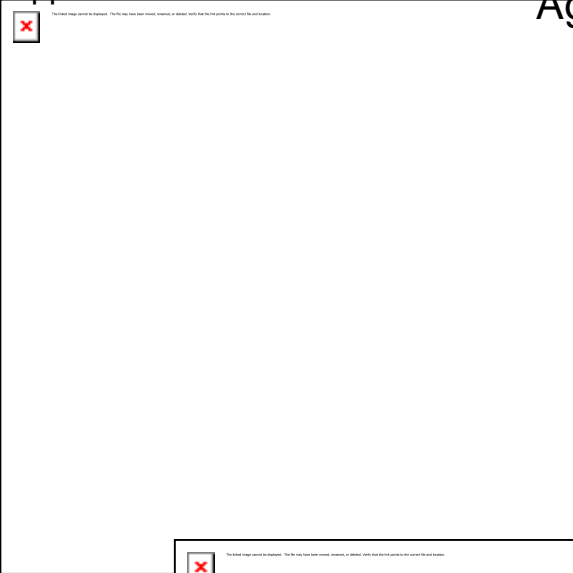
Chorley Council
PO Box 13
Chorley
PR7 1AR
www.chorley.gov.uk
01257 515151
contact@chorley.gov.uk



Licensing
ANNEX 4 – PLANS
Premis

0307





**Licensing
Premises**

Summary of Licence

0307

Premises Details

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

The Sirloin Inn
 Station Road Hoghton Preston PR5 0DD

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

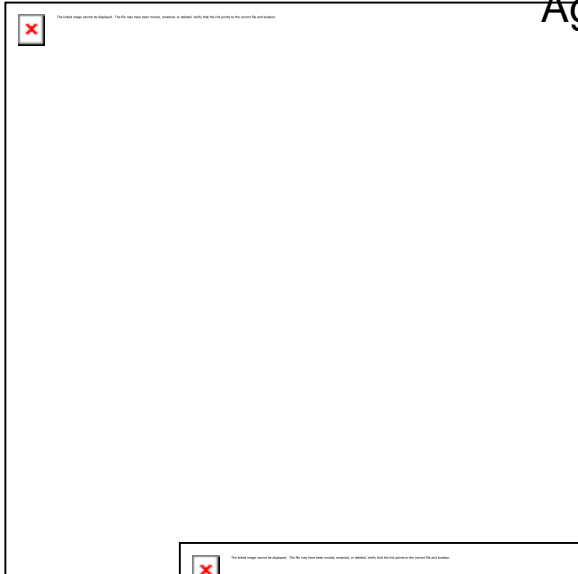
LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- Performance of Live Music
- Performance of Recorded Music
- Entertainment Facilities - Dancing
- Late Night Refreshment
- The sale by Retail of Alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and area if applicable)	Days and times
Performance of Live Music (Indoors)	Monday to Sunday 11:00 - 00:00 Non Standard Timings: Christmas Eve, Boxing Day, New Year's Eve 11.00 until 01.00 12 additional days provided written notice is given seven days in advance to Police and Licensing Authority.
Performance of Recorded Music (Indoors)	Monday to Sunday 11:00 - 00:00 Non Standard Timings: Christmas Eve, Boxing Day, New Year's Eve 11.00 until 01.00 12 additional days provided written notice is given seven days in advance to Police and Licensing Authority.
	Monday to Sunday 11:00 - 00:00

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 01257 515151
contact@chorley.gov.uk



Entertainment Premises	0307	<p>Facilities - Dancing (Indoors)</p> <p>Non Standard Timings: Christmas Eve, Boxing Day, New Year's Eve 11.00 until 01.00 12 additional days provided written notice is given seven days in advance to Police and Licensing Authority.</p>
Late Night Refreshment (Indoors)	<p>Sunday 23:00 - 23:30</p> <p>Monday to Thursday 23:00 - 00:30</p> <p>Friday to Saturday 23:00 - 01:30</p>	
The sale by Retail of Alcohol (On and off the premises)	<p>Sunday 11:00 - 23:30</p> <p>Monday to Thursday 11:00 - 00:30</p> <p>Friday to Saturday 11:00 - 01:30</p> <p>Non Standard Timings: New Year's Eve 11.00 - 01.30.</p>	

THE OPENING HOURS OF THE PREMISES

Sunday 11:00-23:30
 Monday to Thursday 11:00-01:00
 Friday to Saturday 11:00-02:00

Non Standard Timings:
 New Year's Eve 11.00 - 02.00.

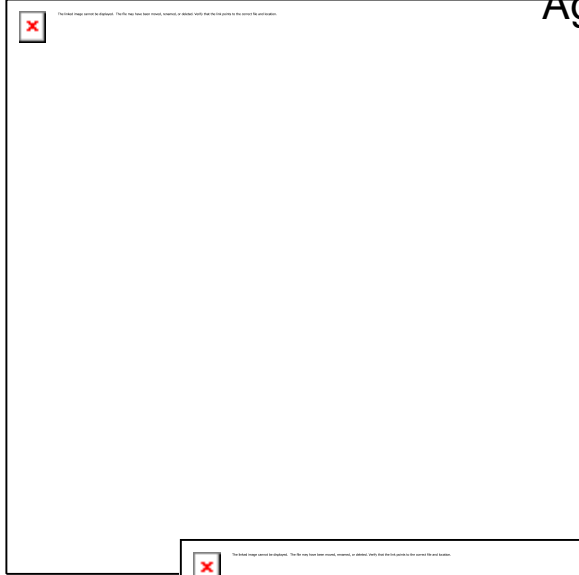
WHERE THE LICENCE AUTHORISES THE SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

The sale by retail of alcohol for consumption both ON and OFF the premises.

Part 2

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Black Napkins NW Limited The Sirloin Inn Station Road Hoghton Preston PR5 0DD



Licensing Premis		0307
REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)		
Black Napkins NW Limited		8644901
NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL		
Mr Gokhan Gundogdu		
STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED		



Licensing Unit, Preston Operating Centre, North Road, Preston, PR1
Tel: 01772 209794
e-mail: centrallicensing@lancashire.pnn.police.uk



**Lancashire
Constabulary**

police and communities together

The Licensing Manager
Chorley Borough Council
Civic Offices
Union Street
Chorley
PR7 1AL

6th February 2015

Dear Sirs

The police are in receipt of an application to vary the premises licence for the Sirloin, Station Road, Hoghton. The application is made by Gokhan Gundogdu who is the director of Black Napkins Northwest Ltd, the holders of the premises licence.

This application seeks to vary considerably the current operation of these premises and the police have concerns that the granting of the proposed variations would undermine the licensing objectives of the Prevention of Crime and Disorder and the Prevention of Public Nuisance.

In essence the police concerns can be grouped into three distinct categories, these being;

- 1) The hours being sought for certain licensable activity**
- 2) The extension of the licensed area and the provision of activities outside the premises**
- 3) The steps outlined within the operating schedule to promote the licensing objectives.**

1. The hours being sought for certain licensable activity

The application seeks to vary the hours of the following licensable activities from 08:00 to 23:30 hours Monday to Sunday;

Provision of Plays
Provision of Films
Provision of Boxing or Wrestling Entertainments
Provision of Live Music
Provision of Recorded Music
Provision of performances of Dance
Provision of anything similar

With regards this variation the police would make no representations.

However it is noted that there is a request to allow these activities to take place both indoors and outdoors. The police would therefore **make representations** against these activities being allowed to be conducted outside the premises at any time; the reasons for this are outlined at **2** below.

The application also seeks to vary the hours for the Retail sale of alcohol and in line with this, the opening hours of the premises from 00:00 to 24:00, in effect allowing the premises to operate for 24 hours. It also seeks to vary the provision of Late Night Refreshment till 05:00 hours. The police would **make representations** against this variation for the following reasons;

The Sirloin is located in a semi-rural area and is in fact surrounded by residential properties. The allowing of the proposed variation to the premises, in its current location, will have an impact on crime and disorder and public nuisance in the area.

The increase in hours for the availability of purchasing alcohol will lead to persons drinking for longer therefore they will tend to be drunk when leaving the premises. It is nationally recognised that excessive alcohol consumption leads to incidents of crime. Allowing people to drink longer at these premises will inevitably lead to incidents in the vicinity of the premises including arguments, fights, criminal damage, shouting and abusive language. Due to people having consumed alcohol, being unable to drive, there will be an increase in traffic in the form of taxi's picking up from the premises which again will have a significant impact on the local community who would be disturbed by this activity.

2. The extension of the licensed area and the provision of activities outside the premises

The application seeks to increase the number of licensable activities at the premises by adding plays, films and the provision of boxing or wrestling entertainment. As stated above the police make no representations to the granting of these activities nor for the variation of hours requested.

The premises is currently authorised to provide licensable activity in the form of Live Music, Recorded Music, Facilities for Dancing and Late Night Refreshment, however these are restricted to indoors only. This application not only seeks to increase the hours of these and the additional activities but to allow them to be carried on outside the premises. Furthermore the application seeks to increase the licensed area to include the car park at the rear of the premises.

The police have real concerns that this variation would undermine the Prevention of Public Nuisance licensing objective and would **make representations** against both the licensing of the car park and allowing any of the licensable activities requested to be carried on outside the premises.

Attached at Appendix 1 to this representation is an aerial view of the premises and in particular the car park at the rear. As can be seen the premises is surrounded by residential properties that back onto the car park and any activity taking place in this area will impact on those living in these houses, whether this be from, music, customer noise, language or items being discarded into the gardens by customers at the premises.

There have been previous events at the premises where the car park has been utilised and therefore has restricted the availability of parking for customers. This forces customers to park on the roads surrounding the premises which causes a nuisance to local residents and also obstructs the highway.

3. The steps outlined within the operating schedule to promote the licensing objectives.

The application seeks to vary the conditions attached to the licence by replacing them with the steps outlined within the operating schedule. The police have no concerns with this request in the main, as there are a number of PEL conditions included on the licence that are now no longer applicable. However it is noted that there are a number of conditions which have been imposed onto the licence under **Annexe 3 – Conditions attached after a hearing by the Local Authority**. It appears that these conditions were imposed to provide some protection to local residents and it is further noted that these have either been omitted or re-worded in the operating schedule contained within the application.

The police feel these conditions should be retained on the licence and would also say that the specific wording of some of the proposed conditions, contained in the operating schedule, do not clearly outline how the Premises Licence Holder or his representatives will ensure the licensing objectives are promoted, therefore undermining them.

Attached at Appendix 2 is a list of conditions the police feel would ensure the licensing objectives are promoted effectively. Many of these have been re-written but are consistent with those proposed in the operating schedule. The conditions contained in the current licence which the police feel should be included in this variation application have been included in the list in **bold** type.

Yours faithfully



PS 1506 Bushell

Appendix 1



Appendix 2

Amended wording for conditions as proposed within the operating schedule;

- *The Premises shall operate and maintain a CCTV system which shall be in use during all times licensable activities are taking place at the premises and comply as follows;*
 - i. *The system shall cover all entrances and exits from the premises, in addition to covering areas of the premises used to store, supply or consume licensed products.*
 - ii. *The focus of the camera(s) shall be so as to enable clear identification of persons on the premises.*
 - iii. *The system will be capable of time and date stamping recordings and retaining said recordings for at least 21 days.*
 - iv. *The data Controller shall make footage available to a police officer or Authorised officer, where such a request is made in accordance with the Data Protection Act 1998.*
 - v. *There shall be a member of staff on duty at all times the premises is open to the public, who is trained in the operation of the CCTV system and capable of providing a copy of any recording to any Responsible Authority on reasonable request.*

- *There shall be a member of staff on duty at all times the premises is open to the public, who is trained in the operation of the CCTV system and capable of providing a copy of any recording to any Responsible Authority on reasonable request.*

- *The premises will have a written drugs policy to the satisfaction of the police that will include a search policy and all staff will have a working knowledge of it.*

- *All staff will receive on-going training in Drugs Awareness, this training will be recorded and retained by the premises. These records will be made available for inspection by any responsible authority on reasonable request*

- *The use and number of door supervisors on any trading night at the premises shall be determined by a written risk assessment agreed between the Premises Licence Holder/DPS and security provider*

- *Any risk assessment will be in a written format, kept at the premises and produced for inspection by any responsible authority on reasonable request.*

- *Staff will make regular checks of internal and external areas to ensure any unused glasses and bottles are collected.*

- ***All windows and doors will be kept closed when regulated entertainment is being provided except in the event of an emergency***
- *The licence holder or his representative shall conduct regular assessments of the noise (every hour) during the provision of any regulated entertainment at the premises and shall take steps to reduce the level of noise where it is likely to cause a nuisance to local residents.*
- *A written record will be made of these assessments which shall include the time and date of the checks, the person making them and the results of any action taken.*
- ***There shall be placed at all exits from the premises and in the car park, notices which can be seen and easily read by the public, notices requesting that customers leaving the premises and area, do so quietly.***
- ***No outside areas (ie decking area) designated for the consumption of alcohol or the provision of licensable activity shall be used after 22:00 hrs on any day of the week.***
- *The DPS will ensure the premises maintains an incident book which will contain a record of all incidents relating to the premises, it's staff and customers, including time, date, nature of incident and outcome to the satisfaction of Lancashire Constabulary and the Local Authority. This record will be available on request to any responsible authority.*
- *The Premises will operate a policy that prevents the sale of alcohol to persons under 18 to the satisfaction of the police and local authority. This policy shall state that any person who does not appear to be at least 25 years of age, will not be served unless they can produce a recognised proof of age card accredited under the Proof of Age Standards Scheme (PASS), photocard driving licence or passport.*
- *Any challenges made by staff relating to this policy will be recorded in the incident book situated at the premises.*
- *Notices will be displayed where they can be clearly seen and read in the premises indicating that the premises operates a Challenge policy in relation to the sale of alcohol.*
- *All staff will be trained in relation to the sale of alcohol to persons under 18. This training will be recorded and made available for inspection by any responsible authority on reasonable request.*

Stephen Culleton

From: Neil Kirkham
Sent: 24 February 2015 15:24
To: Stephen Culleton



As requested

In respect of the application to vary the premises licence Ref. No: 15/00040/LAPLA for The Sirloin Inn, Station Road, Hoghton, Preston, PR5 0DD, this department would like to make a representation following the receipt of 5 separate noise nuisance complaints from residents between the period of July and September 2014. The initial complaint pertained to noise from an event on the rear car park and the remainder from noise emitting from the premises, including the external areas on an alleged regular basis.

All complaints were investigated under Statutory Noise Nuisance procedures. To date the Council has been unable to gather sufficient evidence to either substantiate or disprove a statutory noise nuisance. The current application to licence the outdoor areas and allow live and recorded music and other entertainment both inside the premises and outdoor areas to 23.30 each night, has in my opinion the potential to create a noise nuisance to neighbouring properties and therefore I object to the application in respect of the licensing objective The Prevention of Public Nuisance.

Neil Kirkham
Environmental Health Officer

Neil Kirkham
Environmental Health Officer
Chorley Council

 01257 515151 |  chorley.gov.uk

Chorley - Britain in Bloom Silver Medal Winner 2014

You can make service requests online at chorley.gov.uk, and it's even faster if you use '[My Account](#)'

7 The Crossings

Hoghton

Preston

PR5 0DH

8 February 2015

Dear Sir

RE: Licence Application Ref: 15/00040/LAPLA – variation of Premises Licence**The Sirloin Inn, Station Road, Hoghton, Preston, PR5 0DD**

We wish to make a representation in respect of the above licence application. Our family home is in the vicinity of The Sirloin Inn, our road is located to the immediate side of the pub and the road continues around to the rear of the premises. The pub is located in a semi-rural village with residential houses surrounding all of its boundaries.

We have many concerns should the variations to the licence be granted as it will significantly undermine objectives set out in the Licensing Act 2003.

Prevention of Public Nuisance

At present, the pub applies for temporary events licenses (TEN) for various events throughout the year e.g. beer and sausage festivals, champagne festivals, hoedowns etc... these events are often held in marquees in the car park which is at the rear of the premises which backs directly on to residential houses in our community. These events are a major concern for many residents in the area. The events are held over a few days, weekends or bank holidays when residents wish to relax and have enjoyable family times at home. Noise levels increase as they are setting up for the events, you can here sound checks being carried out, barrels being moved. During the opening times of the event (which usually last for three or four days) music is very loud to such a level, that in the spring/summer months when we would like to open our windows we are unable to do so, as we can hear every word and beat of the music as we relax in our homes and gardens. We have young children who can't always get to sleep because of the noise, even with the windows shut there is a constant beat in the background. The noise of music, shouting, loud voices can often be heard until well after midnight.

The music and amplifiers are often set up outside for the large events, however, music is played from inside the pub in a building which is centuries old and so not designed to contain modern levels of sound and vibration and that noise inevitably escapes from the premises affecting the residents.

Prevention of Crime and Disorder

On numerous occasions beer bottles and glasses are left around the neighbourhood, on garden walls, on footpaths and thrown in people's gardens making the neighbourhood look unpleasant.

RECEIVED 10 FEB 2015

Public Safety

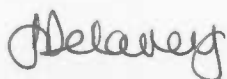
At every large event the pub blocks off the entrance to its car park by stacking beer barrels high so the event can take place on the car park. At one recent event the pub placed a few traffic cones on the roadside from the edge of their boundary up Station Road for approximately 12/15 metres. They also moved their large wooden planters parallel with the traffic cones onto the footpath, blocking the footpath and forcing pedestrians/ wheelchair users/ prams into the road and putting the public at risk.

These events are advertised on various internet sites such as Groupon and Deal Monster so attract people from far and wide, they are not just aimed for the local community to attend. Therefore, people usually travel and arrive in their cars and as the car park is blocked off, customers end up parking their cars on all the roads in the vicinity of the pub (Station Road, The Crossings, Fowler Close, Willowfield Chase, The Croft). Cars are often parked with very little thought for the local residents, parking on the footpaths, on the corners of roads, wheels on our gardens, in turning circles of the cul-de-sacs, our road (The Crossings) has not been designed for cars to be parked along, so it makes it extremely tight, especially if emergency vehicles had to come up our road to our properties. When customers return to their cars, it is usually late in the evening or in the early hours and again they have little consideration to the residents who may be sleeping, as we hear engines starting, car doors slamming and loud voices as they return to their cars. However, cars can often be left overnight so the problem of having easy access on our road is not just during the opening hours.

We have huge concerns about how this could affect our lives and enjoyment of our property in the future. We believe that having extended opening hours and being able to sell alcohol around the clock will cause problems and undermine all four objectives. Crime and disorder could potentially increase putting a drain on the police force and emergencies. A big worry for us would be if the current owner moved on as we do not know what the future would hold for the premises.

We do consider ourselves to be tolerant neighbours and have never made any formal complaints but feel that a variation to the licence could have a great impact on our quality of lives and the neighbourhood we live in.

Yours faithfully



Mrs J Delaney

RECEIVED 10 FEB 2015

10/02/2015

MR MARK LAWRENSON
ANNANDALE
STATION ROAD
HOUGHTON ✓
CHORLEY
PR5 0DD

RE REF
15/00040
LAPLA

RECEIVED 11 FEB 2015

DEAR SIR OR MADAM

I WISH TO MAKE REPRESENTATION ABOUT
THE ABOVE APPLICATION,

my wife AND I have purchased ANNANDALE
recently with a view to modernising
- completing the property and then
using it as our family home -
The above application has raised
concerns -

re - noise levels - especially with
potential "entertainment" from as
early as 8.30 - till 23.30.
my wife and I - both work and feel
the "early" and late proposals are "unjust"
and inconsiderate especially as our
weekends could be severely disrupted
- we would like to suggest a much
later start ("kick off") - after noon (12.00)
and an earlier finish - maybe 21.30?

I hope our representation is not deemed
to be unreasonable AS we really like
P.T.O.

the area, neighbours and all that goes with it — including the "local pub"

yours

sincerely

M Lawson

Tel 01772 313961

mobile 07778 602224

ps our current address
at moment till ANNANDALE
is complete:—

175 CROSTON ROAD
FARINGTON MOSS

LEYLAND

LANCASHIRE

PR26 6PQ

MONDAY 9TH FEBRUARY 2015



TO THE LICENSING MANAGER

MR & MRS A T NUTTALL

PO BOX 13

5 THE CROSSINGS

CHORLEY

HOGHTON

PR7 1AR

PR5 0DH

1/2 LICORR

✓
✓

RE: LICENCING APPLICATION FOR THE SIRLOIN INN, STATION ROAD, HOGHTON, PRESTON PR5 ODD.

11 FEB 2015

REF: 15/00040/LAPLA

Dear Sir/Madam,

Our family home is situated to the rear of the Sirloin Inn car park with its boundary being the car park concrete wall.

We wish to make a representation as to how our lives will be affected by this application. Our family consists of Tom and Caroline Nuttall and our two teenage boys Benjamin and Oliver.

Last summer a number of events were situated on the Sirloin Inn car park a Wedding and a three day beer festival being just two of them, the wedding proved particularly noisy as live music was played throughout the day to the point where we had to close all our windows and doors to try and compensate this, but still impossible to concentrate on anything, let alone sleep, obviously in summer it should be a person's right to be able to open windows. The Beer Festival and many other events throughout the year also had live bands playing in what amounted to little more than yards from our house.

At weekends throughout the summer large numbers of drinkers and loud music invade our privacy and the proposed expansion of music and an outdoor bar area would exasperate this problem.

The results of this application will impact on our family home and our right to privacy on the basis of more and more events being organised and the proposed sale of outdoor alcohol with extended drinking hours.

We are tolerant people and have not yet complained. We ourselves run a business and have no objection to anyone running a responsible successful

business, but we feel our lives will be pressurised by noise and late night disturbance coming from the decking area of the Sirloin Inn.

The Sirloin Inn recently fitted patio doors to the rear of the building opening to the decking area and in warmer weather these are wide open with music playing loudly. Again this would be made much worse by this application in view of longer hours and more events.

Yours Faithfully,

Mr & Mrs A T Nuttall

C. Nuttall

A. T. Nuttall

Ricroft
Quaker Brook Lane
Hoghton
Nr. Preston
PR5 0JA

12 February 2015

The Licensing Department,
Chorley Borough Council.

Dear Sirs,

Re: Application 15/00040/LAPLA for The Sirloin, Station Road, Hoghton.

I wish to object to the proposed alterations to the Licence.

Although I do not live on Station Road I live nearby and have friends who do live on Station Road near to The Sirloin.

I am concerned that allowing a late night/twenty four hour licence will encourage drinkers, leaving other premises at their closing times, to travel to The Sirloin; some of whom will use the narrow and dangerous rural lanes, including Quaker Brook Lane, for access.

At present this is a pleasant rural village and I would not want to see it have a very different character at night and Bank Holidays with the potential for disorder and public nuisance.

Yours faithfully,

Miss J H Street.

4 The Crossings
Hoghton
Preston
PR5 0DH

8 February 2015

RECEIVED 10 FEB 2015

Chorley Borough Council
Licensing Authority
PO Box 13
Chorley
PR7 1AR

Dear Sir,

Application Ref. 15/00040/LAPLA - variation of Premises Licence
The Sirloin, Station Rd, Hoghton, PR5 0DD

Please accept this letter as representation in respect of the above application.

Our house is situated directly behind the The Sirloin overlooking the car park, and we already suffer noise and nuisance from the premises. Based upon the reality of what we live with at present, we are gravely concerned that the situation will deteriorate further should application be granted.

The requested variations, including the retail sale of alcohol for 24 hours a day 7 days a week and the extension of the licensed areas outside, are wholly unsuited to a small, semi-rural village pub that is surrounded by residential property, and we feel very strongly that the prevention of noise and nuisance objective will be severely undermined. We are also concerned about the impact on our lives, and our right to peaceful enjoyment of our home.

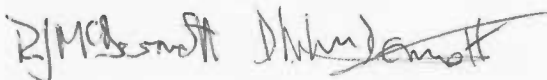
We do consider ourselves to be tolerant and understanding neighbours, and the fact that we have never made a formal complaint about the noise and nuisance we regularly endure is testament to that; however, it does not mean it does not happen.

We often have to close our windows and doors to keep out the noise from the pub and its customers, particularly in the warmer months. It can be impossible to get away from the loud music playing from inside the premises, and from the noise made by customers on the decking area. The situation got worse last year after the decking area was refitted, resulting in more people out there later into the night, often until well after midnight. The shouting, loud voices and often foul language regularly cause nuisance.

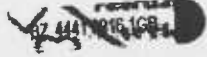
The increasingly frequent outdoor live music events held in marquees in the car park are also a major concern, given the proximity to our house. The car park is closed off throughout the events which results in a large number of vehicles parked in, and often obstructing, the roads in the vicinity. The events often last from Friday afternoon until Sunday night and mean that for 3 days we are unable to live our normal lives due to the unacceptably loud music and crowd noise.

We urge you to consider the effects on people like us who live in the area around the pub before any decision is made.

Yours faithfully



RJ & DM McDermott



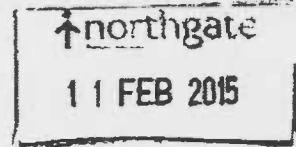
3 The Crossings
Hoghton
Preston
Lancashire
PR5 0DH



Mr Stephen Cullerton
Chorley Borough Council
Licensing Authority
PO Box 13
Chorley
PR7 1AR

1/3

LICORR



07/02/2015

Dear Mr Cullerton

Representation Against Variation to Premises Licence (Ref 15/00040/LAPLA)
The Sirloin Inn Station Road, Hoghton, PR5 0DD

We are writing to object to the application by Black Napkins NW Limited to vary the premises licence at the Sirloin Inn, Station Road, Hoghton. We are objecting in order to prevent a Public Nuisance which we believe this variation will cause.

The current premises licence at the Sirloin Inn is already extensive given that the pub is directly surrounded on all sides by residential housing. Our property is at the corner of the car park at the rear of the pub. Many times (particularly in summer) there has been significant noise /screaming / bad language from customers drinking in the car park in the evening and leaving the pub late at night often as late as 2am. On these occasions we need to keep doors and windows closed in order to sleep.

Additionally the pub has held several outdoor events, some of which have lasted for 2-3 days. These events are invariably noisy particularly when loud music is played outside making it impossible to enjoy peace and quiet in our house or garden during the day or in the evening. I attach a photograph taken from our back bedroom window which demonstrates how close the pub carpark is to our property. You will note that there is no fence / barrier to baffle sound or promote privacy.

When the outdoor events are taking place the pub carpark is closed to accommodate these activities. Many people attending these events then park their cars on Station Road and on the corner of our road The Crossings which narrows access. Residents' driveway entrances on Station Road are also sometimes blocked and often cars are left until the following morning before being removed by the pub customers.

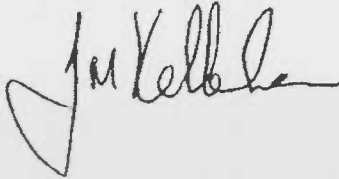
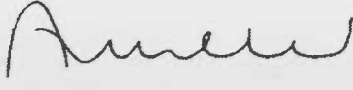
The current licence allows for sale of alcohol as follows :-

Sunday	11:00 AM	11:30 PM
Monday to Thursday	11:00 AM	12:30 AM
Friday to Saturday	11:00 AM	1:30 AM

In our opinion this is more than sufficient for this pub given its residential location. The application is seeking to not only extend the hours for sale of alcohol to all day everyday (which is clearly excessive) but also extend the hours for all other activities on the licence and make them available inside and outside. In our opinion this will make the Public Nuisance already caused by the pub much worse and will further impact the quality of life and human rights of the local residents to enjoy peace and quiet in the neighbourhood.

We request that not only is this variation rejected but that the current premises licence is reviewed with a view to reducing the hours when the sale of alcohol is permitted. Despite the fact that we have not in the past logged formal complaints with the police we have, as described above, suffered on many occasions as a result of the activities at the Sirloin Inn.

Yours sincerely



John and Anne Kelleher



8th February 2015

1 The Crossings
Hoghton
Preston
Lancashire
PR5 0DH

Chorley Borough Council
PO Box 13
Chorley
PR7 1AR

RECEIVED 9 FEB 2015

Dear Sirs,

Subject: Licensing Application Reference: 15/00040/LAPLA
The Sirloin Inn, Station Road, Hoghton, Preston, PR5 0DD

We are writing to register our objections to the application submitted by Black Napkins NW Limited for a twenty four hour drinks license, outdoor events and licensed car park at The Sirloin Inn. We strongly object to these proposals on the grounds of Public Nuisance, Crime and Disorder, Public Safety, Harm to Children.

Our home is situated directly next door to The Sirloin Inn, we have lived in this property since June 2005. In the time we resided here we have encountered a number of issues, details as follows:-

1. External doors and windows are often left open both at the front and back of The Sirloin, the biggest affect being the noise levels from members of the public and music entertainment in the evening and night time. The noise is very excessive and can be heard through closed windows in our home, we are unable to open the windows due to this noise. We encounter disturbed sleep when noise levels are particularly high and when people are leaving the Sirloin premises.
2. We have monitored the noise levels after midnight, the most recent example was the beer festival held 30th Jan to 1st Feb 2015, the beat of the music could be heard when we were indoors with no windows open, this music played until approximately 00.45am. At midnight the front door of The Sirloin was open and a number of people were sat outdoors on the decking at the front of the premises consuming alcohol.
3. On one occasion in 2014 the noise levels were that high at around 1.00am we had to get dressed, walk round to The Sirloin and ask them to turn the music down and shut the front door.
4. We have three children at home, our two eldest children have bedrooms overlooking the rear of The Sirloin, the noise is extreme for them in particular. Our youngest child, age 7, is constantly awake when outdoor events are ongoing, becomes distressed and will not sleep in her own bedroom.
5. We have witnessed members of the public urinating in our front garden in full view from our lounge window.
6. Drinking glassware/beer bottles dumped in our front garden regularly.

7. On the occasions when the car park has been closed due to outdoor events being held, people are parking their cars illegally i.e. directly on the corner when in fact they should be 10 yards from the corner. Cars are parked on our front garden and people drive over the grass, we have placed stones around the edge to try and prevent this but it has not deterred people. On the occasions people have parked on the road, cars are parked in parallel which then causes access issues.
8. Very poor visibility when exiting The Crossings due to the number of cars parked on Station Road/The Crossings.
9. Our drive way is constantly used by cars to turn round as they have driven passed The Sirloin and realised the car park is closed on event weekends.
10. Due to the urinating, glass, volume of cars using our drive to turn and car parking issues our daughter is unable to play out at the front of our property due to health and safety risks.
11. The entrance to the car park is blocked using beer barrels when outdoor events are held, clearly not a safe structure.
12. During the time the beer festival was held 30th Jan to 1st Feb 2015, planters were placed on the pavement to prevent parking, this meant pedestrians had to walk in the road.
13. In 2013 a Bonfire Night event took place, we were not at home that evening but on our return a neighbour contacted us regarding concerns about the close vicinity of the fire to our house. The fire was located only a matter of feet away from the wall between our house and the rear of the Sirloin, it was a windy evening and blowing the flames in the direction of our house. Our neighbour monitored the situation in case fire services were required. We feel sure that had we have been at home we would most certainly have been very concerned.
14. Summer 2014 event – hay bales were used as seating for an outdoor event, those hay bales are now stacked up level to the top of the wall between The Sirloin and our property, children have been seen climbing on these and as there is approximately a 10ft drop into our garden we are very worried about the safety risks. Even without the bales of hay we have always had members of the public, in particular children, looking over the wall into our home, we feel we have no privacy.
15. Summer 2014 – 8pm one evening a drunken member of public came from the decking at the front of The Sirloin, ran around our front garden, led down on the grass and then threw his beer glass onto the road, we had to go out and sweep the glass up as we did not want any damage to cars, children or anyone walking past.
16. Summer 2014 – The Sirloin started to have afternoon outdoor music/live singers, due to this we spent those afternoons indoors or away from home due to the noise levels and crowds of people, these occurrences were very obtrusive and we felt like our home was being invaded.
17. The road name sign on our property had to be replaced by Chorley Borough Council as two male drunken members of the public who had just left The Sirloin kicked and demolished the sign, we went into The Sirloin to try and find out the names of the individuals but they said they did not know who the people were, this was untrue as we believe the individuals were regular visitors to The Sirloin.

18. One cold winter evening a friend visited our home, when entering she asked did we know there was someone led in our garden, it turned out to be a neighbour who was a regular visitor to The Sirloin, was in a very drunken state, he had fallen over and as he had previously had a stroke he was unable to get up. We had to get help from other neighbours so that we could lift him and get him home, had we not have been made aware he was in the garden we are sure to outcome would have been fatal.
19. In 2014 a car parked on Station Road and the driver entered The Sirloin. The car rolled onto the rail track and was hit by a train. All the information regarding this incident is held by the Transport Police. This was a very frightening experience for ourselves and our children and we feel constantly on edge due to the large number of cars parking so close to the level crossing.

When we purchased our home in 2005 it was a quiet residential area. If the proposed license change is agreed it will seriously affect our home life, the value of our house will drop and more than likely become unsellable.

We have felt it necessary leave our home on the event weekends and stay in hotels or with relatives. This is completely unacceptable, and we should not be in that situation.

Chorley Borough Council recently contacted us to trim back some trees at the front of our property for visibility reasons, we are amazed that the large number of cars parked outside The Sirloin and on Station Road are deemed acceptable, seems to be rather a contradiction.

We have attached photographs to support some of the points above.

We hope that you will consider all the above factors and trust that no decision will be taken on this matter until all the interested parties' viewpoints have been considered and in view of the above, we would urge the Licensing Authority to refuse the application.

Yours faithfully,



Steven and Jill Holden

Tel. 01254 851964



Our property hatched area.



View from front bedroom.



View from rear bedroom



Silver car parked on corner and in the road.



Entrance to car park blocked barrels, not a safe structure.

Ricroft
Quaker Brook Lane
Hoghton
Nr. Preston
PR5 0JA

12 February 2015

The Licensing Department,
Chorley Borough Council.

Dear Sirs,

Re: Application 15/00040/LAPLA for The Sirloin, Station Road, Hoghton.

I wish to object to the proposed alterations to the Licence.

Although I do not live on Station Road I live nearby and have friends who do live on Station Road near to The Sirloin.

I am concerned that allowing a late night/twenty four hour licence will encourage drinkers, leaving other premises at their closing times, to travel to The Sirloin; some of whom will use the narrow and dangerous rural lanes, including Quaker Brook Lane, for access.

At present this is a pleasant rural village and I would not want to see it have a very different character at night and Bank Holidays with the potential for disorder and public nuisance.

Yours faithfully,

Miss J H Street.

File Edit View Mailbox Tools Help

From: Jayne Day
Sent: 12 February 2015 14:46
To: Lesley Miller
Subject: FW: PAO The Licensing Department

Jayne Day
Customer Services Officer
Chorley Council

0123/515151 | shobey@ov.uk
Chorley - Britain in Bloom Silver Medal Winner 2014
You can make service requests online at chorley.gov.uk and it's even faster if you use myaccount.chorley.gov.uk

From: Ben Almond
Sent: 11 February 2015 11:52
To: Ben Almond
Subject: FW: PAO The Licensing Department

From: J STREET [mailto:Lesley.Miller@chorley.gov.uk]
Sent: 10 February 2015 17:29
To: Contact
Subject: PAO The Licensing Department

Re: Application 15/00040/LAP/LA
Enclosed please find my letter of objection to the above application.
Yours faithfully,

Lesley Miller

Send: Thu, 12 Feb 2015 14:46

Appendix 3

BZ 4441 8896 5GB

UCOAR

X

OKelwith, ✓
 Station Rd,
 Houghton,
 Nr. Piteony,
 Lanes,
 PR5 0DD
 5 February 2015

- 9 FEB 2015

Licensing Authority,
 PO Box 13,
 Chorley PR7 1AR

Dear Sir,
 Reference 15/0040/LA/PLA

I wish to make representations concerning the above variable
 licensing application. The effects of its activities ^{on me} would be:

1. lack of sleep
2. unable to open windows in warm weather
3. carrying voices that sound as though people are in my front garden in the early hours of the morning.
4. Being unable to hear myself think reading the newspaper of an evening in my own lounge.

I would suggest that the pub should be open 12.00 P.M to 11.00 P.M Tuesday to Sunday, that there should be no activities on the car park, that people should be off the decking by 10.00 P.M, and that only regulated entertainment takes place inside the pub with sound proofing.

Yours faithfully

R.E. McKie

Dr & Mrs PLS Dixon
Neuadd Wen
Station Road
Hoghton
Nr Preston
PR5 0DD

6 February 2015

RECEIVED 09 FEB 2015

Dear Sir/Madam

REF: 15/00040/LAPLA

We wish to make a representation regarding the variation to the licence application made by MR GOKHAN Gundogdu of The Sirloin Inn, Station Road, Hoghton PR5 0DD, operating under the business name Black Napkins (NW) Ltd.

Our residence, Neuadd Wen, Station Road, Hoghton, is merely separated from the Sirloin by a driveway roughly fifty yards from the car park, decking and building of The Sirloin Inn.

Prevention of Public Nuisance

Currently under the existing licensing hours, we are frequently exposed to high levels of noise pollution emanating from the Sirloin, by way of noisy drinkers on the decking and car park. This is particularly exacerbated during events when **LOUD LIVE MUSIC** and **LOUD RECORDED MUSIC** is continually played.

Should the 24 hours licence be granted, with the addition of music and other events mentioned within the application, such as wrestling and dancing, both inside and out, the noise pollution levels will be such that sleeping will become impossible and our lives unbearable every day of the week. It is important to note that this area is 100 % residential with no other commercial buildings other than the Sirloin in the vicinity. The Sirloin is surrounded in entirety by residential properties.

Several complaints have been made to the police by ourselves, which have been logged, but unfortunately they were unable to provide any assistance. We have also raised complaints with Environmental Health and maintained a noise log. The result of this is that we have now been offered recording equipment for the next summer event.

On several occasions we have also approached the Sirloin regarding the noise which eventually culminated with the sirloin issuing a letter to us inviting us to a meeting. Following the meeting, a further letter was issued by The Sirloin detailing the points agreed upon by both parties, copies of which are enclosed dated Wednesday 13th August 2014. However, despite this meeting and the points which were agreed upon, by that Saturday, the noise pollution from an event was diabolical and on approaching the Sirloin to draw their attention to the agreements, were then told that he had never agreed to these points and they were nothing to do with him.

As to the affect of the noise on us; when an event is held in the car park (shut for parking) we are unable to sit in our garden and occupants of any of our bedrooms are unable to sleep due to the noise. Having worked until I was 75, I am now unable to take the time to enjoy my retirement by relaxing in my own garden due to the continual noise pollution from people from the Sirloin drinking and eating outside.

This completely contravenes the existing licensing caveats which were introduced when the restaurant was built and brought forward when the previous licensee Mr Kehoe applied for a music licence. I understand that these caveats are still in force despite the fact they are not being adhered to. We note that as an old building, there is no sound proofing of the inn and due to the small size of the building, the events mentioned within the variation can only be held in the car park alongside a considerable increase in the levels of noise pollution. We would also mention that whilst there was only one large event in the summer of 2013, there has since been a steady escalation of events to the point where they are occurring once a fortnight.

Public Safety

When an event is held using the car park, it effectively means there is no onsite parking available to customers, forcing them to park on both sides of the road ie Station Road, Fowler Close and The Crossings, obstructing the pavements and leaving a gap too narrow for any emergency vehicles to safely pass through. This style of parking commences from the Monday morning before the event. In addition to blocking access to emergency vehicles the cars also obstruct view for residents trying to leave their properties and in some cases, completely preventing access or egress to properties. In addition, there is a steady stream of taxis, beeping horns to collect customers who then leave their vehicles in situ, to be collected upto 24 hours later.

The actual entrance to the car park is effectively blocked off by way of a fence of metal beer barrels stacked on top of each other leaving a gap only wide enough for a person to pass through. Within the marquees in the car park, straw bales are used for seating in addition to tables and chairs which surely poses a fire hazard with escape being through the inn or the narrow barrel entrance. With roughly two to three hundred people attending some of the events, and bearing in mind the obstruction of emergency vehicles by the customers cars, should there be a fire, we have grave concerns as to evacuation of people and or dealing with such a fire. We unaware of any contingencies in place to deal with this; or whether any fire escape instructions are provided to the attendees.

I would also like to point out that on occasions the numbers of customers to these events hugely outnumber the volume of residents within the area affected.

Given this information I would sincerely hope that due consideration is given as to the affects that granting this variation would have on the village and ourselves. We are not a town centre, we have no commerce in the vicinity, we are rural residential area and to grant such a licence would have a huge damaging affect to the quiet residential village I moved into some thirty-seven years ago.

Further, we would request that the caveats to the existing licence are enforced and the events licence be completely withdrawn.

Yours faithfully

Pete L S Dixon
Margaret A. Dixon

Dr and Mrs PLS Dixon

The Sirloin

PUB & RESTAURANT

t- 01254852293 E - info@thesirloin.co.uk Station Road, Hoghton, Preston, Lancs, PR5 0DD,

Dear Dr and Mrs Dixon,

Thank you for taking the time to meet with us on Wednesday 13th August. We are very grateful that you attended the meeting and hope that we can work together in the future to ensure a mutually beneficial relationship.

I just wanted to send this follow up letter to assure you that we have taken on board all your concerns and are acting upon them.

In particular at the meeting, Michelle and I agreed that we will;

- a) Put new signs around the front of the building encouraging our customers to park in our rear car park
- b) Try to utilise our car park when hosting events to minimise street parking on Station Road
- c) Purchase cones which we can use to cone off each one of your drives when we host an event to prevent them being blocked
- d) Hold a meeting with you a few days prior to each event to discuss plans and concerns
- e) Conduct sounds checks when events are on and work on volume control to minimise disruption to you
- f) Ensure all windows and doors are closed when live music is being played inside the building to prevent noise from travelling.

I do hope that we can work together so we can prevent disruption to yourselves and so we can continue to host our events.

Kind Regards,

Rebecca
Office Manager
The Sirloin Pub & Restaurant

The Sirloin

PUB & RESTAURANT

T- 01254852293 E - info@thesirloin.co.uk Station Road, Hoghton, Preston, Lancs, PR5 0DD,

Dear Neighbour,

I am disappointed to hear that you continue to have concerns regarding the noise levels at the Sirloin Inn.

We have tried our utmost to ensure that you are not disturbed. We always ensure we adhere to our licence regulations and notify you when we have upcoming events.

In order to bring some resolution to this situation I would like to invite you to meet with us at the Sirloin to discuss the matter face to face. I hope that this will enable us to put the matter to rest.

Please let us know which day, Mon - Fri, next week will be suitable and what time is best for you to meet with us.

Yours sincerely,

Al

The Sirloin

Wed
6.00pm

Stephen Culleton

From: J MULCRONE <mulcrone8@btinternet.com>
Sent: 11 February 2015 19:40
To: Stephen Culleton
Subject: OBJECTION TO PROPOSED NEW LICENCING APPLICATION

THE SIRLOIN, STATION ROAD, HOGHTON

This email is sent on behalf of my husband, James Mulcrone, and myself who are residents of Willowfield Chase which is in close proximity to the Sirloin. We strongly object to the proposed licencing application being granted for the above named pub/restaurant as we feel from past experience of theme nights already held at the said Inn, that the situation could become more intolerable should any increase in licencing hours be granted.

In order to ensure the prevention of crime and disorder we feel that the introduction of further hours will cause -

1. Major disruption on Station Road and adjoining roads with cars parked on both sides of the road and pavement. Our experience of past theme nights has shown that this limits free movement for traffic and pedestrians. This not only inconveniences motorists, but moreover can stop the free movement on the pavement for walkers.
2. There is the possibility of damage to cars parked overnight on Station Road, resulting in broken glass scattered on the roadway and pavements. In our experience cars have been left overnight and well into the next day before being driven away.
3. Intoxicated people leaving the premises late at night can result in possible disorder and crime in a residential area.

Furthermore public nuisance has already been caused in the following ways -

1. Music can be heard in our home, particularly during the summer months when a marquee is placed on the car park and all entertainment is outside. This results in annoyance and a definite public nuisance. Any increase in the number of occasions when this happens is unacceptable.
2. Considerable noise can be heard when people leave the Sirloin to go elsewhere or home. Shouting, swearing and singing has been heard on a regular basis at the weekend at late hours.
3. There is already concern regarding the public nuisance of litter, cigarette packets and ends, bottles and glasses left on the roadside on a regular basis during the weekend. Any increase would be intolerable.

We would appreciate these concerns being looked at favourably and the application refused. We live in a peaceful, rural area with a country inn, NOT A NIGHTCLUB and would not like to see the area's destruction.

If you would like to contact us further please do not hesitate to contact us on 01254 854039.

James and Julia Mulcrone

Stephen Culleton

From: Sue Flitcroft <flitcroft66@supanet.com>
Sent: 11 February 2015 21:59
To: Stephen Culleton
Subject: Licence Application Ref 15/00040/LAPLA Sirloin Inn Hoghton

To Whom It May Concern

Licence Application Ref 15/00040/LAPLA Sirloin Inn Hoghton

We wish to express our concern about the above application submitted to Chorley Council particularly the extension to 24-hour sale of alcohol both indoors and outdoors and the extension to performance of music both indoors and outdoors.

Prevention of Crime and Disorder

The Sirloin Inn is situated in a quiet, residential, semi-rural location with very little ambient noise. A large number of people leaving the Inn at all times of the night after consuming alcohol would inevitably lead to increased noise levels and disturbance in the neighbourhood. During themed weekends many vehicles are parked overnight along both sides of Station Road and we are concerned that any increase in the regularity of such events may attract criminal activity.

Prevention of Public Nuisance

The terms of the licence applied for allow performance of music both indoors and outdoors from 8.00am to 11.30pm and allow 24-hour serving of alcohol both indoors and outdoors. We are particularly concerned about the permission to pursue these activities outdoors. If it is the licensee's intention to take advantage of these terms, it can only lead to increased nuisance to local residents. Whilst we do not object to an occasional weekend event with outdoor music until 11.00pm latest, any increase in the noise levels, frequency and duration of performances would not be tolerable.

Public Safety

Consideration should be given to the fact that the Sirloin Inn is close to a railway level crossing and increased foot and vehicle traffic in an otherwise quiet country road is not a desirable situation.

We acknowledge that the Sirloin Inn is currently an asset to the community but we seek assurance of the licensee's intentions and a commitment to local residents that there will be no increase in the levels of crime and public nuisance by any proposed change in activities.

Andrew and Sue Flitcroft

Tel: 01254 852851

LICOMP
11

Woodleigh
Station Road
Hoghton
Preston
PR5 0DD

8 February 2015

The Licensing Officer
Chorley Council
PO Box 13
Chorley
PR7 1AR



Dear Sir,

Sirloin Inn, Hoghton. Planning Application 15/00040/LAPLA

As householders we wish to make clear that in our view any such alteration of the hours are totally unacceptable in this rural residential area. Already there is nuisance and inconvenience caused to the general public and ourselves by:

- a) On special event days the inn car park is closed with the public house not providing any parking for its customers. In the roadway cars are parked on the footpaths on both sides of the road very close to gateways making access difficult.
- b) Large tubs of plants have been moved on event days from the inn to the public pavements in front of houses impeding pedestrians and creating a hazard in the dark.
- c) Disturbance from loud music on event days and evenings which is so intrusive that doors and windows must be kept closed and sleep becomes difficult.
- d) Bottles and other rubbish thrown over our garden wall and into the garden e.g. at the recent event days on 30th January a beer bottle and on 1 February a whiskey bottle.

We implore you to reject this application.

Yours faithfully

John J. Benson

Stephen Culleton

From: Ben Almond
Sent: 10 February 2015 14:16
To: Ben Almond
Subject: FW: Comment on a licence application - SIRLOIN PUBLIC HOUSE, HOGHTON

From: julie caton [mailto:juliecaton3@gmail.com]
Sent: 10 February 2015 12:04
To: Contact
Subject: Comment on a licence application - SIRLOIN PUBLIC HOUSE, HOGHTON

I wish to express my concern on the licencing application that has been made by the Sirloin Public House, Hoghton and raise a number of concerns and objections under the following headings -

PREVENTION OF CRIME AND DISORDER

1. A number of themed nights at the Sirloin Pub have resulted in a great deal of noise and disorder when customers leave the premises. I have had cause to discuss this with the Sirloin on 3 separate occasions. Any extension to the licencing hours would exacerbate this situation considerably, particularly during the week when local residents are at work. As the Sirloin is a residential area, 24 hour opening is not appropriate.
2. The car park of the Sirloin is blocked off for the use of parking during themed nights and cars have to park on Station Road and adjoining roads, many of which are left overnight and usually into the afternoon of the following day. This is a rural and quiet area and as such this is an open invitation for criminal activity during the night in an otherwise low crime area.

PREVENTION OF PUBLIC NUISANCE

1. During the lighter months the Sirloin often erects a marquee on their car park in order to admit a greater number of people. This of course results in the noise of music and loud voices which carries into the houses of local residents. The noise is so clear that 100 meters away in our home on Willowfield Chase, the music and raised voices are clear to hear. These conditions are not appropriate when trying to sleep and any change to the pub's licencing hours would only make matters worse, resulting in a current very difficult situation being made intolerable for local residents.
2. Following the last themed night at the end of January, there was vomit on Station Road on Saturday morning. This is a definite public nuisance and not appropriate for a quiet residential area. It has still not been cleaned up by the pub and the proposed change in licencing conditions would only result in making such incidents worse.
3. I regularly pick up the remnants from the night before as I walk my dog along Station Road. Items I pick up are glasses, bottles of wine, cigarette packets and general litter. This did not happen prior to the Sirloin having themed nights and it is without doubt a public nuisance for local residents. Any extension or change in the current licencing hours would exacerbate this situation.

PUBLIC SAFETY

1. The Sirloin Pub is within 10 metres from the Station Road railway level crossing. If any changes are made to the licencing conditions of the pub, there is a strong possibility of dangerous or foul play on the crossing when inebriated individuals may be involved in risk taking behaviour on leaving the premises.

Finally, I have no objection to the Sirloin Pub doing well in the community, indeed a country pub is a wonderful asset, but I am concerned about the level of possible crime and disorder, public nuisance and

public safety that may appear should any extension be made to the current licencing hours and conditions. It is a risk that should not be taken.

I should be grateful if would take my points into consideration and if you require any further information, please do not hesitate to contact me.

Julie Caton

Message
 License Application Ref 15/00040/LAPLA Sirloin Inn Houghton - Message (HTML)
 Sent: Wed 11, 02 2015 11:59

From: Sue Filcroft <office165@psps.net>
 To: Stephen Cullen
 Cc: License Application Ref 15/00040/LAPLA Sirloin Inn Houghton

To Whom It May Concern

License Application Ref 15/00040/LAPLA Sirloin Inn Houghton

We wish to express our concern about the above application submitted to Chorley Council particularly the extension to 24-hour sale of alcohol both indoors and outdoors and the extension to performance of music both indoors and outdoors.

Prevention of Crime and Disorder

The Sirloin Inn is situated in a quiet, residential, semi-rural location with very little ambient noise. A large number of people leaving the Inn at all times of the night after consuming alcohol would inevitably lead to increased noise levels and disturbance in the neighbourhood. During themed weekends many vehicles are parked overnight along both sides of Station Road and we are concerned that any increase in the regularity of such events may attract criminal activity.

Prevention of Public Nuisance

The terms of the licence applied for allow performance of music both indoors and outdoors from 8.00am to 11.30pm and allow 24-hour serving of alcohol both indoors and outdoors. We are particularly concerned about the permission to pursue these activities outdoors. If it is the licensee's intention to take advantage of these terms, it can only lead to increased nuisance to local residents. Whilst we do not object to an occasional weekend event with outdoor music until 11.00pm latest, any increase in the noise levels, frequency and duration of performances would not be tolerable.


Public Safety


Consideration should be given to the fact that the Sirloin Inn is close to a railway level crossing and increased foot and vehicle traffic in an otherwise quiet country road is not a desirable situation.

We acknowledge that the Sirloin Inn is currently an asset to the community but we seek assurance of the licensee's intentions and a commitment to local residents that there will be no increase in the levels of crime and public nuisance by any proposed change in activities.

Andrew and Sue Filcroft

Connect to social networks to show profile photos and activity updates of your colleagues in Outlook. Click here to add networks.

 **Sue Filcroft**

 **Stephen Cullen**
Lead Licensing & Enforcement

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THE SIRLOIN, STATION ROAD, HOGHTON

STATUTORY LICENSING SUB-COMMITTEE B

1 November 2005

The Licensing Sub-Committee have considered carefully the applicants and the interested parties representations.

We have considered the guidance issued under Section 182 of the Act together with Council's Statement of Licensing Policy in particular those paragraphs referred to in the report.

This Committee has had regard to the fact that no responsible authorities have made representations to the application. Whilst the Committee took account of the interested parties representations on disturbance they have suffered. There have been no representations from Environmental Health and Lancashire Police have withdrawn their representation following discussions with the applicant. The Committee noted that the applicant has amended his application following those discussions.

The Committee also took account that the Statement of Licensing Policy indicates that fixed predetermined closing times will be avoided unless necessary to promote the licensing objectives.

The Committee accepts the difficulty that a licence holder has in preventing anti-social behaviour by individuals once they are beyond the direct control of the licence holder. However, the Committee are of the view that the licensing objective 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.

The Committee recognises that the applicant has offered up conditions in his operating schedule to minimise the impact on licensing objectives. However, the Committee take the view that additional measures are required. The Committee is also mindful of the interested parties residential amenity. The Sub-Committee has to achieve a balanced approach to these difficult issues.

The Committee also considered human rights implications, in particular Article 8 and Article 1 of the 1st Protocol of the proportionality principle.

In considering all the above factors the Committee resolved to grant the application in the following amended form.

- | | | | |
|----|---|---|-------------------------------|
| 1, | Live Music - Indoors (E) | } | 11.00 – 00:00 Monday - Sunday |
| | Recorded Music - Indoors (F) | | |
| | Provision of facilities for dancing (J) | | |
| 2. | Late Night Refreshment indoors (L) | | |
| | 23.00 - 00.30 Monday - Thursday | | |
| | 23.00 - 01.30 Friday and Saturday | | |
| | 23.00 - 23.30 Sunday | | |
| 3. | Supply of alcohol - On and off the premises (M) | | |
| | 11.00 - 00.30 Monday - Thursday | | |
| | 11.00 - 01.30 Friday - Saturday | | |
| | 11.00 - 23.30 Sunday | | |
| 4. | Hours premises are open to the public (O) | | |
| | 11.00 - 01.00 Monday - Thursday | | |
| | 11.00 - 02.00 Friday - Saturday | | |
| | 11.00 - 00.00 Sunday | | |

A further hours amplified entertainment should be allowed on New Years Eve, Christmas Eve and Boxing Day with a further 12 days agreed, 7 days in advance by the Police and Licensing Authority.

Additional conditions applied are:

1. All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency.

2. The licence holder or his representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record shall be made of those assessments in a log book kept for that purpose and shall include, the time and date of the checks, the person making them and the results including any remedial action.
3. There shall be placed at all exits from the premises and in the car park, in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the area quietly
(Note, this may also include a reference to vehicles).
4. No outside areas (ie decking area) designated for the consumption of alcohol shall be used after 22.00 hours and all glasses and bottles should be removed at this time and a physical barrier placed across the entrance to emphasise the closure.

Licensing
Manager**Chief Executive's Office**

Please ask for: Mr G K Bankes
 Direct Dial: (01257) 515123
 E-mail address: gordon.bankes@chorley.gov.uk
 Your Ref:
 Our Ref: GKB/AJS
 Doc ID:
 Date: 20 October 2005

Chief Executive:

Jeffrey W Davies MA LLM

Chorley

Borough Council

Town Hall
 Market Street
 Chorley
 Lancashire
 PR7 1DP

Dear Councillor

A meeting of the Statutory Licensing Sub-Committee B is to be held in the Council Chamber, Town Hall, Chorley on Tuesday, 1st November, 2005 commencing at 10.00 am.

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. Licensing Act 2003 (Premises and Club Premises Certificate) Regulations 2003 - Application to vary premises license in respect of The Sirloin, Station Road, Houghton (Pages 1 - 70)

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

Continued....

Appendix 4

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

31 August 2005

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



Dear Sir

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

Premises SIRLOIN INN, STATION ROAD, HOGHTON

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

1. The Police are concerned regarding E and F on the form. We feel that the latest time for any amplified entertainment should be no later than 0000 hrs Monday to Sunday to prevent crime and disorder, the prevention of public nuisance and the protection of children from harm(noise).
2. There will be no objections to the public house playing recorded music at a reduced volume after 0000 in the wind down period so long as not to disturb neighbours etc., with a condition that any music is 'inaudible to the nearest noise sensitive location'.
3. A further hours amplified entertainment should be allowed on New Years/Xmas Eve and Boxing Day, with a further 12 days agreed 7 days in advance by the Police and Council.
4. If the above is adhered to we have no objections.

Yours faithfully

Police Sergeant 1506

(Licensing)

Lancashire Constabulary

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

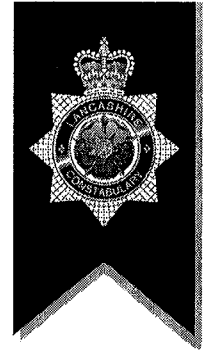
Tel: 01257 246215

Fax: 01257 246217

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

21 September 2005

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



Dear Sir

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

Premises Sirloin Inn, Station Road, Hoghton

There are no police representations to be made in respect of this application:-

The police have now been provided with an e mail from Turners Solicitors which confirms full acceptance of the 4 recommendations as outlined in our previous representation letter dated 30th August 2005.

In view of this the police will now withdraw the previous representation.

Yours faithfully

Police Sergeant 1506

(Licensing)

Howard Bee

From: Andrea Forrest [Andrea@turnerslaw.co.uk]
Sent: 20 September 2005 15:28
To: Southern Licensing
Cc: Howard Bee
Subject: Sirloin Inn, Station Road, Hoghton

Dear Sir

We write in relation to your representations in your letter dated 31 August 2005.

We can confirm that our client has confirmed in writing their acceptance of the representations 1 – 4 inclusive.

We trust this will conclude the matter from your point of view and that you will withdraw the objections.

Andrea Forrest
Turners Solicitors

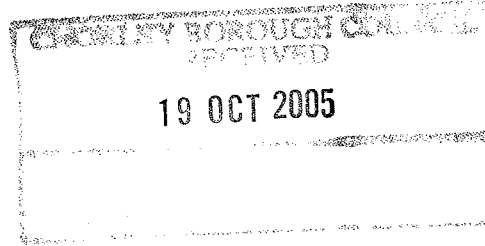
This e-mail has been scanned for all viruses by Star. The service is powered by MessageLabs. For more information on a proactive anti-virus service working around the clock, around the globe, visit: <http://www.star.net.uk>

TURNERS

S O L I C I T O R S

Our ref: RNM/BAW/Sirloin
Your ref: 18 October 2005
Date: Mrs Mellalieu
Please ask for: jayne@turnerslaw.co.uk
Direct e-mail:

Mr Howard Bee
Licensing Manager
Chorley Borough Council
Civic Buildings
Union Street
CHORLEY PR7 1AL



Dear Sir

Re: The Sirloin, Station Road, Hoghton, Preston

We return on behalf of our clients the form in respect of the hearing.

Yours faithfully
TURNERS

29a Ribblesdale Place
Preston, PR1 3NA
Tel: 01772 562222
Fax: 01772 203418
DX: 17129 Preston 1
e-mail: info@turnerslaw.co.uk

PARTNERS

Rowan N. Mellalieu
Paul Darlington
Graham J. Heaney
Mark Mosley

ASSOCIATES

Donna M. Fildes
Roger J. Spensley

LEGAL EXECUTIVES

Shelley A. Harvey
Heather E. Wood

OFFICE MANAGER

David Mellis



MEMBERS OF

Law Society Family Law Panel
Law Society Personal Injury Panel
Law Society Mediation Panel
Solicitors Family Law Association
Family Mediation Consortium
Accident Line Headway Cycle Aid

AND AT

Old Posthouse, Market Place,
Garstang, PR3 1ZA
Tel: 01995 604536
Fax: 01995 605631
e-mail: law@turnersgarstang.demon.co.uk

**LICENSING ACT 2003
Regulation 8**

Notice of actions following receipt of notice of hearing

To: The Licensing Manager - Mr H Bee
Civic Buildings
Union Street
Chorley
PR7 1AL

1/ We, Turners
Of _____

Hereby confirm that I have received the Notice of Hearing dated 17.10.05
for SID LOIN
and notify you as follows:

[I ~~do not~~] intend to attend the hearing]
[I ~~do not~~] intend to be represented at the hearing [by]:
TURNERS

[I consider the hearing to be unnecessary because:
OF REPRESENTATIONS LODGED]

[I request that _____ should appear
at the hearing and set out below the point or points on which this person may be able to
assist the authority in relation to this application, representations or notice of the party
making the request]

Dated 18.10.05 Signed Turners



5. THE CROSSINGS,
HOUGHTON,
PRESTON,
PR5 0DH

01254 851961

31st. August 2005

Dear Mr. Bee,

Application to extend Licensing and Music hours The Sirloin Houghton

With reference to the above recent application.

We consider the existing hours of opening and the two days when there is a Licence for music to be acceptable but would not be in favour of any extention to these hours. From our situation the problems of noise is directly related to the time when the car park is cleared and any extention in licencing hours would increase this inconvenience,

Yours sincerely

Mr. & Mrs. A. T. Nuttall.

A.T. Nuttall
C. Nuttall.

Station Road,
Houghton,
Nr. Preston

PR5 0DD

25th August, 2005.

Dear Sir/Madam,

Sirloin Inn -
Extended licensing -
Application

We are not in agreement with the extension of opening, drinking and entertainment hours at the Sirloin because young people coming out of the pub, not knowing what they are doing, shouting etc. would wake up residents at a later hour.

We noted with interest on the T.V. that residents in the West End of London, who are in an area of clubs and entertainment, have had enough of the present noise and bedlam caused by the late night hookies and drunkards without having to put up with an extension.

We live in an area which is in the countryside to have a pub blasting out noise until the early hours of the morning when residents are leaving for work and school early is not acceptable.

We have seen on the T.V. recently youths, after having drunk, playing about on a station platform and throwing an innocent man on the railway line. The Sirloin is next to a railway crossing.

After people committed the serious crime of putting a horse trough on the railway line towards Preston we found that the fence at the bottom of our garden stopped being vandalised. Fortunately the train that hit the horse trough was not derailed but the driver was injured.

Yours faithfully
S. McRae. R.E. McRae

Doctor PLS and Mrs MA Dixon

Neuadd Wen

Station Road

Hoghton

Preston Lancashire

PR5 0DD

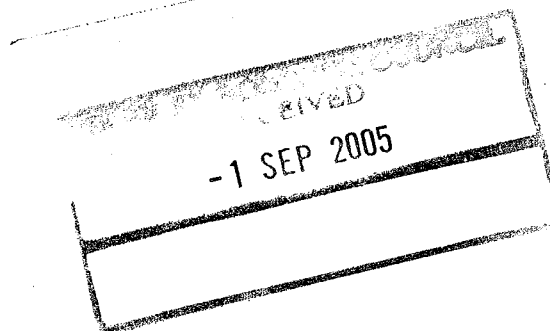
Friday, 26 August 2005

The Licencing Authority

Chorley Borough Council

Town Hall

Chorley.



Dear Sirs.

Re Application by Sirloin Inn Station Road Hoghton for extension to its opening hours. Also for provision of dancing, recorded music and live music every day.

The above application would mean that from Monday to Thursday closing time would be 01-00am, Friday and Saturday 02-00am and Sunday 12-00 am.

The Sirloin Inn is on a small road adjacent to the level crossing where Hoghton Station and the Goods yard were originally situate. These latter have been shut for many years and the original station buildings have been pulled down and executive housing built in their place. The railway crossing is an unmanned barrier which comes down a few minutes before a train is due. Station Road has been replaced as the main road by Blackburn Old Road that crosses the railway by a bridge.

The whole of Station Road has about 20 houses on it – mostly detached – and five small cul-de-sacs with the aforementioned executive housing and many of them homes with children.

The Sirloin Inn had a restaurant built by the previous Landlord Brian Nelson, which was itself the subject of a Public Enquiry and Planning Permission was eventually granted but with many clauses related to an efficient air conditioning system and non opening restaurant windows. In the event the restaurant was not successful and the Inn did very little business.

The Restaurant and Inn were leased to Candifloss Limited. This was well received by the local population especially by those who had been fortunate to dine at the sister Restaurant in Longridge.

However there was much surprise and consternation when a Music Licence was applied for. This seemed unsuitable for the Establishment which was essentially portrayed as an up market Restaurant. Despite objections a six month licence was granted again subject to conditions. It took Candifloss Limited nearly 12 months to satisfy these and in fact one or two had still not been completed when the Music Licence came up for renewal again.

In early 2004 a deck was built at the rear of the building complete with tables and chairs and advertising to make its presence known. However Planning Permission had not been applied for or granted and it was not until the end of the year that retrospective Planning Permission was granted, again despite several objections.

There was further action from the Inn with big adverts to come and watch TV, lately an ATM, and more recently still big billboards at both ends of Station Road.

From the point of view of the writers of this letter, the Restaurant was always acceptable but all the other attempts to make this a "City" public house were not. Our grand daughter's bedroom is about 80 yards from the rear decking with noisy drinkers in fine weather and subject to the shouts, loud revving of car engines and slamming of car doors, as well as motor bikes trying to do wheelies. At warm weekends this is far more pronounced and can make sitting out in our garden untenable. This is not helped by the frequent swearing and drunken shouting. Recently a bottle was thrown over the wall from the Inn and narrowly missed smashing on my Jaguar car.

On several occasions Environmental Health have had to be telephoned because of the very late night noise from the Inn. The excuse has always been that this was a Private Party.

An additional disturbance has been due to the lack of curtains in the Restaurant so that customers can look down into our lounge. The fact that kitchen windows are left open also means that we are assailed by food smells.

As can be seen from the above there have been many problems since Candifloss Limited took over the lease.

In our opinion, if Candifloss Limited is allowed an extension to their hours, plus all the extras that they want, the situation at our house and neighbouring properties will be catastrophic. In addition an area of high rated properties on a quiet country road will be subject to the noise and problems and the disturbances of a City Public House.

We urge the Committee to reject the application for an extension to the present hours.

Yours faithfully,

Peter L S Dixon

M. A. Dixon

4 The Crossings
Hoghton
PRESTON
PR5 0DH

The Licensing Team
Chorley Borough Council
Town Hall
CHORLEY
PR7 1DR

2 September 2005

Dear Sirs,

**Re: Application for a variation to the Premises Licence
The Sirloin, Station Road, Hoghton, Preston PR5 0DD**

We wish to register our opposition to the above application, on the grounds that it will cause an increase in public nuisance.

We have endured regular disturbance and nuisance from The Sirloin for quite some time, and our previous correspondence in September 2003 and May 2004 refer (encl.).

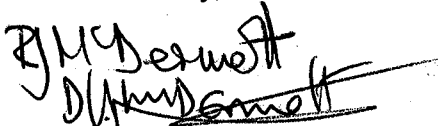
Our house backs directly onto the car park of The Sirloin and the nuisance from the premises, including its decking area and car park, can last from early evening right through until people leave late at night - even though there are notices posted in the car park asking patrons to leave quietly.

We would also like to point out that the nuisance we experience occurs regularly throughout the periods that The Sirloin is open, and not just around closing time. We are therefore extremely concerned that it will continue until the early hours - past 01.00 through the week and 02.00 at weekends, if the application is allowed.

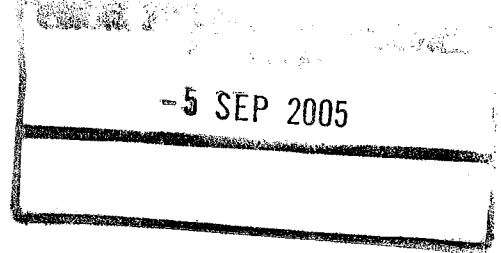
The proposed variation of hours and removal of embedded restrictions in the Regulated Entertainment Licence is an additional concern - especially as any entertainment in the 1st floor restaurant area causes noise to be carried directly into nearby houses, including ours.

We fail to see how the proposed variation could possibly benefit or improve the local community, and trust the Licensing Team will carefully consider all of the representations against it.

Yours faithfully,



RJ & DM McDermott



Rob McDermott

From: Janet Brereton [janet.brereton@chorley.gov.uk]
Sent: Tuesday, May 04, 2004 15:40
To: 'Rob McDermott'
Subject: RE: Sirloin Inn, Hoghton

Dear Mr McDermott

The public entertainment licence for the premises was granted by the Licensing Committee last year, however, it has not yet been issued. This is due to the work required by the Council's Building Control and the Council's Environmental Services Officer not being fully completed. The licence, when issued, will be subject to the conditions agreed by the Council's Licensing Committee and have not been in any way changed. Mr Keogh, the licensee, has informed me that he has almost completed all the work asked for and the premises will be inspected once the work is done. Provided everything is satisfactory a licence will then be issued.

Following your e-mail, I have made enquiries with the licensee, Mr Keogh, regarding the event held on 2 May. He has assured me that it was a private party and as such a public entertainment licence is not required.

The person you need to speak to in Environmental Services is David Bradley, Principal Environmental Health Officer. His telephone number is 01257 515732 and his e-mail address is david.bradley@chorley.gov.uk

If you have any further questions regarding this matter, please do not hesitate to contact me.

Regards
Janet Brereton
Licensing
01257 515164

-----Original Message-----

From: Rob McDermott [mailto:rmcd@booth-dispensers.co.uk]
Sent: 04 May 2004 11:26
To: Janet Brereton
Subject: Sirloin Inn, Hoghton

Dear Ms Brereton,

In September last year an application for a Public Entertainment Licence was made by the Sirloin Inn, Station Road, Hoghton. You may recall that my wife and I along with a number of other local residents objected on the basis of additional noise and nuisance.

The licence was granted, and I understand that it is subject to the Council's standard conditions and a number of additional conditions identified by the Council's Environmental Services Unit.

On Sunday last (2nd May), an event took place in the first floor restaurant area involving a mobile DJ / disco, with music and singing until approx 01.20 am on the Monday morning. The windows of the restaurant were open for the duration of the event and the noise carried straight into our house until the event was finished and the participants had departed. This is the 2nd such event, and I am concerned about the prospect of more.

I would be grateful if you could confirm whether the conditions of the

04/05/04

RE: Sirloin Inn, Houghton

original licence have been altered in any way. I would also be grateful if you could send me contact details of the responsible person within the Environmental Services Unit.

Kind regards,

Rob McDermott
Sales Director, Booth Dispensers Ltd
T: +44 (0)1253 785400
F: +44 (0)1253 785404
M: +44 (0)7753 819313
E: rmcd@booth-dispensers.co.uk

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04/05/04

Licence No C31

CHORLEY BOROUGH COUNCIL**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 Wayne Keough, The Sirloin Inn, Station Road, Hoghton, Preston, Lancashire PR5 0DD (hereinafter called "*the Licensee*") for the use of the premises (hereinafter called "*the premises*") known as The Sirloin Inn, Station Road, Hoghton, Preston PR5 0DD 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 1 June 2005. **The maximum occupancy of the premises is 100 (one hundred) persons.**

2. The premises shall not be used for the purpose for which they have been licensed except at the following times:

Wednesdays	11am until 11pm
Saturdays	11am until 11pm

3. The period during which this Licence shall remain in force shall be 1 June 2005 until 31 May 2006

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.

Dated this 1 June, 2005

Signed

Rosemary A Lyon
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, singing 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

Premises	The Sirloin Inn
File	C31
Date	01 June 2005

8 These conditions relate to the licensed area, which comprises of Bar/Lounge area, pool room, rear function room, cellar area, ancillary toilet accommodation and all means of escape therefrom.

The maximum number of persons permitted in the licensed area at any one time **shall not exceed 100 (one hundred) persons.**

ADDITIONAL CONDITIONS

Premises	The Sirloin Inn
File	C31
Date	01 June 2005

- 1 The self closer on the external door should be replaced/repared and adjusted to ensure that it does not stick in the open position.
- 2 The internal door glazing panel shall be fitted with double or secondary acoustic glazing to a specification agreed with the Council.

*Out of
time*

4 The Crossings
Hoghton
Preston
PR5 0DH

Your Ref: JMB/X43

9 September 2003

Dear Sirs

**Application for a Public Entertainment Licence
The Sirloin Inn, Station Road, Hoghton, Preston**

We wish to register our opposition to the above application, due for consideration at the Council's Licensing and Safety Committee meeting on Wednesday 10 September.

Our house backs directly onto the car park of the Sirloin and we already suffer some disturbance and noise, especially when people sit outside the rear of the pub, and when the staff leave the back doors open. People also stay in the car park outside their cars chatting and laughing loudly, often until the early hours of the morning. It seems as though some also like to use the car park as the local race track and they can often be heard revving engines and squealing brakes until well after normal closing time.

We remember that when a music event took place earlier this year, there was a significant increase in noise from the pub and car park which carried right into our house and caused disturbance until after it had finished and all the people had left.

Whilst we do accept that some noise from licensed premises is inevitable, we feel strongly that granting a Public Entertainment Licence to the Sirloin would cause increases in noise, nuisance and rowdy behaviour beyond acceptable levels to local residents. After all, this is not a town or city centre location, it is a quiet and peaceful village.

We hope that the committee understands the concerns of local residents like us, and rejects the application.

Yours faithfully,

RJ & DM McDermott

TURNERS

S O L I C I T O R S

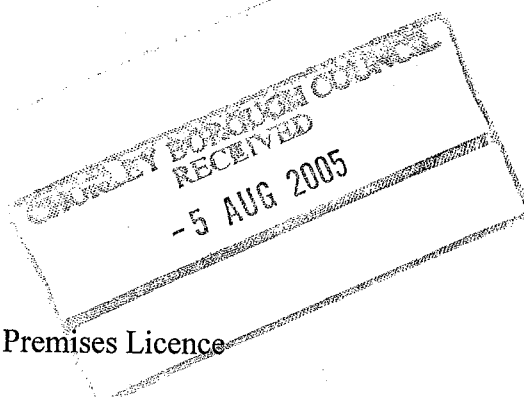
Our ref: RNM/JM/THE SIRLOIN
 Your ref:
 Date: 4th August 2005
 Please ask for: Mrs Mellalieu/*Contact: Andrea Forrest (Licensing)*
 Direct e-mail:

Chorley Borough Council,
 Town Hall
 Chorley
 PR7 1DR

Dear Sirs,

We enclose an application for premises licence for the following establishment:

The Sirloin Inn
 Station Road
 Hoghton
 PR5 0DD



Enclosed as follows:

1. Application Forms for Premises Licence
2. Plan
3. All other relevant documentation associated with this application
4. Cheque in the sum of £120.00
5. Certificate of Service

We can confirm that the notice of the application will appear in the paper within 10 days of the date of this letter.

We wait to hear from you further.

Yours faithfully,
 (TURNERS)

Cc:

1. Lancashire Constabulary, Licensing Unit: C Division, Chorley Police Station, St. Thomas's Road, Chorley, Lancashire, PR7 1DR
2. Environmental Services Unit, Civic Offices, Union Street, Chorley, PR7 1AL
3. Environment Agency, Lutra House, PO Box 519 South Preston, PR5 8GD
4. Planning Services Unit, Civic Offices, Union Street, Chorley, PR7 1AL
5. Lancashire Fire & Rescue Service, Fire Safety, Fire Station, Weld Bank Lane, Chorley, Lancashire, PR7 3NQ
6. Dave McHale, Quality & Review Manager, Lancashire County Council, Social Services Directorate, PO Box 162, East Cliff County Offices, Preston, PR1 3EA

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 Law Society Personal Injury Panel
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 Garstang, PR3 1ZA
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APPLICATION NUMBER: 004621

(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.

I/We Candifloss Limited

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

The Sirloin
Station Road
Hoghton

Post town

Preston

Post code

PR5 0DD

Telephone number of premises (if any)

01254 852293

Non-domestic rateable value of premises

£3100

Part A2 - Applicant Details

Please state the capacity in which you are 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 <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
Current postal address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (IF APPLICABLE)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
Current postal address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

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

Name Candifloss Limited
Address The Sirloin Station Road Hoghton Preston PR5 0DD
Registered number (where applicable) 03670296
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any)
E-mail address (optional)

Part A3 - Operating Schedule

General description of premises (please read guidance note 1)

Situated in a residential area, the premises hold a public house and a restaurant on the ground and first floor, respectively. The public house has a capacity of 150 whilst the restaurant may hold 60. Both floors are well lit. There is one gambling machine located on the ground floor in the public house.

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

What existing licensable activities are authorised by your existing licence(s)?**Provision of regulated entertainment**

Please tick Yes

- 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
- h) 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

Wayne Keough

Address

The Sirloin Inn
 Station Road
 Hoghton
 Preston
 PR5 0DD

Personal Licence number, if known,

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.

To include any embedded existing licensable activity by virtue of Schedule 8, Paragraph 6 (5) of the Licensing Act 2003.

Gaming Act 1968 (Section 34) Certificate to permit the use of two gambling machines on the premises.

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)

Intoxicating liquor shall not be sold, supplied or consumed in the part of the premises described as the restaurant otherwise than to persons taking table meals there and for consumption by such to a person as an ancillary to his meal

That the windows of the first floor extension including the restaurant shall be double glazed and non-opening.

b) The prevention of crime and disorder

[Empty box for conditions related to the prevention of crime and disorder]

c) Public safety

[Empty box for conditions related to public safety]

d) The prevention of public nuisance

--

e) The protection of children from harm

--


Please tick Yes

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

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

Part 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	
Date	31/8/05
Capacity	Director / Company Secretary

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)			
Turners Solicitors 29A Ribblesdale Place			
Post town	Preston	Post code	PR1 3NA
Telephone number	01772 562222		
E-mail address (optional)			

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.

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

I/We **Candifloss Limited**

[Insert name of applicant]

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 / section 37 of the Licensing Act 2003 (delete as applicable) for the premises described in Part A above.

Part B1 - Variation

Please tick

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

If not when do you want the variation to take effect from

Day		Month		Year	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Please describe briefly the nature of the proposed variation. (Please read guidance note 8)

To vary the hours of opening Monday to Thursday inclusive to be 1100 hrs to 0100 hrs the following morning, Friday and Saturday to be 1100 hrs to 0200 hrs the following morning and Sunday to be 1100 hrs to 0000 hrs.

To vary the hours for sales of alcohol Monday to Thursday inclusive to be 1100 hrs to 0030 hrs the following morning, Friday and Saturday to be 1100 hrs to 0130 hrs the following morning and Sunday to be 1100 hrs to 2330 hrs.

To include the provision of Late Night Refreshment Monday to Thursday inclusive to be 2300 hrs to 0030 hrs the following morning, Friday and Saturday to be 2300 hrs to 0130 hrs the following morning and Sunday to be 2300 hrs to 2330 hrs.

To include the provision of regulated entertainment Monday to Thursday inclusive 1100 hrs to 0030 hrs the following morning, Friday and Saturday to be 1100 hrs to 0130 hrs the following morning and Sunday to be 1100 hrs to 2330 hrs.

To remove any embedded restrictions which are placed on the licence by virtue of Schedule 8, Paragraph 6 (8) of the Licensing Act 2003, save as otherwise indicated.

To include any embedded existing licensable activity by virtue of Schedule 8, Paragraph 6 (5) of the Licensing Act 2003.

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

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

Please tick Yes

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

Provision of entertainment facilities:

- | | |
|---|-------------------------------------|
| i) making music (if ticking yes, fill in box I) | <input type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input checked="" type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K) | <input type="checkbox"/> |

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 (please read guidance note 9)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 10)		
Tue					
			<u>State any seasonal variations for performing plays</u> (please read guidance note 11)		
Wed					
Thur			<u>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</u> (please read guidance note 12)		
Fri					
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 (please read guidance note 9)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 10)		
Tue			State any seasonal variations for the exhibition of films (please read guidance note 11)		
Wed			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)		
Thur					
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 10)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 11)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 12)
Fri			
Sat			
Sun			

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 (please read guidance note 9)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 10)		
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 (please read guidance note 9)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	1100	0030	<u>Please give further details here</u> (please read guidance note 10) Live music will consist only of a vocalist, harpist and perhaps pianist at lunchtimes and on other special occasions such as weddings.		
Tue	1100	0030			
Wed	1100	0030	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 11)		
Thur	1100	0030			
Fri	1100	0130	<u>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</u> (please read guidance note 12) Should New Years Eve fall on a day other than a Friday or a Saturday it will require hours as if it had fallen on a Friday or a Saturday i.e. 1100 hrs to 0130hrs the following morning.		
Sat	1100	0130			
Sun	1100	2330			

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 (please read guidance note 9)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	1100	0030	Please give further details here (please read guidance note 10)	Both	<input type="checkbox"/>
Tue	1100	0030			
Wed	1100	0030	State any seasonal variations for playing recorded music (please read guidance note 11)		
Thur	1100	0130			
Fri	1100	0130	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) Should New Years Eve fall on a day other than a Friday or a Saturday it will require hours as if it had fallen on a Friday or a Saturday i.e. 1100 hrs to 0130hrs the following morning.		
Sat	1100	0130			
Sun	1100	2330			

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 (please read guidance note 9)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 10)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 11)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 12)		
Sat					
Sun					

H

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

Provision of facilities for making music Standard days and timings (please read guidance note 8)			<u>Please give a description of the facilities for making music you will be providing</u>	
			Will the facilities for making music be indoors or outdoors or both – please tick (please read guidance note 9)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>	
Mon			<u>Please give further details here</u> (please read guidance note 10)	
Tue				
Wed			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 11)	
Thur				
Fri			<u>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</u> (please read guidance note 12)	
Sat				
Sun				

J

Provision of facilities for dancing Standard days and timings (please read guidance note 8)			Will the facilities for dancing be indoors or outdoors or both – please tick (please read guidance note 9)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	1100	0030	Please give further details here (please read guidance note 10) Dancing of all kinds is likely only to occur at special occasions such as weddings.	Both	<input type="checkbox"/>
Tue	1100	0030			
Wed	1100	0030	State any seasonal variations for providing dancing facilities (please read guidance note 11)		
Thur	1100	0030			
Fri	1100	0130	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) Should New Years Eve fall on a day other than a Friday or a Saturday it will require hours as if it had fallen on a Friday or a Saturday i.e. 1100 hrs to 0130hrs the following morning.		
Sat	1100	0130			
Sun	1100	2330			

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)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 9)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 10)		
Wed					
Thur			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 11)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 12)		
Sun					

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 (please read guidance note 9)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	2300	0030	Please give further details here (please read guidance note 10)		
Tue	2300	0030			
Wed	2300	0030	State any seasonal variations for the provision of late night refreshment (please read guidance note 11)		
Thur	2300	0030			
Fri	2300	0130	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 12) Should New Years Eve fall on a day other than a Friday or a Saturday it will require hours as if it had fallen on a Friday or a Saturday i.e. 2300 hrs to 0130hrs the following morning.		
Sat	2300	0130			
Sun	2300	2330			

M

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 13)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 11)		
Mon	1100	0030			
Tue	1100	0030			
Wed	1100	0030			
Thur	1100	0030			
Fri	1100	0130			
Sat	1100	0130			
Sun	1100	2330			
			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) Should New Years Eve fall on a day other than a Friday or a Saturday it will require hours as if it had fallen on a Friday or a Saturday i.e. 1100 hrs to 0130hrs the following morning.		

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)
Children must be accompanied by an adult at all times.

There is a separate dining room (first floor) and a separate non-smoking area.

O

<p>Hours premises are open to the public Standard days and timings (please read guidance note 8)</p>			<p>State any seasonal variations (please read guidance note 11)</p> <p>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) Should New Years Eve fall on a day other than a Friday or a Saturday it will require hours as if it had fallen on a Friday or a Saturday i.e. 1100 hrs to 0200hrs the following morning.</p>
Day	Start	Finish	
Mon	1100	0100	
Tue	1100	0100	
Wed	1100	0100	
Thur	1100	0100	
Fri	1100	0200	
Sat	1100	0200	
Sun	1100	0000	

P

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

Intoxicating liquor shall not be sold, supplied or consumed in the part of the premises described as the restaurant otherwise than to persons taking table meals there and for consumption by such to a person as an ancillary to his meal.

Present times for the supply of alcohol.

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)

b) The prevention of crime and disorder

Incident log books are used to record any accidents or incidents of non-service.

Toughened drinking glasses are used as much as possible.

We have an operational drugs policy and are part of the Pub Watch Scheme in the local area.

We have a strict rule on under age drinking in that those who appear to be below the age of 21 must provide photographic evidence to prove that they are over 18 in order to be served alcohol.

Those appearing to be drunk and disorderly will be refused service of alcohol.

c) Public safety

The Designated Premises Supervisor is a fully qualified first aider.

Emergency lighting, gas installation and fire alarms are checked annually.

Pre-opening safety checks are carried out daily.

Free drinking water is available throughout the hours of opening.

Disabled toilets are located downstairs and there is a ramp to the ground floor door.

d) The prevention of public nuisance

The premises are located in a residential area therefore all doors are kept closed, except for access to the public, in order to reduce noise pollution.

There are notices inside the premises requesting that customers leave in an orderly manner.

Local taxi firms will be informed of any changes in opening hours.

e) The protection of children from harm

Children must be accompanied by an adult at all times.

There is a separate dining room (first floor) and a separate non-smoking area.

Part B3 – Premises Supervisor**Full name of proposed designated premises supervisor**

Wayne Keough

Address of proposed designated premises supervisor

The Sirloin Inn
Station Road
Hoghton
PR5 0DD

Personal licence number of proposed designated premises supervisor, if any, and issuing authority of the personal licence, if applicable

Please tick Yes

- 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 34 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	A. K. [Signature]
Date	3/8/05
Capacity	Director

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 note 18) **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)

Turners Solicitors
29A Ribblesdale Place

Post town	Preston	Post code	PR1 3NA
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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 you 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

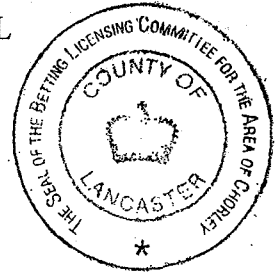
This application cannot be used to vary the licence to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act.

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 e.g. 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. An 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.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE ORIGINAL JUSTICES LICENCE CURRENTLY IN MY POSSESSION.

Dated this 11th day of July, 2005.

J Butterfield
Designated Officer.



Justices' Licence
Intoxicating Liquor

Licence No. 80A

**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 5th day of March, 2003 for the Division of Chorley in the County of Lancashire.

The Licensing Justices for the said Licensing district hereby grant
To Wayne Russell Keogh
Of Station Road, Hoghton

(hereinafter called the licensee this Justices' Licence authorising him to sell by retail at the premises known as The Sirloin Inn
Of Station Road, Hoghton, PR5 0DD

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
William Brian Nelson
Of "The Willows", The Straits, Hoghton, Preston, PR5 0DA

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.

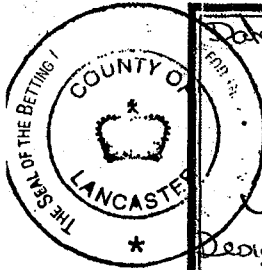
Given under the official stamp of the Licensing Justices which is hereto affixed under their authority by me.

[Signature]
Clerk to the Licensing Justices

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

WE HEREBY CERTIFY THIS TO BE
A TRUE COPY OF THE ORIGINAL
Turners
41865

1. Intoxicating liquor shall not be sold, supplied or consumed in the part of the premises described as the restaurant otherwise than to persons taking table meals there and for consumption by such to a person as an ancillary to his meal **and**
2. That the windows of the first floor extension including the restaurant shall be double glazed and non-opening.



Dated this 11th day of July 2005

No. *80 A*

GAMING ACT 1968, s.34

WE HEREBY CERTIFY THIS TO BE
A TRUE COPY OF THE ORIGINAL
SIGNED *Turner*
DATED *4/8/05*

J Beckett
Designated Officer

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 *Wayne Russell Keogh*
of *Station Road, Hoghton*
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

The Sirlion Inn

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* *]

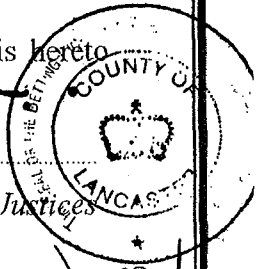
THIS PERMIT shall be in force from the *5th* day of *March 2003*
and, subject to paragraphs 18 to 20 of Schedule 9 to the said Act, shall cease to be in force at the end of the *4th* day of *March 2006*

Receipt of the fee of £32.00 is acknowledged.

DATED this *5th* day of *March 2003*

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

[Signature]
Clerk to] the Licensing Justices



Condition

That any machine in respect of which the condition mentioned in s 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

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

I/We, Wayne Russell Keough

[insert full name(s) of existing licence holder(s)]

being the holder of an existing licence/existing licences

Justices' On Licence granted 5th day of March 2003 by Licensing Justices of Chorley
Gaming Act 1968 S34 Permit granted 5th March 2003 by the Licensing Justices of Chorley

[insert name of licence(s), the date of grant of the licence(s) and by whom the grant(s) was/were made]

hereby consent(s) to the application by Candifloss Limited

[insert full name or names of applicant]

under paragraph 2 of Schedule 8 to the Licensing Act 2003 for the grant of a new licence under paragraph 4 of that Schedule to succeed the said existing licence(s) held by me in respect of

The Sirloin Inn
Station Road
Hoghton
PR5 0DD

[insert name and address of premises]

Signed Wayne Keough

Dated 3/8/05

Form of consent given by the person whom the applicant wishes to be the premises supervisor

I, Wayne Russell Keough

[insert first names and surname of prospective premises supervisor]

hereby consents to being named as the premises supervisor in a new licence

granted under paragraph 4 of Schedule 8 to the Licensing Act 2003 to

Candifloss Limited

[insert full name of applicant]

in respect of the application to convert an existing justices' licence ~~held by the applicant~~ / where the holder of the licence has consented to the application being made by the applicant

[delete as applicable]

for

The Sirloin Inn
Station Road
Hoghton
PR5 0DD

[insert name and address of existing licensed premises]

if that application is successful.

Signed

Wayne Keough

Dated

3/8/05

Certificate of Service**Proof of Service : Rule 67 Magistrates' Courts Rules 1981**

I, Jayne Mitchell

of Turners Solicitors, 29a Ribblesdale Place, Preston, PR1 3NA

can confirm that on this day, namely 4th August 2005, served the following by first class post in connection with the application relating to The Sirloin Inn

1. **Lancashire Constabulary**, Licensing Unit: C Division, Chorley Police Station, St. Thomas's Road, Chorley, Lancashire, PR7 1DR
2. **Environmental Services Unit**, Civic Offices, Union Street, Chorley, PR7 1AL
3. **Environment Agency**, Lutra House, PO Box 519 South Preston, PR5 8GD
4. **Planning Services Unit**, Civic Offices, Union Street, Chorley, PR7 1AL
5. **Lancashire Fire & Rescue Service**, Fire Safety, Fire Station, Weld Bank Lane, Chorley, Lancashire, PR7 3NQ
6. **Dave McHale, Quality & Review Manager**, Lancashire County Council, Social Services Directorate, PO Box 162, East Cliff County Offices, Preston, PR1 3EA

Signed J. Mitchell

Dated 4/8/05

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Statement of Licensing Policy

(Licensing Act 2003)

For 3 year period commencing 7 January 2011



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11. Children and Cinemas
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The Borough of Chorley

The Borough of Chorley is set in attractive countryside between the West Pennine Moors and the Lancashire Plain. It has been an important market and trading centre since medieval times. Its location at the centre of the North West and its excellent road and rail links has meant that we have been able to develop a thriving economic base without sacrificing the appeal of rural life.

The Borough has a population of just over 105,000 and extends over an area of 80 square miles. It has a workforce of around 49,000 and attracts some three million visitors a year. Two wards are eligible for Transitional Area funding. Independent research has shown that the general quality of life in Chorley is 20% better than the average for the UK. As such Chorley stands out as one of the top 15 districts to live in the whole of the North of England, with low unemployment, high owner-occupancy, and academic achievement above average. Property prices in many parts of the Borough are very reasonable. A map of the area is given at Appendix 1

Because of its position on the edge of the West Pennine Moors, the informal leisure and recreation opportunities in Chorley are superb and England's longest canal, the Leeds and Liverpool, winds its way through the Borough, with facilities for boating and other activities along the route. The Borough also has four leisure centres and four golf courses, not to mention numerous public parks and open spaces. Other attractions include Hoghton Tower, a historic fortified hill top mansion, and Camelot Theme Park, where Arthurian jousting tournaments are held alongside thrilling white knuckle rides.

Chorley is just a short distance from the coast and within easy reach of the Lake District and Yorkshire Dales. The commercial, shopping, cultural and sporting attractions of the regional capital of Manchester are close by and there is a frequent direct train service to the city and also to Manchester International Airport.

The town of Chorley itself is famous locally for its "Flat Iron" and covered markets. The weekly Flat Iron market, originating from 1498, developed from an agricultural produce market into one of the best open-air markets in the North West. Throughout the Borough, several craft galleries and antiques markets can be found and in the Town Centre there is the Market Walk shopping complex which features many high street names.

There are approximately 375 premises licensed to sell alcohol ranging from off licences to public houses, members only clubs, restaurants and nightclubs.

The Council's vision in its cultural strategy is to improve the economic viability for performing artists and local creative industries. The Council aims to extend and develop opportunities for the culture and leisure sectors that will help sustain regular employment. The Council aims to assist through helping promote and market creative events locally, regionally and nationally, by working with cultural and leisure employers to raise the profile of the sector, assisting with the training needs of artists and developing a festival programme to celebrate local talent. The Council recognises that local pubs and clubs provide a valuable training ground for musicians and performers as well as providing a support network for young artists.

The Council wishes for this to continue and develop. The challenge for the future is to find more creative and innovative ways to develop partnership working to produce more exciting and dynamic cultural experiences for customers and visitors alike.

The Council seeks to maintain a balance between the business operating in its area, the residents living within its area and cultural, entertainment and tourist interests. Full consideration has been given to all these issues in formulating this Policy Statement.

1. EXECUTIVE SUMMARY

- 1.1 The Licensing Act 2003 (“the Act”) introduces a licensing system for alcohol, entertainment and late night refreshment.
- 1.2 Section 5 of the Act imposes a statutory duty on Chorley Borough Council (“the Council”) to produce a statement of licensing policy for a three year period, beginning with such day as the Secretary of State may by order appoint and each subsequent period of 3 years. The next subsequent period of 3 years will commence on 7 January 2011. A Glossary of terms is given at Appendix 2.
- 1.3 This document sets out the Council’s policy, which will guide the Council when considering applications under the Act. The policy provides guidance on the general approach the Council, as the Licensing Authority within the meaning of the Act, will take in terms of licensing. However, each licence application will be considered separately on its individual merits.
- 1.4 The aim of this policy is to set 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 Council in adopting this policy recognises both the needs of residents for a safe and healthy environment to live and work and the importance of safe and well run entertainment premises to the local economy and vibrancy of the Borough. However, the Council also recognises that balancing these interests will not always be straightforward and it will be guided by the four licensing objectives as set out in this policy.
- 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.
- 1.6 The Council will use its powers to promote best practice in relation to the operation of licensed premises. It is also committed to partnership working with police, fire, local businesses, licensed trade, residents and others to ensure that they have a clear understanding of the legislation.
- 1.7 The Council has had regard to the guidance issued by the Secretary of State under Section 182 of the Act when developing this statement of Licensing Policy. The Council may deviate from the guidance but would need good reasons, which it can justify, to do so.
- 1.8 The Act covers the licensing of individuals for the retail sale of alcohol (personal licences) the licensing of premises for the retail sale of alcohol, provision of regulated entertainment or late night refreshment (premises licence), the supply of alcohol or the provision of regulated entertainment to certain clubs (club premises certificates) and the holding of certain licensable activities on a temporary basis (temporary event notices).
- 1.9 The scope of this policy covers new applications, renewal of personal licences, transfers and variations of licences and certificates including temporary event licences. It also includes the review of licences and certificates which could lead to a range of sanctions including the revocation of a licence or a certificate.

2. LICENSING OBJECTIVES

- 2.1 The Act requires the Council to carry out its licensing function so as to promote the four licensing objectives:

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

2.2 Accordingly, the Council has prepared its statement of licensing policy in accordance with these objectives.

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

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.

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.

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.

3. LICENSABLE ACTIVITIES

3.1 The policy relates to the following activities that are required to be licensed under the Act:

- retail sale of alcohol (including via the internet or mail order)
- wholesale of alcohol to the public
- supply of alcohol or provision of regulated entertainment to members of a registered club
- provision of regulated entertainment to the public or with a view to a profit
- a theatrical performance
- a film exhibition
- an indoor sporting event
- boxing or wrestling matches
- live music performers
- playing of recorded music (except incidental music)
- dance performances
- entertainment of similar descriptions
- provision of facilities for making music
- provision of dancing facilities
- supply of hot food between 11.00pm and 5.00am (late night refreshment)

4. CONSULTATION PROCESS

4.1 This policy statement has been developed after proper consultation with statutory consultees, as required by the Act together with other interested parties. A list of consultees is attached as Appendix 4.

4.2 This policy has not been developed in isolation. It has been developed in conjunction with Lancashire Authorities and takes account of the position in adjoining Authorities whilst being specifically tailored to the needs of the area of the Council.

4.3 The Licensing Authority shall also endeavour to continue to work with Lancashire Authorities to ensure a consistent approach is taken to licensing matters whilst continuing to respect the differing needs of the individual communities within the County.

5. GENERAL PRINCIPLES

5.1 Each application will be determined on its individual merits.

5.2 The policy will not seek to introduce 'zones' or staggered closing times within the Borough where specific activities are concentrated. In general terms, a flexible approach will be adopted and arbitrary restrictions avoided.

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.

5.4 In general, the Licensing Authority considers that the shops, stores and supermarkets should be able to sell alcohol for consumption off the premises during the hours they are normally open for trade. However, where representations have been received identifying premises as a focus for disorder and disturbance, the Licensing Authority may consider it appropriate to impose limitations..

5.5 The policy does not seek to regulate matters provided for in any other legislation e.g. planning, employment rights, health and safety, fire safety.

5.6 The Licensing Authority would encourage licence holders to provide a wide range of entertainment activities throughout their opening hours and to promote activities which provide a wider cultural benefit for the community.

5.7 The Licensing Authority will also encourage the Council to seek premises licences for Council owned facilities and public spaces. In this way, performers and entertainers will be able to seek permission to use them from the relevant council department. The Licensing Authority will consider such applications from a neutral standpoint and will balance the potential for limited disturbance in neighbourhoods against the wider benefits for the community.

5.8 The Licensing Authority recognises that conditions can only be imposed if relevant representations are made. In the absence of such representations, licences must be granted subject only to those conditions consistent with the operating schedule and the mandatory conditions.

5.9 The Licensing Authority will not impose conditions relating to the promotion of price fixing. If relevant representations are received which relate to irresponsible drinks promotions undermining the licensing objectives then a review of the premises licence will be undertaken. In these circumstances the Licensing Authority may consider the imposition of a condition prohibiting irresponsible sales or the discounting of prices of alcoholic beverages.

6. CRIME AND DISORDER

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

- 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.
- 6.9 Lancashire Constabulary operate a Best Bar None accreditation scheme. This promotes the development and operation of well-managed night time venues and incorporates multi-agency inspections. The licensing authority recognises the benefits of accreditation and encourages premises to apply.
- 6.10 It is advisable that licensed premises have procedures in place for risk assessing drinks promotions and events such as 'happy hours' on the basis of preventing crime and disorder.

7. LICENSING HOURS

- 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.
- 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. The four licensing objectives will be paramount considerations at all times.
- 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.
- 7.4 The Licensing Authority recognises that in principle shops, stores off licences and supermarkets selling alcohol should generally be permitted to match the hours during which they sell alcohol with their normal trading hours except where relevant representations have identified a particular outlet as a focus for disorder and disturbance. In such circumstances, the Licensing Authority may consider it necessary and /or appropriate to impose limitations on opening hours as one mechanism of combating such problems.
- 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.
- 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/taxi's
- 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 (see section 28) will be required and will set out the measures to be taken to ensure that the licensing objectives are addressed. Applicants are also referred paragraph 6.6.

8. CUMULATIVE IMPACT

- 8.1 The Licensing Authority will not seek to limit the number of licensed premises that will be permitted because it considers that there are already enough licensed premises to satisfy demand. The "need" for a particular venue is a matter which will be governed by commercial demand and throughout the council's planning powers. Therefore the "need" for a venue is not a matter to be addressed in this policy statement.
- 8.2 In areas where the number, type and density of premises selling alcohol for consumption on the premises are unusual, serious problems of nuisance and disorder may be arising or have begun to arise outside or some distance from licensed premises. Where this occurs it has been described as the cumulative impact on the licensing objectives of a large concentration of licensed premises in one part of the Licensing Authority's area. It is therefore possible that the impact on the surrounding areas by the behaviour of customers taken together is greater than the usual impact from customers of individual premises.
- 8.3 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter that the Licensing Authority may take into account, when considering any licence application, if a relevant representation is made.
- 8.4 The Licensing Authority may receive representations from a responsible authority or interested party, indicating that the cumulative effect of new licences is leading to an area becoming saturated with premises of a certain type leading to exceptional problems of nuisance or disorder in the area, or some distance from the licensed premises. The Licensing Authority may consider whether the grant of further licences would undermine one or more of the licensing objectives. However, the Licensing Authority will always consider the individual merits of an application.
- 8.5 The Licensing Authority will, in such circumstances, not operate a quota of any kind, which would restrict the consideration of any application on its individual merits, nor will it seek to impose general limitations on trading hours in particular areas. The Licensing Authority will give due regard to the individual characteristics of the premises concerned within a given area (as it is recognised that licensed premises have contrasting styles and characteristics) and the impact that the premises is likely to have on the local community.

9. SATURATION CONTROLS

- 9.1 Where the Council considers that an area has become saturated with licensed premises it may adopt a “Special Policy” for that particular area and thus refuse licences in that area. However, the Council will consider each application on its individual merits and additional licences may be approved, if it is considered that such an application is unlikely to add significantly to such saturation.
- 9.2 In determining whether to adopt a Special Policy within this statement of licensing policy, the Council will follow the steps outlined below:
- identification of concern about crime and disorder or public nuisance
 - consideration of whether it can be demonstrated that crime and disorder and nuisance are arising and are caused by the customers of licensed premises, and if so identifying the area from which problems are arising and the boundaries of that area; or that the risk factors are such that the area is reaching a point when a cumulative impact is imminent.
 - consultation with those specified by section 5 (3) of the Act as part of the general consultation required in respect of the whole statement of licensing policy
 - subject to that consultation, inclusion of a special policy about future premises licences or club premises certificate applications from that area within the terms of this Guidance in the Statement of Licensing Policy
 - publication of the special policy as part of the statement of licensing policy .
- 9.3 It is not currently anticipated that a special policy will be required. However, the absence of a special policy does not prevent any responsible authority or interested party making representations on an application for the grant of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

10. PROTECTION OF CHILDREN FROM HARM

- 10.1 The policy does not seek to prevent or limit the access of children to licensed premises unless it is necessary for the prevention of physical, moral or psychological harm to them. The Licensing Authority is committed to protecting children from harm and activities associated with premises that sell alcohol or provide regulated entertainment, may in certain circumstances, give rise to concerns for the health and welfare of children. For the purpose of this Policy, a ‘child’ is defined as any person who is under the age of 16
- 10.2 The Licensing Authority will not impose any conditions that specifically require access of children to premises and where no limitation is imposed this should remain a matter for the individual licence holder or club premises certificate holder. The Licensing Authority will consider the individual merits of each application. However, the Licensing Authority will have particular concern in respect of children :
- where there have been convictions of the current management for serving alcohol to minors or those where there is a reputation of under age drinking.
 - where there is reputation of drug taking or dealing.
 - where there is a strong element of gambling on the premises.(but not for example, the simple presence of a small number of cash prize gaming machines)
 - where entertainment of an adult or sexual nature is provided (see paragraph 29 for additional information).
 - where the supply of alcohol is the exclusive or primary purpose of the services provided at the premises.

- 10.3 The Licensing Authority, in such circumstances as outlined above, may consider it necessary to impose a complete prohibition; it is envisaged that this would be rarely imposed. The Licensing Authority would normally be likely to impose requirements such as:
- limitations on the hours when children may be present.
 - age limitations for persons under 18
 - limitations or exclusions when certain activities are taking place
 - requirements for accompanying adults
 - limitations of access to certain parts of the premises when particular licensable activities are taking place
 - provision of suitable signage
 - such other conditions or restrictions as may be necessary to achieve the licensing objectives.
- 10.4 Licensees are not to provide alcohol except as provided for by the Act. The Council expects applicants to consider child access in their operating schedules and volunteer appropriate conditions where relevant. The Council recommends that the following documents should be used as evidence of age:
- Passport
 - Photo Card Driving licence issued in the European Union
 - Proof of Age Scheme Card and schemes which carry the Proof of Age Standard Scheme logo
 - Citizen Card supported by the Home Office
 - Official ID Card issued by HM Forces or a European Union Country bearing a photograph and date of birth of the holder.
- 10.5 It is best practice for all staff to receive training on how to refuse under age sales of alcohol.
- 10.6 The Licensing Authority requires applicants to consider, where relevant, those factors that impact on the protection of children objective, and identify where necessary and appropriate, suitable measures to promote this objective. Applicants may wish to consider, where appropriate:
- arrangements to prevent children acquiring or consuming alcohol including reducing the risk of proxy sales of alcohol to adults for the consumption by children
 - arrangements to prevent children being exposed to drugs, drug taking, or drug dealing
 - arrangements to prevent children being exposed to gambling, or activities of an adult or sexual nature
 - steps to be taken to prevent children being exposed to violence or disorder
 - arrangements for training staff in relation to the protection of children
 - steps to be taken to prevent children purchasing cigarettes from vending machines and preventing access to Amusement with Prize Machines (except in accordance with the Gaming Legislation).
- 10.7 Applicants may volunteer prohibitions and restrictions on their Operating Schedules as a result of their own risk assessments determining that the presence of children is undesirable or inappropriate. Where no relevant representations are made to the Licensing Authority these volunteered prohibitions and restrictions will become conditions attached to the licence or certificate. The Licensing Authority may impose conditions where relevant

representations are made if it considers it necessary and/or appropriate including those drawn from the Model Pool of Conditions shown at in Appendix 3.

- 10.8 The Licensing Authority will also expect applicants, where relevant, to consider how they intend to provide for the supervision of children as unaccompanied customers and as performers providing regulated entertainment. Licence holders should give consideration to the welfare of children as performers in such cases. As a minimum requirement the Licensing Authority will require an adult to be nominated to be responsible for such child performers.
- 10.9 Where large numbers of unaccompanied children are to be present e.g. children's show or pantomime, conditions may be imposed, where relevant representations are received, requiring the presence of an appropriate number of adult staff to ensure public safety and protection of children from harm. The Licensing Authority requires applicants to address those matters in their operating schedules. See paragraph 12.1 for further guidance.
- 10.10 The Licensing Authority recognises Lancashire County Council Social Services Department or a future body with the relevant legislative functions of a social services department as being competent to advise on matters relating to the protection of children from harm.

11. CHILDREN AND CINEMAS

- 11.1 Where the exhibition of films is permitted the Licensing Authority requires admission to children to be restricted in accordance with the British Board of Film Classification (BBFC) or any other body designated under section 4 of the Video Recordings Act 1984 .
- 11.2 Where it is proposed to exhibit films not classified by the BBFC, the Licensing Authority will, provided 28 days notice has been given, classify the films concerned using the guidelines published by the BBFC.
- 11.3 Where a film is shown that has an age restriction, advertisements before and after the film will not publicise age-restricted products that cannot be legally purchased by young people watching the film

12 CHILDREN AND PUBLIC ENTERTAINMENT

- 12.1 Where there is entertainment specifically provided for children (e.g. children's disco) the Licensing Authority would recommend as a minimum:
- an adult member of staff to be stationed in the vicinity of each of the exits, a minimum of one member of staff per 50 children or part thereof
 - no standing to be permitted in any part of an auditorium during the performance
 - no child unless accompanied by an adult to be permitted in the front row of any balcony.
- 12.2 Where relevant representations are made, the Licensing Authority may, if it considers it necessary and/or appropriate attach conditions to licences and permissions to prevent harm to children, these may include those drawn from the Model Pool of Conditions at Appendix 3 relating to the Protection of Children from Harm.

13. PREVENTION OF PUBLIC NUISANCE

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

- 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.
- 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.
- 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.
- 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.
- 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.

- 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
- 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.
- 13.9 The Licensing Authority requires Operating Schedules, where relevant to satisfactorily address the issue of public nuisance.
- 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).
- 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 holders has in preventing anti-social behaviour by individuals once they are beyond 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.
- 13.12 The Licensing Authority's aim is to achieve a balanced approach to these difficult issues.

14. PUBLIC SAFETY

- 14.1 The Licensing Authority considers that members of the public when visiting licensed premises, have a right to expect that due consideration has been given to public safety. The Licensing Authority notes that the public safety objective is concerned with the physical safety of people using premises and not with public health which is dealt with in other legislation.
- 14.2 The Licensing Authority is committed to ensuring public safety across the Borough by working in partnership with Lancashire Police, Lancashire Fire & Rescue and Licence Holders.
- 14.3 Applicants should carefully consider the safety of the premises having regard to the licensable activities that are proposed and to address in the operating schedule, where relevant, how public safety will be achieved. Such measures may include, where relevant to the premises:
- the occupancy capacity of the premises
 - age, design and layout of the premises including means of escape
 - nature of the licensable activities to be provided, in particular the sale and supply of alcohol
 - hours of operation
 - customer profile (e.g. age)
 - use of special effects e.g. lasers, pyrotechnics, smoke/foam machines.

- 14.4 The Act requires a plan of the premises to be supplied with operating schedules showing prescribed information.
- The Licensing Authority will take notice of a health and safety risk assessment submitted with an operating schedule.
- 14.5 All licensed premises will be risk related according to a Protocol agreed with Lancashire Fire and Rescue. Inspections will be carried out by Lancashire Fire & Rescue in accordance with the Protocol. A copy is attached at Appendix 6.
- 14.6 The Licensing Authority may inspect premises where it considers it appropriate on public safety grounds.
- 14.7 On receipt of relevant representations the Licensing Authority may, where it considers it necessary and/or appropriate, impose conditions to secure the public safety objective including those drawn from the Model Pool of Conditions attached at Appendix 3. Any conditions imposed will relate to the particular circumstances of the individual premises and will not duplicate other requirements of the law.
- 14.8 It is recommended that all premises licensed to sell alcohol display materials regarding the benefits of safe drinking.
- 14.9 It is advisable that alcohol licensed premises promote the safety of the public after they leave the premises by providing public health messages on the premises, addressing issues such as getting home safely, sexual health etc.

OTHER REGULATORY SYSTEMS

15. PLANNING CONTROL

- 15.1 Care will be taken to ensure that there is a separation of the planning and licensing regimes and that licensing applications should not be a re-run of the planning application.
- 15.2 Planning permission is usually required for the establishment of new premises and the change of use of premises.
- 15.3 In some cases where an application is made for a licence the planning use will already be authorised by a previous planning permission or because the premises has a long-standing lawful use. Therefore a new application is often not required. However, the following points must be made:
- Planning, building control and licensing regimes will be properly separated to avoid duplication and inefficiency. Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. However, applications for licences may be made before any relevant planning permission has been sought or granted by the planning authority.
 - The planning and licensing regimes involve consideration of different (albeit related) matters. For instance, licensing considers public nuisance whereas planning considers amenity. As such licensing applications should not be a re-run of the planning application and should not cut across decisions taken by the local authority planning committee or following appeals against decisions taken by that committee. Licensing committees are not bound by decisions made by a planning committee, and vice versa.

- The granting by a licensing committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control where appropriate.
- There are also circumstances when as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.

15.4 In general, the Licensing Authority acknowledges that applicants may seek a provisional statement without having first obtained planning permission. The Licensing Authority will issue Provisional statements in accordance with the Act.

15.5 The Licensing Authority will ensure that reports are sent from the Licensing Act 2003 Committee to the Development Control Committee and Head of Planning services advising them of the situation regarding licensed premises in the Borough, including the general impact of alcohol related crime and disorder to assist them in their decision making.

16. BUILDING CONTROL

16.1 The building regulations cover a variety of issues including means of escape in case of fire, emergency lighting, structural integrity, accessibility, sanitary accommodation and public safety. The granting by the Licensing Authority of any new licence, certificate or variation to an existing licence under the Act that involves a new building or an extension, change of use or structural alteration to a building does not relieve the applicant of the need to seek Building Regulation approval.

17. STATUTORY REQUIREMENTS

17.1 The Council has responsibilities for health and safety including food safety and nuisance control. The Council also has general statutory duties relating to crime and disorder, human rights and disability discrimination.

18. DISABILITY DISCRIMINATION ACT 1995

18.1 The Disability Discrimination Act 1995 introduced measures to tackle discrimination encountered against disabled people in areas of employment, access to goods, facilities and services, and the management, buying or renting of land and property. For service providers such as Licensees:

- since December 1996 it has been unlawful to treat disabled people less favourably than other people for a reason related to their disability.
- since October 1999 they have had to make reasonable adjustments for disabled people, such as providing extra help or making changes to the way they provide their services
- from October 2004 they will have to make reasonable adjustments to the physical features of their premises to overcome physical barriers to access.

19. HUMAN RIGHTS ACT 1998

19.1 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.

20. OTHER STRATEGIES

- 20.1 There are many stakeholders in the leisure industry. Many are involved directly or indirectly in the promotion of the licensing objectives. Many of their strategies deal in part with the licensing function and the Licensing Authority will establish proper liaison arrangements to ensure proper integration of strategies and seek to reflect the aims of those strategies and plans when exercising its licensing function.
- 20.2 The Licensing Act 2003 Committee will receive, when appropriate reports on the needs of the local tourist economy and cultural strategy to ensure that these are reflected in their considerations. In addition the Licensing Act 2003 Committee will be appraised of the employment situation in their area and the need for new investment where appropriate.
- 20.3 Applicants for licences will be encouraged to have taken local crime prevention strategies, planning and transportation and tourism and cultural policies, into account when determining their operating schedules.
- 20.4 The Alcohol Harm Reduction Strategy identifies initiatives and priorities which may help promote one or more of the Licensing Objectives. The Licensing Authority is committed to working in partnership with relevant agencies such as the Primary Care Trust regarding this strategy and health action plans. Where appropriate and available, local health profiles will be sought in order to assist decision making where a health impact is a consideration.
- 20.5 The Licensing Act 2003 Committee will report to and receive reports from such other committees and panels of the Council and external appropriate bodies in order to monitor the impact of this Policy on the licensing objectives.

21. ENFORCEMENT

- 21.1 Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the Act. The Licensing Authority will make arrangements to monitor premises and take appropriate enforcement action to ensure this.
- 21.2 Enforcement, where necessary, will be taken in accordance with the principles of the Enforcement Concordat and due regard will be given to the Hampton Principles of inspection and enforcement. To this end the key principles of consistency, transparency and proportionality will be maintained.
- 21.3 Enforcement will be targeted at problem and high risk premises which require greater attention while a lighter touch will be applied in respect of low risk premises which are shown to be well managed and maintained.
- 21.4 The Licensing Authority will work closely with the appropriate agencies to establish protocols to ensure an efficient deployment of Police, Fire and Rescue and Council Officers in enforcing relevant legislation.

- 21.5 The Council will take account of its powers to make a closure order under the provisions of the Anti Social behaviour Act 2003 where it reasonably believes there is a public nuisance being caused by premises and the closure is necessary to prevent that nuisance and will also take account of any additional powers such as those introduced under The Violent Crime Reduction Act 2006, The Health Act 2006 and the Clean Neighbourhoods and Environment Act 2005.

LIVE MUSIC, DANCING AND THEATRE

- 22.1 In its role of implementing local authority cultural strategies, the Licensing Authority recognises the need to encourage and promote a wide range of entertainment, particularly live music, dance and theatre for the wider cultural benefit of the community, particularly for children.
- 22.2 The Licensing Authority will balance the potential for limited disturbance in neighbourhoods with the wider cultural benefits.
- 22.3 Consideration will be given to the particular characteristics of any event including the type and scale of the proposed entertainment especially where limited disturbance only may be caused.
- 22.4 The Licensing Authority will avoid measures that deter entertainment. The Licensing Authority recognises that live music and dance performances are central to the development of a cultural diversity and vibrant and exciting communities. The Licensing Authority acknowledges that the absence of a cultural provision in any area can lead to young people being diverted into anti-social activities that damage communities as well as themselves.
- 22.5 On receipt of relevant representations the Licensing Authority may attach conditions that are reasonable, proportionate and necessary for the promotion of the licensing objectives. The Licensing Authority will monitor the impact of licensing on regulated entertainment in the Borough. If there is evidence that licensing requirements deter such activities, the Licensing Authority will review this policy.

22. PROMOTION OF RACIAL EQUALITY

- 23.1 This policy recognises that the Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, and to promote equality of opportunity and good relations between persons of different racial groups.
- 23.2 The policy also recognises that the Council is required to produce a race equality scheme assessing the impact of proposed policies on race equality and to monitor policies for only adverse impact on the promotion of race equality.
- 23.3 The Licensing Authority, when determining licence applications, will have regard to the above legislation so as to avoid any possible indirect discriminatory impact on particular ethnic groups.

23. BYELAWS - TEMPORARY STRUCTURES

- 24.1 For the information of applicants, the Council has adopted the provisions of Section 35 of the County of Lancashire Act 1980, which relate to temporary structures. Applicants will still be required to comply with byelaws made under Section 35 of the County of Lancashire Act 1980 in relation to temporary structures e.g. marquees.

25 PERSONAL LICENCES

- 25.1 If an applicant has a relevant conviction, as determined by the Act, the Police can oppose the application. If an objection is lodged by Lancashire Police due to a relevant conviction, the Licensing Authority will hold a hearing.
- 25.2 The Act requires applicants for a personal licence to produce a Criminal Record Bureau certificate to the Council. Applicants from foreign jurisdictions will be required to make a clear statement as to whether they have been convicted outside England and Wales of a relevant offence or an equivalent offence.
- 25.3 The Licensing Authority, where relevant convictions exist, will consider carefully whether the grant of the licence will be in the interests of the Crime Prevention Objective. It will consider the seriousness and relevance of the conviction(s), the period that has elapsed since the offence(s) were committed and any mitigating circumstances. The Licensing Authority will reject applications on the basis of relevant convictions only where it considers it necessary to promote the licensing objectives.
- 25.4 The above paragraphs also apply where a notice of objection has been made by Lancashire Police to vary a premises licence covering the sales of alcohol by specifying a new designated premises supervisor.

26. DESIGNATED PREMISES SUPERVISORS

- 26.1 The main purpose of the designated premises supervisor is to ensure that there is one specified individual, who can be readily identified at the premises where a premises licence is in force. The premises licence holder would normally have given that person the day to day responsibility for running the premises.
- 26.2 Lancashire Police are able to object to the designation of a new designated premises supervisor where, in exceptional circumstances, they believe the appointment would undermine the Crime Prevention objective as set out in the Act.
- 26.3 Where the police do object, the Licensing Authority will hold a hearing as required by the Act. The Act provides that the applicant may apply for the individual to take his post up immediately and in such cases, the issue will be whether the individual should be removed.

The Licensing Authority will confine their consideration to the issue of crime and disorder and give comprehensive reasons for their decision.

- 26.4 Where a designated premises supervisor is to be newly specified, the normal course of action will be for the premises licence holder to apply to the Licensing Authority (including an application for immediate effect). This should be accompanied by a form of consent by the individual concerned and, Lancashire Police must be notified of the application.

27. PREMISES LICENCE

- 27.1 An application can be made to the Licensing Authority for any place used for licensable activities or recognised club activities within its area and the application must be accompanied by:
- a) The required fee;
 - b) An Operating Schedule;
 - c) A plan of the premises; and
 - d) If it is intended to sell alcohol a form of consent given by the person the applicant wishes to have specified in the Premise Licence as the Premises Supervisor.

- 27.2 The Operating Schedule must include a statement of:
- a) The relevant licensable activities;
 - b) The time during which the applicant proposes that the relevant licensable activities are to take place;
 - c) Any other times during which the applicant proposes that the premises are to be open to the public;
 - d) Where the applicant wishes the licence to have effect for a limited period, that period;
 - e) Where the relevant licensable activities include the sale by retail of alcohol, the name and address of the individual whom the applicant wishes to have specified as the Designated Premises Supervisor and a copy of his or her Personal Licence;
 - f) Where the relevant licensable include the sale by retail of alcohol, whether such sales are proposed to be for consumption on the premises or off the premises, or both;
 - g) The steps which the applicant proposes to take to promote the licensing objectives; and
 - h) Any other prescribed matters.
- 27.3 The Licensing Authority will not normally accept an application which includes unspecified times when licensable activities are to take place such as “twelve special events per year” as events can be specifically covered by Temporary Event Notices. (See Para 39)
- 27.4 In considering the steps to be taken to promote the licensing objectives the applicant should give consideration to the pool of model conditions attached at Appendix 3 and will be expected to undertake a thorough risk assessment with regard to the licensing objectives when preparing their applications.
- 27.5 Wholesale of Alcohol - Sales of alcohol made to traders for the purpose of their trade, holders of club premises certificates, premises licence holders, personal licences or premises users who have given temporary event notice are not licensable.
- 27.6 Where application is made for a premises licence involving Internet or mail order sales and the place where the sale of alcohol takes place is different from the place from which the alcohol is despatched/selected for the particular purchase, the sale is treated as being made at the premises from which the alcohol is selected/despatched.
- 27.7 The Act restricts the ability to use premises for the sale or supply of alcohol, if they are used as a service area or primarily as a garage or form part of premises which are primarily so used. Premises are used as a garage if they are used for one or more of the following:
- the retailing of petrol
 - the retailing of derv
 - the sale of motor vehicles
 - the maintenance of motor vehicles.
- The Licensing Authority will decide in the light of the facts whether or not any premises are used primarily as a garage. The Licensing Authority will adopt the approach approved by the Courts to establishing primary use based on the intensity of the use by customers of the premises.
- 27.8 Designated sports grounds are the subject of separate legislation with regard to health and safety and fire safety.

The Licensing Authority will limit consideration of applications for premises licences to those activities that are licensable under the Act and will not duplicate any conditions relating to health and safety and fire safety.

- 27.9 The Act applies to a vessel which is not permanently moored or berthed as if it were premises situated in a place where it is usually moored or berthed.

Where a premises licence is sought in connection with a vessel which will be navigated whilst licensable activities take place, the Council will be concerned with the promotion of the licensing objectives on-board the vessel.

The Licensing Authority recognises that matters such as safe navigation, operation of the vessel, general safety of passengers and emergency provision are not within its remit. If the Maritime and Coastguard Agency is satisfied that the vessel complies with Merchant Shipping Standards for a passenger ship the premises will normally be accepted as meeting the public safety objective. The Licensing Authority will give particular weight to any representations made by the Maritime and Coastguard Agency in respect of other public safety aspects of the application.

- 27.10 Whilst alcohol may not be sold from a moving vehicle. However, applications may be made in respect of vehicles which are parked or stationary. Any permission granted in these circumstances will relate solely to the place where the vehicle is parked and where sales are to take place.
- 27.11 Where entertainment or entertainment facilities are provided on premises consisting of or forming part of any vehicle while it is in motion and not permanently or temporarily parked, such entertainment is not to be regarded as regulated entertainment for the purposes of the Act.
- 27.12 Games such as pool, darts, table tennis and billiards may fall within the definition of indoor sports under the Act. If played for the private enjoyment of the participants they would not normally constitute regulated entertainment and the facilities provided (even if provided for a profit) do not fall within the list of entertainment facilities. However, where such games take place in the presence of an audience and are provided to, at least in part, entertain that audience, that activity would become licensable.
- 27.13 Casinos and bingo clubs are the subject of separate legislation. When granting, varying or renewing licences authorising the sale of alcohol for consumption on the premises and/or the provision of regulated entertainment, the Licensing Authority will not duplicate any conditions imposed by the virtue of such legislation.

Where applicants wish to carry out licensing activities they will need to prepare and submit an operating schedule but in detailing the steps to be taken in promoting the licensing objectives, the applicant may refer to the statutory conditions imposed on his Gaming Licence where relevant. The Licensing Authority will not impose conditions that would prevent the licence holder complying with the requirements of the Gaming Act 1968.

28. OPERATING SCHEDULE

- 28.1 The Operating Schedule will form part of the completed application for a premises licence. The Operating Schedule should include all information that is necessary to enable any responsible authority or interested party to assess whether the steps taken to promote licensing objectives are satisfactory.
- 28.2 The Operating Schedule must include:

- the licensable activities to be conducted on the premises. It would be valuable to include a description of the style and character of the business, the type of dancing in broad terms (striptease or lap dancing must be disclosed), the type of music to be provided
- the times during which it is proposed that licensable activities are to take place
- any other times when the premises are open to the public
- where the licence is required only for a limited period, that period must be specified.
- where the licensable activities include the supply of alcohol, the name and address of the person specified as the Designated Premises Supervisor
- where the licensable activities include the supply of alcohol, whether the alcohol will be supplied for consumption on or off the premises (or both). If for consumption on the premises, the extent to which seating will be provided.
- the steps which the applicant proposes to take to promote the licensing objectives. Specific guidance on the licensing objectives can be found in sections paragraphs 6, 10-12, 13 and 14.

28.3 Applicants should have regard, when preparing Operating Schedules to this Statement of Licensing Policy. Applicants may find it sensible to seek the views of the key responsible authorities e.g. Police, Environmental Officers before formally submitting applications.

28.4 It is essential that applicants address in the Operating Schedule that measures for the protection of children from harm are precise and clear. Therefore plans for regulated entertainment of an adult nature or with sexual content should be detailed.

28.5 It is recommended that operating schedules will include proposals, where relevant to the operation, in relation to safer clubbing contained in the publication "Safer Clubbing".

28.6 Applicants are advised that the steps to be taken to promote the licensing objectives should be realistic and within the control of the applicant and management of the premises. If a licence is granted with conditions attached requiring the implementation of such steps, the conditions would be enforceable in law and it will be a criminal offence to fail to comply with them

29. ENTERTAINMENT/SERVICES OF AN ADULT OR SEXUAL NATURE

29.1 Notwithstanding the provisions of Schedule 3 of the local Government (Miscellaneous Provisions) Act 1982 relating to Sexual Entertainment Venues, where the activities proposed under any premises licence include those of an adult or sex related nature (see Section 10, 11 and 12 relating to Children also) e.g. lap dancing, striptease, topless waitresses, the Licensing Authority would take into account the increased risk to the licensing objectives.

29.2 The Licensing Authority will have particular regard to the location of the premises and their vicinity when considering applications involving entertainment of an adult or sexual nature.

29.3 Where licences are granted for entertainment or service that involves exposure of private parts (striptease) or the sexual stimulation of customers, conditions will be imposed designed to ensure that children are not admitted to and cannot observe such activities and to prevent public nuisance and crime and disorder problems.

For example:

- the area proposed for striptease shall be in a position where the performance cannot be seen from outside the licensed premises
- the area proposed for striptease shall be in a designated area of the premises

- the area proposed for striptease shall be in a position where the performers will have direct access to a dressing room
- whilst a striptease performance is taking place no person under the age of 18 shall be on the licensed premises and a clear notice to that effect shall be displayed at each entrance to the premises in a prominent position so it can be easily read by persons entering the premises
- no external advertising of the striptease entertainment either at the premises or in its immediate vicinity except with the consent of the Licensing Authority.

30. TABLE AND CHAIRS OUTSIDE PREMISES

- 30.1 The Act applies to the whole of licensed premises but will not include beer gardens and other areas unless they form part of the licensed area. For applicant's information, the placing of tables and chairs on the public highway will need the consent of the Council, by way of a licence under Section 115 of the Highways Act 1980. It may also require planning permission. On private land, planning permission may sometimes be required or a planning condition may prevent/restrict such use. The Council, as Local Planning Authority, will require a consistently high standard quality of external furniture of a style to be agreed by the Council on all street venues. For details, refer to the Council's Pavement Café Design Guide.
- 30.2 The Licensing Authority recognises that in some circumstances, tables and chairs outside premises can enhance the attractiveness of a venue and encourage a continental café style culture. However, late at night there is the possibility that they can contribute to noise problems as customers may loiter rather than disperse.
- 30.3 The Council's Pavement Café Design Guide covers all aspects of licences issued by the Highways Act.
- 30.4 Applicants will be required to specify in the Operating Schedule the hours sought, the nature of the activities proposed in any such area and the steps proposed to be taken to prevent nuisance and crime and disorder in relation to the operation of such areas.
- 30.5 The Licensing Authority will consider carefully the impact in terms of safety, amenity and public nuisance. On receipt of relevant representations, if the Licensing Authority considers that there will be an adverse impact on the licensing objectives then it may consider imposing a limitation on hours and/ or restriction on the activities

31. PRIVATE EVENTS

- 31.1 Private events can involve licensable activities where certain conditions pertain.

Entertainment at a private event to which the public are not admitted becomes regulated entertainment and therefore licensable only if it is provided for consideration with a view to a profit.

For example, a mere charge to those attending a private event to cover the costs of the entertainment, and no other purpose, would not make the entertainment licensable as this would not be with a view to a profit. It would be irrelevant if a profit might inadvertently be made as long as there had not been an intention to make a profit.

32. INCIDENTAL MUSIC

- 32.1 The Act provides that in certain circumstances the incidental performance of live music and incidental playing of recorded music may not be regarded as the provision of regulated

entertainment activities. This is where they are incidental to another activity which is not in itself entertainment or entertainment facilities.

- 32.2 The Act contains no definition of “incidental” and the Licensing Authority will judge whether music of this kind is incidental to other activities on a case by case basis. One factor that will be relevant is volume, and if the volume of live or recorded music predominates over activities, the Licensing Authority will generally form a view that it is not to be regarded as incidental.

33. APPLICATIONS FOR NEW AND MAJOR VARIATIONS OF PREMISES LICENCES

- 33.1 The Licensing Authority will consider a major variation to be one that does not relate simply to a change of the name or address of someone named in the licence or an application to vary the licence to specify a new individual as the designated premises supervisor.

- 33.2 Applicants for new and major variations of premises licences will be expected to:

- conduct a thorough risk assessment with regard to the licensing objectives when preparing their applications
- specify any steps in the Operating Schedule to be taken to promote the licensing objectives.

- 33.3 The Licensing Authority in considering such applications will aim to ensure that the licensing objectives are promoted in the wider interests of the community.

- 33.4 Where an application has been lawfully made and no responsible authority or interested party makes a representation, the application will be granted in the terms sought subject only to conditions which are consistent with the Operating Schedule and relevant mandatory conditions in the Act.

- 33.5 Where a responsible authority and/or an interested party makes a relevant representation i.e. one which is not frivolous or vexatious and relates to the licensing objectives, the Licensing Authority will hold a hearing. The need for a hearing can be dispensed with if the Licensing Authority, the applicant and all of the parties who made relevant representations agree.

- 33.6 Where the Licensing Authority hold a hearing, a responsible authority or interested party may choose to rely on their written representation which gave rise to the hearing. They may not add further representations to those disclosed to the applicant prior to the hearing, but may amplify their existing representation.

- 33.7 In determining the application, the Licensing Authority with a view to promoting the licensing objectives in the overall interests of the local community, will give appropriate weight to:

- the representations presented by all the parties
- the Guidance issued by the Secretary of State for Culture, Media and Sport
- the Council’s Statement of Licensing Policy; and
- the steps that are necessary to promote the licensing objectives.

- 33.8 The Council, after considering all relevant issues may:

- grant the application subject to such conditions that are consistent with the Operating Schedule
- refuse the application on the grounds that refusal is necessary for the promotion of the licensing objectives;

- refuse to allow certain requested licensable activities on the grounds that refusal is necessary for promotion of the licensing objectives;
- refuse to specify a designated premises supervisor on the crime prevention objective
- grant the application subject to those conditions modified to such an extent as the Licensing Authority considers necessary for the promotion of the licensing objectives.

33.9 Where a representation is made by an interested party, there is a preliminary stage at which the Licensing Authority must consider whether the representation is relevant. This is dealt with in more detail in paragraph 40

33.10 Where variations involve structural alterations or change of use of a building, the decision in relation to the application will not exempt an applicant to apply for building consent where appropriate

34. TRANSFERS OF PREMISES LICENCES

34.1 The Act provides for any person who may apply for a premises licence to apply for a transfer of a premises licence. Where the applicant is an individual he or she must be aged 18 years or over. Notice of the application must also be given to Lancashire Police.

34.2 A transfer of a premises licence only changes the identity of the holder and does not alter the licence in any other way.

34.3 The Licensing Authority expects that in the vast majority of cases, a transfer application will be a simple administrative process. If Lancashire Police raise no objection to the application, the Licensing Authority will transfer the licence, amend the licence accordingly and return it to the new holder.

34.4 The Chief Officer of Lancashire Police may in exceptional circumstances, object to a transfer on the grounds that it undermines the crime prevention objective.

Where such an objection is made the Licensing Authority will hold a hearing to consider the objection. The Licensing Authority will confine its consideration to the issue of the crime prevention objective. The burden would be on Lancashire Police to demonstrate to the Licensing Authority that there were good grounds for believing that the transfer of the licence would undermine the crime prevention objective.

34.5 The Licensing Authority will give clear and comprehensive reasons for its determination. The Licensing Authority will expect that objections will only arise in truly exceptional circumstances.

35. CLUB PREMISES CERTIFICATES

35.1 The Licensing Authority may issue a "Club Premises Certificate" to a qualifying Club. The Certificate will specify that the premises may be used for one or more of the 'recognised Club activities' and that the Club is a qualifying Club in relation to each of those activities.

35.2 Recognised Club activities are:

- (a) The supply of alcohol by or on behalf of the Club to or to the order of a member of the Club;
- (b) The sale by retail of alcohol by or on behalf of a Club to a guest or a member of the Club;
- (c) The provision of regulated entertainment where that provision is by or on behalf of the Club for members of the Club or members of the Club and their guests.

- 35.3 The Club is a qualifying Club in respect of the recognised activities provided that, under the rules of the Club, a person may not be admitted to membership, or be admitted, as candidates for membership, to any of the privileges of membership, without an interval of at least two days between their nomination or application for membership and their admission. People becoming members without nomination or prior application may not be admitted to the privileges of membership without an interval of two days between them becoming members and their admission.
- 35.4 The Club must be established and conducted in good faith as a Club and have a minimum of 25 members.
- 35.5 A Club can apply for a Club Premises Certificate in respect of premises, which are occupied by, and habitually used for the purposes of the Club. The application must be accompanied by:
- (a) The relevant fee;
 - (b) The Club Operating Schedule
 - (c) A plan of the premises;
 - (d) A copy of the rules of the Club;
 - (e) Evidence that the Club is a qualifying Club in relation to each of the recognised Club activities to which the application relates.
- 35.6 The Club Operating Schedule must contain the following:
- (a) Detail of the recognised Club activities to which the application relates;
 - (b) The times during which it is proposed the recognised Club activities take place;
 - (c) Any other times during which it is proposed the premises are open to members and their guests;
 - (d) The steps which it is proposed to take to promote the licensing objectives; and
 - (e) Any other prescribed matters.
- 35.7 In considering the steps to be taken to promote the licensing objectives the applicant should give consideration to the pool of model conditions in Appendix 3 and will be expected to undertake a thorough risk assessment with regard to the licensing objectives when preparing their applications.
- 35.8 Club Premises Certificates will be dealt with in a similar manner as applications for Premise Licences.
- 35.9 The grant of a Club Premises Certificate means that a qualifying club is entitled to certain benefits. These include:
- authority to supply alcohol to members and to sell it to guests on the premises to which the certificate relates without the need for any member or employee to hold a personal licence.
 - the absence of a requirement to specify a designated premises supervisor
 - more limited rights of entry for the police and authorised persons.
- 35.10 Any qualifying club may choose to obtain a premises licence if it decides it wishes to offer its facilities commercially for the use by the general public, including the sale of alcohol.
- 35.11 An individual on behalf of a club may give a temporary event notice in respect of the premises to cover a period of up to 96 hours on up to 12 occasions each calendar year. On each occasion the maximum number of people permitted under a temporary notice should

not exceed 499 and the premises may not be used for more than 15 days in any calendar year.

35.12 The 2003 Act now makes it unlawful to sell or supply alcohol to children in qualifying clubs.

36. LATE NIGHT REFRESHMENT

36.1 Schedule 2 to the 2003 Act provides a precise definition of what constitutes late night refreshment. Generally, a person will be providing late night refreshment if between 11.00pm and 5.00am he supplies hot food or drink to members of the public for consumption on or off the premises.

36.2 The legislation impacts on premises such as night cafes, restaurants and take away food outlets where people may gather between 11.00pm and 5.00am giving rise to the possibility of disorder and disturbance.

36.3 Premises selling immediately consumable food such as bread milk and cold sandwiches will not require licensing. Similarly, where premises have a vending machine supplying hot drink, it will not require licensing if the public have access to the machine, the public operate the machine without any involvement of staff on the premises and the payment is inserted in the machine. However, this exemption does not apply to hot food. Premises supplying hot food for charge by vending machine will be licensable when the food has been heated for the purposes of supply, even though no staff on the premises may have been involved in the transaction.

36.4 The supply of hot food or drink free of charge is not a licensable activity. However, where any charge is made either for admission to the premises or for some other item in order to obtain the hot food or drink, this is not regarded as free of charge.

36.5 The supply of hot food or drink from a vehicle that is permanently or temporarily parked requires licensing.

36.6 The Licensing Authority does not anticipate that the provision of late night refreshment as a secondary activity in licensed premises open for other purposes, for example, public houses, cinemas or night-clubs will give rise to a need for significant additional conditions.

36.7 In premises where the provision of late night refreshment is the primary activity the Licensing Authority considers that the prevention of crime and disorder and the prevention of public nuisance will be the key licensing objectives. Applicants should give careful consideration to these objectives in their operating schedules.

36.8 Supplies of hot food and drink are exempt from the provisions of the Act if there is no admission of the public to the premises involved and they are supplied to:

- members of a recognised club supplied by the club
- persons staying overnight in a hotel, guest house, hostel, caravan or camping site or any other premises whose main purpose is providing overnight accommodation.
- staff canteen
- a person who is engaged in a particular profession or who follows a particular vocation e.g. tradesman carrying out work at a particular premises
- guest of the above

37. PROVISIONAL STATEMENTS

37.1 A person may apply for a Provisional Statement if they are interested in the premises, and are an individual aged 18 or over. An application for a Provisional Statement applies to

premises which are being or are about to be constructed for the purpose of being used for one or more licensable activities, or are being or about to be extended or otherwise altered for that purpose (whether or not they are already being used for that purpose).

37.2 An application for a Provisional Statement must be accompanied with a schedule of following details:

- details of the premises
- the works to be done
- licensable activities proposed
- plan of the premises
- any such other information as may be prescribed.

37.3 Applications for Provisional Statements will be dealt with in a similar manner as applications for Premises Licences regarding holding of hearings if relevant representations are made.

37.4 If relevant representations are received and a hearing is held, the Licensing Authority will decide whether, if the premises were constructed or altered in the way proposed in the Schedule of Works and if a premises licence were sought for those premises, it would consider it necessary for the promotion of the licensing objectives to:

- attach conditions to the licence;
- rule out any of the licensable activities applied for;
- refuse to specify the person nominated as the premises supervisor;
- reject the application.

37.5 If a Provisional Statement has been issued and the person subsequently applies for a premises licence in respect of the premises (or a part of the premises or premises which are substantially the same) representations by responsible authorities and interested parties will be excluded in certain circumstances. These are where:

- the application for a licence is in the same form as the licence described in the provisional statement; and
- the work in the Schedule of Works has been satisfactorily completed;
- given the information in the application for a Provisional Statement, the person objecting could have made the same, or substantially the same representations about the application but had failed to do so without reasonable excuse; and
- there has been no material change in circumstances relating either to the relevant premises or to the area in the vicinity of those premises.

37.6 Applicants are advised that whilst there is no limit to the duration of a Provisional Statement, the longer there is a delay before a premises licence is applied for the greater the potential is for representations not to be excluded due to genuine and material changes in circumstances occurring.

37.7 Applicants are also advised that any decision on an application for a premises licence does not relieve the applicant of the need to apply for building consent.

38. INTERIM AUTHORITIES

38.1 Generally, a premises licence will remain in force for as long as the licence holder continues to operate the business unless it is specified it has effect for a limited period and that period expires or the licence is revoked.

- 38.2 If a Licence holder dies, becomes bankrupt or mentally incapable, then the Licence will lapse. However, if within a seven day period of such circumstances (beginning with the day after the Licence lapsed), a person who had an interest in the premises or who is connected to the former holder of the licence, gives the Licensing Authority an 'Interim Authority Notice', the premises licence will be re-instated for a period of two months.
- 38.3 Interim Authority Notices must also be served on the Police within the seven day period. Lancashire Police may, within 48 hours of being served with a copy of the Interim Authority Notice if satisfied that the grant of the Interim Authority Notice would undermine the crime prevention objective, give the LA an objection Notice to the Licensing Authority. The Licensing Authority will then hold a hearing to consider the objection.
- 38.4 The Licensing Authority recognises the need to consider any objections in these circumstances quickly
- 38.5 A person is connected to the former holder of a Premises Licence if and only if:
- the person is the personal representative in the event of the holder's death;
 - in respect of someone who has become mentally incapable is acting under Section 6 of the Enduring Powers of Attorney Act 1985; or
 - in the event of insolvency/bankruptcy is acting as an Insolvency Practitioner
 - any other person prescribed by regulation.

39. TEMPORARY EVENT NOTICES

- 39.1 The most important aspect of the system of permitted temporary activities is that no permission as such is required for these events from the Council. The system involves the notification of an event to the Licensing Authority and Lancashire Police, subject to fulfilling certain conditions. In general, only Lancashire Police may intervene on the prevention of crime and disorder licensing objective to prevent such an activity taking place or to modify the arrangements for such an event. The Licensing Authority may only intervene if the limits on the number of Temporary Event Notices (TEN'S) that may be given have been exceeded.
- 39.2 The Act imposes the following limitations in respect of TEN's:
- the number of times a person ("the premises user") may give a TEN - a personal licence holder is limited to 50 in one year, an ordinary person to 5 per year;
 - the number of times a TEN may be given in respect of any particular premises - 12 times in a calendar year;
 - the length a temporary event may last for these purposes - 96 hours
 - the maximum aggregate duration of the periods covered by TEN at any individual premises - 15 days; and
 - the scale of the events in terms of the maximum number of people attending at any one time - less than 500 people.
- 39.3 In any other circumstances, a full premises licence or club premises certificate would be required for the period of the event involved. The procedures for applying and granting a licence will be the same as for a premises licence. A person may also choose to apply for a premises licence or club premises certificate if they do not wish to take advantage of the TEN system.
- 39.4 As many users giving TEN's will not have commercial backgrounds or ready access to legal advice, the Licensing Authority will ensure that guidance is clear and understandable and will aim to keep arrangements manageable and user friendly for these groups.

39.5 Where a personal licence holder is involved, they will be able to give a TEN in relation to licensable activities (including the sale of alcohol) on up to 50 occasions per year for up to 96 hours on each occasion. This is subject to the limitations for each premises (see paragraph 33.2 above), subject to informing the Council and Lancashire Police of relevant details.

These details are:

- the licensable activities to take place during the event;
- the period during which it is proposed to use the premises for licensable activities;
- the times during the event period that the premises user proposes that the licensable activities shall take place;
- the maximum number of persons (being less than 500) which it is proposed should, during those times, be allowed on the premises at the same time;
- where the licensable activities include the supply of alcohol, whether the supplies are proposed to be for consumption on the premises or off the premises or both; and
- any other matters prescribed by the Secretary of State or by regulation.

39.6 On each occasion at least 10 working days notice must be given, but there is nothing to prevent simultaneous notification of multiple events at a single time so long as the first event is at least ten days away. However, this would only be possible where all the events are to take place in the Borough of Chorley.

39.7 Ten working days are the minimum possible notice that may be given. However, organisers of temporary events are encouraged to submit their notification as soon as it is reasonably practicable to enable the Licensing Authority and, Lancashire Police to work with them to identify and reduce the risk of crime and disorder.

39.8 The Licensing Authority recommends that at least 28 days and no more than 3 months notice be given to hold such events, to allow it to help organisers plan their events safely. A longer period than this may mean that all relevant details are not available and any lesser time may mean that the planning may be rushed; this may increase the likelihood of Lancashire Police objecting.

39.9 The Licensing Authority will not seek to impose any terms, limitations or restrictions on such events covered by a TEN. However, the Licensing Authority will provide local advice about proper respect for the concerns of residents, legislative requirements regarding health and safety, noise pollution, temporary structures. It will also provide advice about other permissions e.g. road closures, pyrotechnics in public places, local byelaws and the need to prevent anti social behaviour.

39.10 The Licensing Authority will also remind notice givers of relevant offences under licensing law, including:

- the sale of alcohol to minors,
- the sale of alcohol to a person who is drunk,

The Licensing Authority will also advise notice givers of the police powers to close down an event with no notice on grounds of disorder or because of public nuisance caused by noise emanating from the premises.

39.11 Where the application is not within the parameters described above, the Licensing Authority will issue a Counter Notice to the person giving the TEN.

- 39.12 The Act provides that the Police may, in exceptional circumstances, issue an objection notice because they believe that the event would undermine the crime prevention objective set out in the Act.
- 39.13 The Police must issue any objection notice within 48 hours of being notified, but they can subsequently withdraw their counter notice. If Lancashire Police do not intervene they will still be able to rely on their powers of closure should disorder or disturbance subsequently arise.
- 39.14 Where an objection notice is issued by Lancashire Police, the Licensing Authority will hold a hearing to consider the objection. The Licensing Authority will confine its consideration to the crime prevention objective and will not, for example, uphold an objection notice on the grounds of public nuisance.
- 39.15 At any such hearing the Licensing Authority may hear from Lancashire Police, and the premises user. A hearing would not be necessary if Lancashire Police withdraw the objection notice.
- 39.16 The Licensing Authority would encourage event organisers not to rely on giving the minimum amount of notice given the possibility of police intervention. Event organisers are encouraged to contact local Lancashire Police Licensing Officers as early as possible about their proposed event(s).
- 39.17 The act provides that any individual aged 18 or over may give a TEN whether or not they hold a personal licence. As many events will involve combinations of licensable activities, the Act limits the number of TEN given by any non-personal licence holder to 5 per year. In every other respect, the guidance set out above applies.
- 39.18 TEN may also be given in respect of club premises covered by club premises certificates by non-personal licence holders. However, only 12 such notices may be given in respect of the same club premises in any calendar year and the maximum aggregate duration of 15 days will also apply.
- 39.19 The Licensing Authority, on receiving TEN, will also check that other requirements of the Act are met e.g. a TEN will be void unless there is a minimum of 24 hours between events notified by the premises user in respect of the same premises. This is to prevent evasion of the 96 hour limit on such events and the need to obtain a full premises licence or club premises certificate for more major or permanent events. A TEN is treated as being from the same premises user if an associate gives it. The Act defines associate as:
- the spouse of that person;
 - a child, parent, grandchild, grandparent, brother or sister of that person or their spouse; or;
 - an agent or employee of that person or their spouse;

A person living with another person as his or her husband or wife is treated for these purposes as a spouse.

40. RELEVANT, FRIVOLOUS VEXATIOUS REPRESENTATIONS

- 40.1 A representation is only 'relevant' if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. A representation that fails to do so is not 'relevant' for the purposes of the 2003 Act.

A relevant representation also has to be made by an interested party or responsible authority, see Appendix for glossary of terms.

40.2 It will be for the Licensing Authority to determine whether any representation by an interested party is frivolous or vexatious. The decision as to determining whether a representation is relevant, frivolous or vexatious has been delegated to an Officer of the Council in accordance with the Guidance.

40.3 The decision will be made on the basis of what might ordinarily be considered to be vexatious or frivolous. An interested party may challenge a decision to reject their representation on these grounds by way of judicial review.

41. REVIEWS

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

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

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

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

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

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

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

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

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

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

41.10 The Licensing Authority recognises that the promotion of the licensing objectives relies heavily on a partnership approach. The Licensing Authority would encourage authorised persons and responsible authorities to give licence holders warning of their concerns about problems identified at premises and of the need for improvement.

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

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

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

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

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

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

42 ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTIONS

42.1 The Licensing Authority will be involved in a wide range of licensing decisions and functions and will administer them through its Licensing and Public Safety Committee and its Licensing Sub-Committees.

42.2 The Licensing and Public Safety Committee consists of 17 members and the Licensing Sub-Committees will consist of three members.

42.3 Many of the decisions and functions will be purely administrative in nature. Therefore to ensure that the Licensing Authority provides an efficient cost-effective service, the delegation of decisions and functions is set out in the table below.

- 42.4 All matters dealt with by officers will be reported for information only to the next Licensing and Public Safety Committee.
- 42.5 Decisions on whether a representation is valid or whether it is repetitious, frivolous or vexatious will be delegated to the Head of Governance.
- 42.6 Any Sub-Committee will refer any matter that it is unable to deal with because of the number of Members who are unable to take part in the consideration or discussion of any matter or any question with respect to it, to another Sub- Committee or to the Licensing and Public Safety Committee.

DELEGATION OF FUNCTIONS			
Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a police objection made	If no police objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for Provisional Statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club		If a relevant representation made	If no relevant representation made
Application to vary designated personal licence holder		If a Police objection	All other cases
Request to be removed as designated personal licence holder			All cases
Application for transfer of premise licence		If a Police Objection	All other cases
Applications for interim authorities		If a Police Objection	All other cases
Application to review premise licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc.			All cases
Decision to object when local authority is a consultee and not the lead authority		All cases	
Determination of a Police representation to a temporary event notice		All cases	

43. APPEALS

- 43.1 Schedule 5 to the 2003 Act sets out the entitlements to appeals for parties aggrieved by decisions of the Licensing Authority.

- 43.2 Other than in the case of personal licences, an appeal has to be made to the Magistrates' Court. In the case of personal licences, the appeal must be made to the Magistrates' Court for the area in which the Licensing Authority (or any part of it) is situated.
- 43.3 An appeal has to be commenced by the giving of a Notice of Appeal by the Appellant to the Justices' Chief Executive for the Magistrates Court within a period of 21 days beginning with the day on which the Appellant was notified by the Licensing Authority of the decision appealed against.
- 43.4 The Licensing Authority will always be a Respondent to the appeal. In cases where a favourable decision has been made for an applicant against the representations of a responsible authority or an interested party, the holder of the premises licence or club premises certificate will also be entitled to act as Respondent.
- 43.5 On determining an appeal, the court may:
- dismiss the appeal;
 - substitute for the decision appealed against any other decision which could have been made by the Licensing Authority; or
 - remit the case to the Licensing Authority to dispose of it in accordance with the direction of the Court.
- 43.6 The Court may make such order as to costs as it thinks fit. The Court, on hearing the appeal, may therefore review the merits of the decision on the facts and consider points of law or address both.
- 43.7 In anticipation of appeals, the Licensing Authority will give comprehensive reasons for its decisions.
The Licensing Authority will also address the extent to which the decision has been made with regard to its statement of licensing policy and the Guidance.
- 43.8 The Licensing Authority will not delay the implementation of a decision of the Magistrates Court and necessary action will be taken forthwith unless ordered by a higher court to suspend such action. The 2003 Act, except in relation to Closure Orders, does not provide for a further appeal against the decision of a Magistrates' Court and normal rules of challenging decisions of Magistrates' Courts will apply.

44. POLICY REVIEW

- 44.1 The policy takes effect on 7 January 2011 and will remain in force for not more than three years. It will be subject to periodic reviews and further consultation.
- 44.2 The Council is required to review its policy statement every three years.
- 44.3 The Council may review its policy at any time within those three years should it consider it appropriate to do so.
- 44.4 The process of on-going reviews will be incorporated into the business of the Licensing Act 2003 Committee.
- 44.5 Changes to the policy will be subject to consultation as set out in the Secretary of State's guidance.

45. PROCEDURAL REQUIREMENTS RELATING TO THE HEARING OF APPLICATIONS OF SUB-COMMITTEE

- 45.1 The Licensing Authority will draw up the procedures to be followed in hearings.

46. ADVICE AND GUIDANCE

46.1 Advice and guidance can be obtained by contacting the Council.

Telephone: 01257 515151

Email: contact@chorley.gov.uk

Website: www.chorley.gov.uk

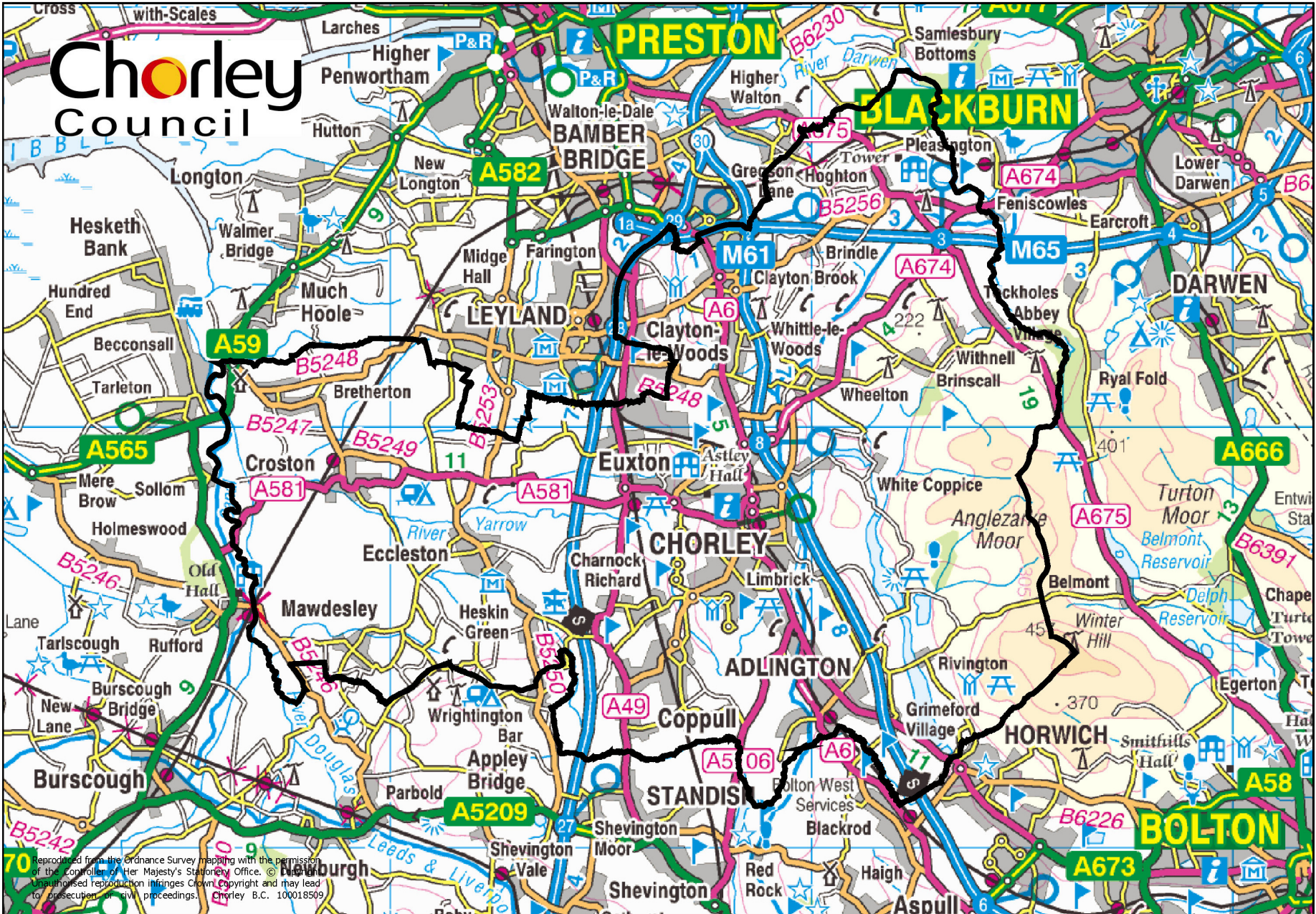
46.2 Further general advice on the Licensing Act 2003 can be obtained from the Governments Home Office website:

www.homeoffice.gov.uk

46.3 Contact details for responsible authorities can be found in Appendix 6.

46.4 Informal discussions to resolve potential problems and avoid unnecessary hearings and appeals will be encouraged.

Chorley Council



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GLOSSARY OF TERMS**Appendix 2****Licensable activities and qualifying club activities are defined in the Licensing Act as:**

- (i) the sale by retail of alcohol
- (ii) the supply of alcohol by or on behalf of a club, or to the order of, a member of the club
- (iii) the provision of regulated entertainment
- (iv) the provision of late night refreshment for those purposes the following licensable activities are also qualifying club activities
 - the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club for consumption on the premises where the supply takes place
 - the sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place
 - the provision of regulated entertainment where that provision is by or on behalf of a club for members of the club or members of the club and their guests.

Regulated Entertainment is defined as:

- (a) a performance of a play
- (b) an exhibition of a film
- (c) an indoor sporting event
- (d) a boxing or wrestling entertainment
- (e) a performance of live music
- (f) any playing of recorded music
- (g) a performance of dance
- (h) entertainment of a similar description to that falling with paragraph (e), (f) or (g) where the entertainment takes place in the presence of an audience and is provided for the purpose, or for the purposes which include the purpose, of entertaining that audience. Any reference to an audience includes a reference to spectators. This definition is subject to Part 3 of Schedule 1 to the Licensing Act 2003 (interpretation).

Entertainment Facilities are defined as:

Facilities for enabling persons to take part in entertainment of a description falling within those mentioned above for the purpose, or for the purposes which include the purpose, of being entertained. The descriptions of entertainment are making music, dancing, and entertainment of a similar description to that falling within those mentioned above. This definition is subject to Part 3 of Schedule 1 to the Licensing Act 2003 (interpretation).

Interested Party is defined as:

- (i) a person living in the vicinity of the premises
- (ii) a body representing persons who live in that vicinity
- (iii) a person involved in a business in that vicinity
- (iv) a body representing persons involved in such business

Responsible Authority is defined as:

- (i) the Chief Officer of Police for any Police area in which the premises are situated
- (ii) the Fire Authority for any area in which the premises are situated
- (iii) the enforcing authority within the meaning given by Section 18 of the Health and Safety at Work etc. Act 1974 for any area in which the premises are situated
- (iv) the local planning authority within the meaning given by the Town and Country Planning Act 1990 (c.8) for any area in which the premises are situated
- (v) the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health
- (vi) a body which:
 - represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm, and
 - is recognised by the licensing authority for that area for the purposes of this section as being competent to advise it on such matters
- (vii) in relation to a vessel:
 - a navigation authority (within the meaning of Section 221(1) of the Water Resources Act 1991 (C.57) having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is, or is proposed to be, navigated at a time when it is used for licensable activities.
 - the Environment Agency
 - the British Waterways Board, or
 - the Secretary of State
 - a person prescribed for the purpose of this subsection

Temporary Event is defined as:

the use of premises for one or more of the licensable activities during a period not exceeding 96 hours usually where a premises licence covering the licensable activity is not in place.

Provision of late night refreshment is defined as:

the provision of hot food or hot drink to members of the public, or a section of the public, on or from any premises, whether for consumption on or off the premises between 11pm and 5am
or

at any time between those hours when members of the public, or a section of the public, are admitted to any premises, a person supplies, or holds himself willing to supply, hot food or hot drink to any persons, or to persons of a particular description, on or from those premises, whether for consumption on or off the premises.

Hot food or hot drink is defined as:

Food or drink supplied on or from any premises is 'hot' for the purposes of Schedule 2 to the Act if the food or drink, or any part of it:

- (i) before it is supplied, is heated on the premises or elsewhere for the purpose of enabling it to be consumed at a temperature above the ambient air temperature and, at the time of supply, is above that temperature,
or
- (ii) after it is supplied, may be heated on the premises for the purpose of enabling it to be consumed at a temperature above the ambient air temperature

Private Event The Licensing Authority defines this as:

An event, where a licensable or other activity takes place, to which the public do not have access. Such an event would be defined as regulated entertainment, and therefore licensable, only if it is provided for consideration and with a view to a profit. For example, a charge to those attending a private event to cover the costs of the entertainment, and no other purpose, would not make the entertainment licensable, as this would not be with a view to a profit. It would be irrelevant if a profit might inadvertently be made as long as there had not been an intention to make a profit.

Incidental music The Licensing Authority defines this as:

Where in certain circumstances the performance of live music, or the playing of recorded music is incidental to another activity, which is not in itself entertainment or entertainment facilities. If the volume of the live or recorded music predominates over the other activities, this would generally not be regarded as incidental.

As the Act does not define “incidental” the Licensing Authority will judge whether music of this kind is incidental to other activities on a case by case basis.

Relevant representation

A representation would only be ‘relevant’ if it relates to the likely effect of the grant to the licence on the promotion of at least one of the four Licensing Objectives.

For example, a representation from a local businessman which argues that his business would be commercially damaged by a new business for which an application is being made under Part 3 of the Act would not be relevant - this is a commercial matter.

However, if a representation to the effect that nuisance caused by the new business would deter customers from entering the area and the steps proposed by the applicant to control the nuisance are inadequate would amount to a relevant representation.

Repetitious representation

This matter is decided on its own merits, however a ‘repetitious representation’ would be categorised as being similar, or of a similar nature, to a previous representation which has already been decided upon.

Frivolous representation

This matter is decided on its own merits, however these representations are categorised by a lack of seriousness. A trivial complaint may not always be frivolous, but it would have to be pertinent to be relevant.

Vexatious representation

This matter is decided on its own merits, however vexation may arise because of disputes between rival businesses or persons.

Appendix 3**POOL OF STANDARD AND MANDATORY CONDITIONS****Conditions relating to the prevention of crime and disorder**

It should be noted in particular that it is unlawful under the 2003 Act:

- knowingly to sell or supply or attempt to sell or supply alcohol to a person who is drunk
- knowingly to allow disorderly conduct on licensed premises
- for the holder of a premises licence or a designated premises supervisor knowingly to keep or to allow to be kept on licensed premises any goods that have been imported without payment of duty or which have otherwise been unlawfully imported
- to allow the presence of children under 16 who are not accompanied by an adult between midnight and 5am at any premises licensed for the sale of alcohol for consumption on the premises, and at any time in premises used exclusively or primarily for the sale and consumption of alcohol

Conditions enforcing these arrangements are therefore unnecessary.

1. Pool of Standard Conditions - General

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, when responsible authorities are considering such applications and when licensing authorities are considering applications following the receipt of any relevant representations from a responsible authority or interested party, the following options should be considered as measures which, if necessary, would promote the prevention of crime and disorder.

Whether or not any risk assessment shows these options to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved. It should also be borne in mind that club premises operate under codes of discipline to ensure the good order and behaviour of members.

Necessary conditions for the licence or certificate will also depend on local knowledge of the premises.

Under no circumstances should the following measures be regarded as standard conditions to be automatically imposed in all cases. They are designed to provide a range of possible conditions drawn from experience relating to differing situations and to offer guidance.

Any individual preparing an operating schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution.

Text/Radio pagers

Text and radio pagers connecting premises licence holders, designated premises supervisors, managers of premises and clubs to the local police can provide for rapid response by the police to situations of disorder which may be endangering the customers and staff on the premises.

Such pagers provide two-way communication, both enabling licence holders, managers, designated premises supervisors and clubs to report incidents to the police, and enabling the police to warn those operating a large number of other premises of potential trouble-makers or individuals suspected of criminal behavior who are about in a particular area. Pager systems can also be used by licence holders, door supervisors, managers, designated premises supervisors and clubs to warn each other of the presence in an area of such people.

The Secretary of State recommends that text or radio pagers should be considered appropriate necessary conditions for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. Following individual consideration of the particular circumstances of the venue, such conditions may also be appropriate and necessary in other areas for the prevention of crime and disorder.

It is recommended that a condition requiring the text/radio pager links to the police should include the following elements:

- a requirement that the text/pager equipment is kept in working order at all times;
- a requirement that the pager link be activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public;
- a requirement that any police instructions /directions are complied with whenever given; and
- a requirement that all instances of crime or disorder are reported via the text/radio pager link by the designated premises supervisor or a responsible member of staff to an agreed police contact point.

Door supervisors

Conditions relating to the provision of door supervisors and security teams may be valuable in:

- preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
- keeping out excluded individuals (subject to court bans or imposed by the licence holder);
- searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and
- maintaining orderly queuing outside of venues prone to such queuing.

Where door supervisors conducting security activities are to be a condition of a licence, which means that they would have to be registered with the Security Industry Authority, conditions may also need to deal with the number of such supervisors, the displaying of name badges, the carrying of proof of registration, where and at what times they should be stationed on the premises, and whether at least one female supervisor should be available (for example, if female customers are to be the subject of body searches). Door supervisors also have a role to play in ensuring public safety.

Bottle bans

Glass bottles may be used as weapons inflicting more serious harm during incidents of disorder. A condition can prevent sales of drinks in glass bottles for consumption on the premises.

It is recommended that a condition requiring that no sales of beverages in glass bottles for consumption on the premises should be expressed in clear terms and include the following elements:

- no bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar;
- no customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public (note: this needs to be carefully worded where off sales also take place);
- In appropriate circumstances, the condition could include exceptions, for example, as follows:
- but bottles containing wine may be sold for consumption with a table meal by customers who are seated in an area set aside from the main bar area for the consumption of food.

Plastic containers and toughened glass

Glasses containing drinks may be used as weapons during incidents of disorder and in untoughened form, can cause very serious injuries. Consideration could therefore be given to conditions requiring either the use of plastic containers or toughened glass which inflicts less severe injuries where considered necessary. Location and style of the venue and the activities carried on there would be particularly important in assessing whether a condition is necessary. For example, the use of glass containers on the terraces of some outdoor sports grounds may obviously be of concern, and similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of such plastic containers or toughened glass during the televising of live sporting events, such as international football matches, when high states of excitement and emotion fuelled by alcohol might arise, may be a necessary condition.

It should be noted that the use of plastic or paper drinks containers and toughened glass may also be relevant as measures necessary to promote public safety (see Annex E).

CCTV

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions should not just consider a requirement to have CCTV on the premises, but also the precise sighting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time.

The police should provide individuals conducting risk assessments when preparing operating schedules with advice on the use of CCTV to prevent crime.

Open containers not to be taken from the premises

Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. Where premises are licensed for the sale of alcohol for consumption off the premises that would be entirely lawful. However, consideration should be given to a condition preventing the taking of alcoholic and other drinks from the premises in open containers (e.g. glasses and opened bottles). This may again be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

Restrictions on drinking areas

It may be necessary to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from the bar. An example would be at a sports ground where the police consider it necessary to prevent the consumption of alcohol on the terracing of sports grounds during particular sports events. Such conditions should not only specify these areas, but indicate the circumstances in which the ban would apply and times at which it should be enforced.

Capacity limits

Although most commonly made a condition of a licence on public safety grounds, consideration should also be given to conditions which set capacity limits for licensed premises or clubs where it may be necessary to prevent overcrowding which can lead to disorder and violence. Where such a condition is considered necessary, consideration should also be given to whether door supervisors would be needed to ensure that the numbers are appropriately controlled.

Proof of age cards

It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent such crimes, it may be necessary to require a policy to be applied at certain licensed premises requiring the production of "proof of age" before such sales are made. This should not be limited to recognised "proof of age" cards, but allow for the production of other proof, such as photo driving licences, student cards and passports. The Secretary of State strongly supports the PASS accreditation system (see paragraph 12.8 of the Guidance) which aims to approve and accredit various proof of age schemes that are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security, and where appropriate and necessary, conditions may refer directly to PASS accredited proof of age cards, photo-driving licences and passports.

It should be noted that many adults in England and Wales do not currently carry any proof of age. This means that the wording of any condition will require careful thought. For example, the requirement might be to ensure sight of evidence of age from any person appearing to those selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol. This would ensure that most minors - even those looking older - would need to produce proof of age appropriately before making such a purchase. Under such an arrangement only a minority of adults might be affected, but for the majority there would be no disruption to their normal activity, for example, when shopping in a supermarket.

Crime prevention notices

It may be necessary at some premises for notices to be displayed which warn customers of the prevalence of crime which may target them. Some premises may be reluctant to volunteer the display of such notices for commercial reasons. For example, in certain areas, a condition attached to a premises licence or club premises certificate might require the displaying of notices at the premises which warn customers about the need to be aware of pickpockets or bag snatchers, and to guard their property. Similarly, it may be necessary for notices to be displayed which advise customers not to leave bags unattended because of concerns about terrorism. Consideration could be given to a condition requiring a notice to display the name of a contact for customers if they wish to report concerns.

Drinks promotions

As from April 2010 a Mandatory Licensing Condition exists which deals with irresponsible promotions. This paragraph should be read in conjunction with the condition and any current associated guidance to ensure effective enforcement of irresponsible promotions.

However, standardised conditions (other than the mandatory condition) should not be attached to premises licences or club premises certificates which promote fixed prices for alcoholic drinks. It is also likely to be unlawful for licensing authorities or police officers to promote voluntary arrangements of this kind. This can risk creating cartels. Using conditions to control the prices of alcoholic drinks in an area may also breach competition law. Conditions tailored to the individual circumstances of particular premises which address irresponsible drinks promotions may be permissible provided they are necessary for the promotion of the licensing objectives, but licensing authorities should take their own legal advice before a licence or certificate is granted in that form. Judgments may be subjective, and on occasions, there will be a very fine line between responsible and irresponsible promotions but an even greater distinction to whether the promotion in question can be subject to the imposition of a condition. It is therefore vital that such matters are considered objectively in the context of the licensing objectives and with the benefit of appropriate legal advice.

In addition, when considering any relevant representations which demonstrate a clear causal link between sales promotions or discounting and levels of crime and disorder on or in the vicinity of the premises, it would be appropriate for the licensing authority to consider whether the imposition of a new condition prohibiting irresponsible sales promotions or discounting of prices of alcoholic beverages is necessary at those premises. However, before pursuing any form of restrictions at all, licensing authorities should take their own legal advice.

Signage

It may be necessary for the normal hours under the terms of the premises licence or club premises certificate at which licensable activities are permitted to take place to be displayed on or immediately outside the premises so that it is clear if breaches of the terms of the licence or certificate are taking place.

Similarly, it may be necessary for any restrictions on the admission of children to be displayed on or immediately outside the premises so that the consequences of breaches of these conditions would also be clear and to deter those who might seek admission in breach of those conditions.

Large capacity venues used exclusively or primarily for the "vertical" consumption of alcohol (HVVDs)

Large capacity "vertical drinking" premises, sometimes called High Volume Vertical Drinking establishments (HVVDs), are premises with exceptionally high capacities, used primarily or exclusively for the sale and consumption of alcohol, and have little or no seating for patrons.

Where necessary and appropriate, conditions can be attached to premises licences for the promotion of the prevention of crime and disorder at such premises (if not volunteered by the venue operator and following representations on such grounds) which require adherence to:

a prescribed capacity;

an appropriate ratio of tables and chairs to customers based on the capacity; and

the presence of SIA registered security teams to control entry for the purpose of compliance with the capacity limit.

2. Pool of Standard Conditions Relating to Public Safety (including fire safety)

It should be noted that conditions relating to public safety should be those which are necessary, in the particular circumstances of any individual premises or club premises, and should not duplicate other requirements of the law. Equally, the attachment of conditions to a premises licence or club premises certificate will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation including the Health and Safety at Work etc. Act **1974**, associated regulations and especially the requirements under the Management of Health and Safety at Work Regulations **1999** and the Fire Precautions (Workplace) Regulations **1997** to undertake risk assessments. Employers should assess the risks, including risks from fire, and take measures necessary to avoid and control these risks. Conditions enforcing those requirements would therefore be unnecessary.

General

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, responsible authorities are considering such applications and licensing authorities are considering applications following the receipt of relevant representations from a responsible authority or interested party, the following options should be considered as measures that, if necessary, would promote public safety. Additional matters relating to cinemas and theatres are considered in Annex F. It should also be recognised that special issues may arise in connection with outdoor and large-scale events.

Whether or not any risk assessment shows any of the measures to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

Necessary conditions for the licence or certificate will also depend on local knowledge of the premises.

In addition, to considering the points made in this Annex, those preparing operating schedules or club operating schedules, licensing authorities and responsible authorities should consider:

- Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance ISBN 1 904031 11 0 (Entertainment Technology Press - ABTT Publications)
- The Event Safety Guide - A guide to health, safety and welfare at music and similar events (HSE 1999)("The Purple Book") ISBN 0 7176 2453 6
- Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X
- 5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 07176 15804
- The Guide to Safety at Sports Grounds (The Stationery Office, 1997) ("The Green Guide") ISBN 0 11 3000962
- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network, copies of which may be obtained through: www.streetartsnetwork.org.uk/pages/publications.htm
- The London District Surveyors Association's "Technical Standards for Places of Public Entertainment" ISBN 0 9531229 2 1

The following British Standards should also be considered:

- BS 5588 Part 6 (regarding places of assembly)
- BS 5,588 Part 9 (regarding ventilation and air conditioning systems)
- BS 5588 Part 9 (regarding means of escape for disabled people)•BS 5839 (fire detection, fire alarm systems and buildings)
- BS 5266 (emergency lighting systems)

However, in consulting these texts, which were prepared prior to the coming into force of the Licensing Act 9,003, those creating operating schedules or club operating schedules, licensing authorities and responsible authorities should again note that under no circumstances should any conditions be regarded as standard for all premises.

Any individual preparing an operating schedule or club operating schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution.

Disabled people

In certain premises where existing legislation does not provide adequately for the safety of the public, consideration might also be given to conditions that ensure that:

- when disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency; and
- disabled people on the premises are made aware of those arrangements.

Escape routes

It may be necessary to include conditions relating to the maintenance of all escape routes and exits including external exits. These might be expressed in terms of the need to ensure that such exits are kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified. In restaurants and other premises where chairs and tables are provided this might also include ensuring that internal gangways are kept unobstructed.

In certain premises where existing legislation does not provide adequately for the safety of the public, consideration might also be given to conditions that ensure that:

- all exits doors are easily opened without the use of a key, card, code or similar means;
- doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check kept;
- any removable security fastenings are removed whenever the premises are open to the public or occupied by staff;
- all fire doors are maintained effectively self-closing and shall not be held open other than by approved devices (for example, electromagnetic releases operated by smoke detectors);
- fire resisting doors to ducts, service shafts, and cupboards shall be kept locked shut; and the edges of the treads of steps and stairways are maintained so as to be conspicuous.

Safety checks

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- safety checks are carried out before the admission of the public; and
- details of such checks are kept in a Logbook.

Curtains, hangings, decorations and upholstery

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- hangings, curtains and temporary decorations are maintained in a flame-retardant condition; any upholstered seating meets on a continuous basis the pass criteria for smoldering ignition source 0, flaming ignition source 1 and crib ignition source 5 when tested in accordance with section 5 of BS 5852:1990;
- curtains, hangings and temporary decorations are arranged so as not to obstruct exits, fire safety signs or fire-fighting equipment; and
- temporary decorations are not used without prior notification to the licensing authority/fire authority.

Accommodation limits

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- arrangements are made to ensure that any capacity limit imposed under the premises licence or club premises certificate are not exceeded; and
the licence holder, a club official, manager or designated premises supervisor should be aware of the number of people on the premises and required to inform any authorised person on request.

Fire action notices

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- notices detailing the actions to be taken in the event of fire or other emergencies, including how the fire brigade should be summoned, are prominently displayed and protected from damage and deterioration.

Outbreaks of fire

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- the fire brigade must be called at once to any outbreak of fire, however slight, and the details recorded in a Fire Log-book.

Loss of water

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- the local Fire Control Centre are notified as soon as possible if the water supply to any hydrant, hose reel, sprinkler, drencher or other fire extinguishing installation is cut off or restricted.

Access for emergency vehicles

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- access for emergency vehicles is kept clear and free from obstruction.

First aid

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- adequate and appropriate supply of first aid equipment and materials is available on the premises;
- if necessary, at least one suitably trained first-aider shall be on duty when the public are present; and if more than one suitably trained first-aider that their respective duties are clearly defined.

Lighting

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- in the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be fully in operation when they are present;
- fire safety signs are adequately illuminated;
- emergency lighting is not altered;
- emergency lighting batteries are fully charged before the admission of the public, members or guests; and
- in the event of the failure of normal lighting, where the emergency lighting battery has a capacity of one hour, arrangements are in place to ensure that the public, members or guests leave the premises within 9,0 minutes unless within that time normal lighting has been restored and the battery is being re-charged; and, if the emergency lighting battery has a capacity of three hours, the appropriate period by the end of which the public should have left the premises is one hour.

Temporary electrical installations

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- temporary electrical wiring and distribution systems are not provided without [notification to the licensing authority at least ten days before commencement of the work] [prior inspection by a suitable qualified electrician];
- temporary electrical wiring and distribution systems shall comply with the recommendations of BS 7671 or where applicable BS 7909; and
- where they have not been installed by a competent person, temporary electrical wiring and distribution systems are inspected and certified by a competent person before they are put to use.

With regard to the first bullet above, it should be recognised that ten days notice may not be possible where performances are supported by outside technical teams. For example, where temporary electrical installations are made in theatres for television show performances. In such circumstances, the key requirement is that conditions where necessary should ensure that temporary electrical installations are only undertaken by competent qualified persons, for example, employed by the television company.

Indoor sports entertainments

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- if necessary, an appropriately qualified medical practitioner is present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature;
- where a ring is involved, it is constructed and supported by a competent person and inspected by a competent authority and any material used to form the skirt around the ring is flame-retardant;
- at any wrestling or other entertainments of a similar nature members of the public do not occupy any seat within 2.5 metres of the ring; and
- at water sports entertainments, staff adequately trained in rescue and life safety procedures are stationed and remain within the vicinity of the water at all material times (see also Managing Health and Safety in Swimming Pools issued jointly by the Health and Safety Commission and Sport England).

Alterations to the premises

Premises should not be altered in such a way as to make it impossible to comply with an existing licence condition without first seeking a variation of the premises licence proposing the deletion of the condition relating to public safety in question. The applicant will need to propose in a new operating schedule reflecting the proposed alteration to the premises how he or she intends to take alternative steps to promote the public safety objective. The application for variation will enable the responsible authorities with expertise in safety matters to consider whether the proposal is acceptable.

Special effects

The use of special effects in venues of all kinds being used for regulated entertainment is increasingly common and can present significant risks. Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff

Specials effects which should be considered include:

- dry ice machines and cryogenic fog;
- smoke machines and fog generators;
- pyrotechnics, including fireworks;
- real flame;
- firearms;
- motor vehicles;
- strobe lighting;
- lasers (see HSE Guide The Radiation Safety of lasers used for display purposes [HS(G)95] and BS EN 60825: Safety of laser products);
- explosives and highly flammable substances.

In certain circumstances, it may be necessary to require that certain special effects are only used with the prior notification of the licensing authority or [inspection by] the fire authority.

Theatres, cinemas, concert halls and similar places (promotion of public safety)

In addition to the points made in Annex E, there are particular matters in the context of public safety and fire safety which should be considered in connection with theatres and cinemas. The principle remains that conditions must be necessary and should be established through risk assessment and standardised conditions should be avoided. The points which follow are for consideration and do not represent a mandatory list.

Premises used for closely seated audiences

Attendants

- (a) The number of attendants on each floor in a closely seated auditorium should be as set out on the table below:

Number of members of the audience present on a floor,	Minimum number of attendants required to be present on that floor
1-100	One
101-250	Two
251-500	Three
501-750	Four
751 -1000	Five
And one additional attendant for each additional 250 persons (or part thereof)	

- (b) Attendants shall not be engaged in any duties that would hinder the prompt discharge of their duties in the event of an emergency or entail their absence from that floor or auditorium where they are on duty.
- (c) Any attendant shall be readily identifiable to the audience (but this need not entail the wearing of a uniform).
- (d) The premises shall not be used for a closely seated audience except in accordance with seating plan(s), a copy of which is available at the premises and shall be shown to any authorised person on request.
- (e) No article shall be attached to the back of any seat which would reduce the clear width of seat ways or cause a tripping hazard or obstruction.
- (f) A copy of any certificate relating to the design, construction and loading of any temporary seating shall be kept available at the premises and shall be shown to any authorised person on request.

Standing and sitting in gangways etc.

- (a) Sitting on floors shall not be permitted except where authorised in the premises licence or club premises certificate.
- (b) Waiting or standing shall not be permitted except in areas designated in the premises licence or club premises certificate.
- (c) In no circumstances shall anyone be permitted to:
 - (i) sit in any gangway;
 - (ii) stand or sit in front of any exit; or
 - (iii) stand or sit on any staircase including any landings.

Drinks

Except as authorised by the premises licence or club premises certificate, no drinks shall be sold to or be consumed by a closely seated audience except in plastic and paper containers.

Balcony Fronts

Clothing or other objects shall not be placed over balcony rails or upon balcony fronts.

Special effects

Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff.

Specials effects include:

- dry ice machines and cryogenic fog;
- smoke machines and fog generators;
- pyrotechnics, including fireworks;
- real flame;
- firearms;
- motor vehicles;
- strobe lighting;

- lasers (see HSE Guide The Radiation Safety of lasers used for display purposes [HS(G)95] and BS EN 60825: Safety of laser products);
- explosives and highly flammable substances.

In certain circumstances, it may be necessary to require that certain special effects are only used with the prior notification of the licensing authority or [inspection by] fire authority.

Scenery

Any scenery should be maintained flame-retardant.

Safety curtain

Where a safety curtain is provided, it should be arranged so as to protect the audience from the effects of a fire or smoke on stage for sufficient time to enable the safe evacuation of the auditorium.

Where a stage with a proscenium arch is not equipped with a safety curtain, any curtains provided between the stage and the auditorium should be heavyweight and be made of non-combustible material or inherently or durably treated flame-retardant fabric.

Ceilings

All ceilings in those parts of the premises to which the audience are admitted should be inspected by a suitably qualified person who will decide when a further inspection would be necessary and a certificate concerning the condition of the ceilings forwarded to the licensing authority.

Seating

Where the potential audience exceeds 250 all seats in the auditorium should, except in boxes accommodating not more than 8 persons, be either securely fixed to the floor or battened together in lengths of not fewer than four or more than twelve.

Premises used for film exhibitions

Attendants - premises without a staff alerting system

Where the premises are not equipped with a staff alerting system the number of attendants present should be as set out in the table below:

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty
1-250	Two
And one additional attendant for each additional 250 members of the audience present (or part thereof)	
Where there are more than 150 members of an audience in any auditorium or on any floor	At least one attendant shall be present in any auditorium or on any floor

Attendants - premises with a staff alerting system

- (a) Where premises are equipped with a staff alerting system the number of attendants present should be as set out in the table below:

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty	Minimum number of other staff on the premises who are available to assist in the event of an emergency
1-500	Two	One
501-1000	Three	Two
1001-1500	Four	Four
1501. or more	Five plus one for every 500 (or part thereof) persons over 2000 on the premises	Five plus one for every 500(or part thereof) persons over 2000 on the premises

- (b) Staff shall not be considered as being available to assist in the event of an emergency if they are:
 - (i) the holder of the premises licence or the manager on duty at the premises; or
 - (ii) a member of staff whose normal duties or responsibilities are likely to significantly affect or delay his response in an emergency situation; or
 - (iii) a member of staff whose usual location when on duty is more than 60 metres from the location to which he is required to go on being alerted to an emergency situation.
- (c) Attendants shall as far as reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the audience have access.
- (d) The staff alerting system shall be maintained in working order.

Minimum lighting

The level of lighting in the auditorium should be as great as possible consistent with the effective presentation of the film; and the level of illumination maintained in the auditorium during the showing of films would normally be regarded as satisfactory if it complies with the standards specified in BS CP 1007 (Maintained Lighting for Cinemas).

Flammable films

No flammable films should be allowed on the premises without the prior notification of the licensing authority/fire authority.

2. Pool of Standard Conditions Relating to the Prevention of Public Nuisance

It should be noted that provisions of the Environmental Protection Act 1990 and the Noise Act 1996 provide some protection to the general public from the effects of noise nuisance. In addition, the provisions in Part 8 of the Licensing Act 2003 enable a senior police officer to close down instantly for up to 24 hours licensed premises and premises carrying on temporary permitted activities that are causing nuisance resulting from noise emanating from the premises. These matters should be considered before deciding whether or not conditions are necessary for the prevention of public nuisance.

General

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, responsible authorities are considering such applications and licensing authorities are considering applications following the receipt of relevant representations from a responsible authority or interested party, the following options should be considered as measures that, if necessary, would promote the prevention of public nuisance.

Whether or not any risk assessment shows them to be necessary -in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

Necessary conditions for licences and certificates will also depend on local knowledge of the premises.

Hours

The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted (other than where they are protected by the transitional provisions of the Licensing Act 2003) by the conditions of a premises licence or a club premises certificate for the prevention of public nuisance. But this must be balanced by the potential impact on disorder which results from artificially early fixed closing times.

Restrictions could be necessary on the times when certain licensable activities take place even though the premises may be open to the public at such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue.

Restrictions might be necessary on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises is open to the public or members and their guests, regulated entertainment might not be permitted in garden areas of the premises after a certain time.

Noise and vibration

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by a simple requirement to keep doors and windows at the premises closed, or to use noise limiters on amplification equipment used at the premises;
- prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly;
- the use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas are restricted; and
- the placing of refuse - such as bottles - into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.

Noxious smells

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- noxious smells from licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.

Light pollution

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- flashing or particularly bright lights on or outside licensed premises do not cause a nuisance to nearby properties. Any such condition needs to be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.

4. Pool of Standards Conditions Relating to the Protection of Children from Harm

It should be noted that it is unlawful under the 2003 Act to permit unaccompanied children under the age of 16 to be present on premises exclusively or primarily used for supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or a temporary event notice when open for the purposes of being used for the supply of alcohol for consumption there. In addition, it is an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5am at all premises supplying alcohol for consumption on those premises under the authorisation of any premises licence, club premises certificate or temporary event notice. Conditions duplicating these provisions are, therefore, unnecessary.

Access for children to licensed premises - in general

Restrictions on the access of children under 18 to premises where licensable activities are being carried on should be made where it is necessary to protect children from harm. Precise policy and details will be a matter for individual licensing authorities. Conditions attached to premises licences and club premises certificates may reflect the concerns of responsible authorities and interested parties who have made representations but only where the licensing authority considers it necessary to protect children from harm. Whilst applications in relation to premises licences and club premises certificates must be judged by licensing authorities on their individual merits and characteristics, the Secretary of State recommends (unless there are circumstances justifying the contrary) that:

- for any premises with known associations (having been presented with evidence) with or likely to give rise to heavy or binge or underage drinking, drugs, significant gambling, or any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there should be a strong presumption against permitting any access at all for children under 18 years. Applicants wishing to allow access for children to premises where these associations may be relevant, when preparing operating schedules or club operating schedules or variations of those schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:
 - explain their reasons; and
 - outline in detail the steps that they intend to take to protect children from harm on such premises.
- for any premises, not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 11.00pm in the evening, there should be a presumption against the presence of children under the age of 12 unaccompanied by adults after that time. Applicants wishing to allow access when preparing operating

schedules or variations of those schedules or club operating schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:

- explain their reasons; and
- outline in detail the steps that they intend to take to protect children from harm on such premises.
- in any other case, subject to the premises licence holder's or club's discretion, the expectation would be for unrestricted access for children subject to the terms of the 2003 Act. An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely, which would mean there would be no need to detail in the operating schedule steps that the applicant proposes to take to promote the protection of children from harm. Otherwise, where entry is to be permitted, the operating schedule should outline the steps to be taken to promote the protection of children from harm while on the premises.

Age Restrictions –specific

Under the 2003 Act a wide variety of licensable activities could take place at various types of premises and at different times of the day and night. Whilst it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place, licensing authorities following relevant representations made by responsible authorities and interested parties will need to consider a range of conditions that are to be tailored to the particular premises and their activities where these are necessary. Licensing authorities are expected to consider:

- the hours of day during which age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 8.00pm does not mean that it would be necessary to impose age restrictions for earlier parts of the day;
- types of event or activity in respect of which no age restrictions may be needed, for example;
 - family entertainment; or
 - non-alcohol events for young age groups, such as under 18s dances,
- Similarly, types of event or activity which give rise to a more acute need for age restrictions than normal, for example;
 - during "Happy Hours" or on drinks promotion nights;
 - during activities outlined in the first bullet point in the first paragraph above.

Age restrictions – cinemas

The Secretary of State considers that, in addition to the mandatory condition imposed by virtue of section 20, requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 or by the licensing authority itself, conditions restricting the admission of children to film exhibitions should include:

- a condition that where the licensing authority itself is to make recommendations on the admission of children to films, the cinema or venue operator must submit any film to the authority that it intends to exhibit 28 days before it is proposed to show it. This is to allow the authority time to classify it so that the premises licence holder is able to adhere to any age restrictions then imposed;
- a condition that when films are classified, by either the film classification body as specified in the licence or the licensing authority, they should be classified in the following way:

- U Universal. Suitable for audiences aged four years and over
 - PG Parental Guidance. Some scenes may be unsuitable for young children.
 - 12A Passed only for viewing by persons aged 12 years or older or persons younger than 19, when accompanied by an adult.
 - 15 Passed only for viewing by persons aged 15 years and over.
 - 18 Passed only for viewing by persons aged 18 years and over.
- that conditions specify that immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film.
 - a condition that when a licensing authority has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer. Such a condition might be expressed in the following terms:

"Where a programme includes a film recommended by the licensing authority as falling into the 12A, 15 or 18 category no person appearing to be under the age of 12 and unaccompanied, or under 15 or 18 as appropriate, shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms –

PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE] CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction.

This condition does not apply to members of staff under the relevant age while on-duty provided that the prior written consent of the person's parent or legal guardian has first been obtained."

Theatres

The admission of children to theatres, as with other licensed premises, is not expected to normally be restricted unless it is necessary to promote the licensing objective of the protection of children from harm. However, theatres may be the venue for a wide range of activities. The admission of children to the performance of a play is expected to normally be left to the discretion of the licence holder and no condition restricting the access of children to plays should be attached. However, theatres may also present entertainment including, for example, variety shows, incorporating adult entertainment. A condition restricting the admission of children in such circumstances may be necessary. Entertainment may also be presented at theatres specifically for children (see below).

Licensing authorities are also expected to consider whether a condition should be attached to a premises licence which requires the presence of a sufficient number of adult staff on the premises to ensure the well being of children present on the premises during any emergency (See Annex F).

Performances especially for children

Where performances are presented especially for unaccompanied children in theatres and cinemas conditions are anticipated to be needed which require:

- an attendant to be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof.

Licensing authorities are expected, having regard to any representations made by responsible authorities on the issue, to also consider whether or not standing should be allowed. For example, there may be reduced risk for children in the stalls than at other levels or areas in the building.

Children in performances

There are many productions each year that are one-off shows where the cast is made up almost entirely of children. They may be taking part as individuals or as part of a drama club, stage school or school group. The age of those involved may range from 5 to 18. The Children (Performances) Regulations 1968 as amended set out requirements for children performing in a show. Licensing authorities should familiarise themselves with the requirements of these Regulations and not duplicate any of these requirements. However, if it is necessary to consider imposing conditions, in addition to these requirements, for the promotion of the protection of children from harm then the licensing authority should consider the matters outlined below:

- Venue - the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance.
- Fire safety - all chaperones and production crew on the show should receive instruction on the fire procedures applicable to the venue prior to the arrival of the children.
- Special effects - it may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children.
- Care of children - theatres, concert halls and similar places are places of work and may contain a lot of potentially dangerous equipment. It is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks

The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with. The Code is an important mechanism in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may appeal to or attract minors.

Where appropriate and necessary, consideration can be given to attaching conditions to premises licences and club premises certificates that require compliance with the Portman Group's Retailer Alert Bulletins.

Proof of Age cards

Proof of age cards are discussed under Annex D in connection with the prevention of crime and disorder. However, where necessary and appropriate, a requirement for the production of proof of age cards before any sale of alcohol is made could be attached to any premises licence or club premises certificate for the protection of children from harm. Any such requirement should not be limited to recognised "proof of age" cards, but allow for the production of other proof, such as photo-driving licences and passports. The Secretary of State strongly supports the PASS accreditation system (see paragraph 12.8 of the Guidance) which aims to approve and accredit various proof of age schemes that are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security, and where appropriate and necessary, conditions may refer directly to PASS accredited proof of age cards, photo-driving licences, student cards and passports. As for conditions relating to crime and disorder, it should be noted that many adults in England and Wales do not currently carry any proof of age. This means that the wording of any condition will require careful thought. For example, the requirement might be to ensure sight of evidence of age from any person appearing to those engaged in selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol. This would ensure that most minors - even those looking older - would need to produce proof of age appropriately before making such a purchase. Under such an arrangement only a minority of adults might be affected, but for the majority there would be no disruption to their normal activity, for example, when shopping in a supermarket.

Proof of age cards can also ensure that appropriate checks are made where the presence of children is restricted by age at certain times, such as 16.

5 . Statutory Qualifying Conditions for Clubs

The following qualifying conditions for clubs are extracted from the Licensing Act 2003.

Licensing Act 2003 section 62 -The general conditions

- (1) *The general conditions which a club must satisfy if it is to be a qualifying club in relation to a qualifying club activity are the following.*
- (2) *Condition 1 is that under the rules of the club persons may not –*
 - (a) *be admitted to membership, or*
 - (b) *be admitted, as candidates for membership, to any of the privileges of membership, without an interval of at least two days between their nomination or application for membership and their admission.*
- (3) *Condition 2 is that under the rules of the club persons becoming members without prior nomination or application may not be admitted to the privileges of membership without an interval of at least two days between their becoming members and their admission.*
- (4) *Condition 3 is that the club is established and conducted in good faith as a club (see section 63).*
- (5) *Condition 4 is that the club has at least 25 members.*
- (6) *Condition 5 is that alcohol is not supplied, or intended to be supplied, to members on the premises otherwise than by or on behalf of the club.*

Licensing Act 2003 section 63 - Determining whether a club is established and conducted in good faith

- (1) *In determining for the purposes of condition 3 in subsection (4) of section 62 whether a club is established and conducted in good faith as a club, the matters to be taken into account are those specified in subsection (2).*
- (2) *Those matters are -*
 - (a) *any arrangements restricting the club's freedom of purchase of alcohol;*
 - (b) *any provision in the rules, or arrangements, under which -*
 - (i) *money or property of the club, or*
 - (ii) *any gain arising from the carrying on of the club, is or may be applied otherwise than for the benefit of the club as a whole or for charitable, benevolent or political purposes;*
 - (c) *the arrangements for giving members information about the finances of the club;*
 - (d) *the books of account and other records kept to ensure the accuracy of that information;*
 - (e) *the nature of the premises occupied by the club.*
- (3) *If a licensing authority decides for any purpose of this Act that a club does not satisfy condition 3 in subsection (4) of section 62, the authority must give the club notice of the decision and of the reasons for it.*

Licensing Act 2003 section 64 - additional conditions for the supply of alcohol

- (1) *The additional conditions which a club must satisfy if it is to be a qualifying club in relation to the supply of alcohol to members or guests are the following.*
- (2) *Additional condition 1 is that (so far as not managed by the club in general meeting or otherwise by the general body of members) the purchase of alcohol for the club, and the supply of alcohol by the club, are managed by a committee whose members -*
 - (a) *are members of the club;*
 - (b) *have attained the age of 18 years; and*
 - (c) *are elected by the members of the club.*

This subsection is subject to section 65 (which makes special provision for industrial and provident societies, friendly societies etc.).

- (3) *Additional condition 2 is that no arrangements are, or are intended to be, made for any person to receive at the expense of the club any commission, percentage or similar payment on, or with reference to, purchases of alcohol by the club.*
- (4) *Additional condition 3 is that no arrangements are, or are intended to be, made for any person directly or indirectly to derive any pecuniary benefit from the supply of alcohol by or on behalf of the club to members or guests, apart from -*

- (a) *any benefit accruing to the club as a whole, or*
- (b) *any benefit which a person derives indirectly by reason of the supply giving rise or contributing to a general gain from the carrying on of the club.*

Licensing Act 2003 Section 65 Industrial and provident societies, friendly societies etc.

- (1) *Subsection (2) applies in relation to any club which is -*
 - (a) *a registered society, within the meaning of the Industrial and Provident Societies Act 1965 (c. 12)(see section 74(1) of that Act),*
 - (b) *a registered society, within the meaning of the Friendly Societies Act 1974 (c. 46) (see section 111(1) of that Act), or*
 - (c) *a registered friendly society, within the meaning of the Friendly Societies Act 1992 (c. 40) (see section 116 of that Act).*
- (2) *Any such club is to be taken for the purposes of this Act to satisfy additional condition 1 in subsection (2) of section 64 if and to the extent that -*
 - (a) *the purchase of alcohol for the club, and*
 - (b) *the supply of alcohol by the club, are under the control of the members or of a committee appointed by the members.*
- (3) *References in this Act, other than this section, to -*
 - (a) *subsection (2) of section 64, or*
 - (b) *additional condition 1 in that subsection, are references to it as read with subsection (1) of this section.*
- (4) *Subject to subsection (5), this Act applies in relation to an incorporated friendly society as it applies in relation to a club, and accordingly -*
 - (a) *the premises of the society are to be treated as the premises of a club,*
 - (b) *the members of the society are to be treated as the members of the club, and*
 - (c) *anything done by or on behalf of the society is to be treated as done by or on behalf of the club.*
- (5) *In determining for the purposes of section 61 whether an incorporated friendly society is a qualifying club in relation to a qualifying club activity, the society is to be taken to satisfy the following conditions –*
 - (a) *condition 3 in subsection (4) of section 62,*
 - (b) *condition 5 in subsection (6) of that section,*
 - (c) *the additional conditions in section 64.*
- (6) *In this section "incorporated friendly society" has the same meaning as in the Friendly Societies Act 1992 (see section 116 of that Act).*

Licensing Act 2003 Section 66 - Miners' Welfare Institutes

- (1) *Subject to subsection (2), this Act applies to a relevant miners' welfare institute as it applies to a club, and accordingly -*
- (a) *the premises of the institute are to be treated as the premises of a club,*
 - (b) *the persons enrolled as members of the institute are to be treated as the members of the club, and*
 - (c) *anything done by or on behalf of the trustees or managers in carrying on the institute is to be treated as done by or on behalf of the club.*
- (2) *In determining for the purposes of section 61 whether a relevant miners' welfare institute is a qualifying club in relation to a qualifying club activity, the institute is to be taken to satisfy the following conditions -*
- (a) *condition 3 in subsection (4) of section 62,*
 - (b) *condition 4 in subsection (5) of that section,*
 - (c) *condition 5 in subsection (6) of that section,*
 - (d) *the additional conditions in section 64.*
- (3) *For the purposes of this section -*
- (a) *"miners' welfare institute" means an association organised for the social well-being and recreation of persons employed in or about coal mines (or of such persons in particular), and*
 - (b) *a miners' welfare institute is "relevant" if it satisfies one of the following conditions.*
- (4) *The first condition is that -*
- (a) *the institute is managed by a committee or board, and*
 - (b) *at least two thirds of the committee or board consists -*
 - (i) *partly of persons appointed or nominated, or appointed or elected from among persons nominated, by one or more licensed operators within the meaning of the Coal Industry Act 1994 (c. 21), and*
 - (ii) *partly of persons appointed or nominated, or appointed or elected from among persons nominated, by one or more organisations representing persons employed in or about coalmines.*
- (5) *The second condition is that -*
- (a) *the institute is managed by a committee or board, but*
 - (b) *the making of -*
 - (i) *an appointment or nomination falling within subsection (4)(b)(i), or*
 - (ii) *an appointment or nomination falling within subsection (4)(b)(ii), is not practicable or would not be appropriate, and*
 - (c) *at least two thirds of the committee or board consists -*
 - (i) *partly of persons employed, or formerly employed, in or about coal mines, and*

- (ii) *partly of persons appointed by the Coal Industry Social Welfare Organisation or a body or person to which the functions of that Organisation have been transferred under section 12(3) of the Miners' Welfare Act 1952 (c. 23).*

(6) The third condition is that the premises of the institute are held on trusts to which section 2 of the Recreational Charities Act 1958 (c. 17) applies.

6. Mandatory Conditions

Mandatory conditions are imposed by Government by way of statutory instrument and Orders.

Mandatory conditions applied to licences and club premises Certificates

Mandatory conditions where licence authorises the supply of alcohol

- (1) No supply of alcohol may be made under the premises licence –
- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

(2) The supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory Condition where the licence permits the performance of Films

Where a programme includes a film in the 12A, 15 or 18 category, as classified by the British board of Film Classification, no person appearing to be under the age of 12 (and unaccompanied in that case), 15 or 18 as appropriate shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms-

PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE] CANNOT BE
ADMITTED TO ANY PART OF THE PROGRAMME

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction.

This condition does not apply to members of staff under the relevant age while on duty provided the prior written consent of the person's parents or legal guardian has first been obtained.

Mandatory conditions where Door Supervisors are provided

All individuals who carry out security activities must be licensed by the Security Industry Authority (SIA)

Mandatory Conditions for club Premises with off sales

1) The supply of alcohol for consumption off the club premises must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the club premises certificate, to members of the club for consumption on the premises.

2) Any alcohol supplied for consumption off the premises must be in a sealed container.

3) That any supply of alcohol for consumption off the premises must be made to a

member of the club in person.

Mandatory conditions effective from 6 April 2010 where the licence or club premises certificate permits the sale or supply of alcohol for consumption on the premises

1.—(1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—

- (i) the outcome of a race, competition or other event or process, or
- (ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Mandatory conditions effective from 1 October 2010 where the licence or club premises certificate permits the sale or supply of alcohol for consumption on the premises

4 (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be

under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5 The responsible person shall ensure that–

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures–

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures

LIST OF CONSULTEES

Appendix 4

CONSULTEES

Premises Licence Holders (10% random sample)	Local Pubwatch Group
All Parish Councils	Personal License Holders (5% random sample)
All Council Members	Lancashire Constabulary
Chorley and District Chamber of Trade	Lancashire Fire & Rescue Service
Chorley Council Planning Services	LCC Trading Standards
Chorley Council Environmental Services	LCC Directorate for Children & Young People
Chorley Council Health and Safety Services	Equity
NHS Central Lancashire	Cinema Exhibitors Assn
British Waterways	

PROTOCOL WITH LANCASHIRE FIRE AND RESCUE

Appendix 5

Inspection protocol between Local Authority licensing committees and Lancashire Fire and Rescue Service.

1 INTRODUCTION

1.1 The Licensing Act 2003 makes Local Authorities responsible for granting Licences for the sale of alcohol and carrying on certain other activities. Magistrate's court will not grant licences but will hear any appeals for failure to grant licences.

Local Authorities must register and regulate these premises. Each Local Authority must create its own Licensing policy in line with the statutory requirements.

There will effectively be two licences:

a) Personal licences held by a person to sell alcohol.

They must be operated in accordance with the Premises Licence. They will last for 10 years unless surrendered, revoked or suspended. This creates a responsible person for the operation of the business.

b) A premises licence, which will permit the premises to carry out anything they are licensed for.

This Licence authorises the holder (Licensed person) to use the premises for the purposes stated in the licence. This will last until revoked, or for a limited period. It will lapse if the holder dies, becomes insolvent, has the business dissolved or ceases to be a club. It can be surrendered.

They can be licensed for:

- Sale of alcohol for retail
- Supply of alcohol by or on behalf of a club or to a member of a club
- The provision of regulated entertainment
- The provision of late night refreshment

Examples of activities requiring a licence:

- The provision of entertainment to the public or members of a club
- A theatrical performance
- A film exhibition
- Any indoor sporting event (boxing, snooker, pool, darts.)
- The provision of warm refreshments between 2300 and 0530
- The playing of recorded music
- A dance performance
- The provision of facilities for dancing or for making music

- 1.2 When making a policy, Local Authorities must expressly consult with the Fire Authority, Police and other interested parties such as Brewery associations and local residents.

Licences will only be granted if the four licensing objectives can be met:

- The prevention of crime and disorder
- Public safety
- The prevention of nuisance
- The protection of children from harm

1.3 Objections

For licensing applications objections can be made by interested parties and Responsible Authorities within a specified time period (not yet known).

Responsible Authorities:

- Police
- Fire Service

Temporary Event Notices

This is a way of avoiding having to apply for either a premises licence or a personal licence (to sell alcohol). They replace Occasional Licences and Occasional Permissions.

They are intended to allow a simple way of permitting people unfamiliar with the Law to obtain temporary authorisation to hold one off events involving the sale of alcohol and/or the provision of public entertainment.

A personal licence holder can have 50 events a year, any person over the age of 18 can have 5 per year. With a maximum of 12 per year on the same premises and a minimum of 96 hours between events.

There is a maximum attendance of 499 at any one time.

A minimum of 10 working days notice must be given to the Licensing Authority and the Police.

The Police are the only responsible Authority able to object to the Temporary Event and this must be on the grounds of crime prevention and within 48 hours of receiving the notice.

If the Police and user disagree regarding the objection the Local Authority must hear the objection at least 24 hours before the event begins.

On receipt of a temporary event notice the Local Authority will inform Lancashire Fire and Rescue Service. For effective inspections to take place, the earlier the Fire Service Officer is informed the easier it will be to ensure adequate fire precautions are provided.

Fire safety provisions must still be provided for temporary events under current Fire Safety Legislation. Lancashire Fire and Rescue Service will enforce the Fire Safety Legislation independently to the Temporary Event Notice if notified of any temporary event taking place.

Fire Safety Advice**The Fire Precautions Act 1971**

Under the Fire Precautions (Workplace) Regulations 1997, as amended and the Management of Health and Safety at Work Regulations 1999, the employer has a duty to ensure that an assessment of risk from fire to employees and other people using the premises is carried out. If there are five or more employees, the significant findings of the risk assessment must be recorded.

Consolidation and extension of the principles enshrined in the Fire Precautions (Workplace) Regulations 1997, as amended is expected to continue with the introduction of the Fire Safety Order under the Regulatory Reform.

The Fire Services Act 1947, Section 1(1)(f), requires Fire Authorities to make efficient arrangements for the giving, when requested, of advice in respect of buildings and other property:

"...As to fire prevention, restricting the spread of fires, and means of escape in case of fire".

2 WORKING ARRANGEMENTS

- 2.1 This protocol sets out the framework for working arrangements between Lancashire's fourteen Local Authorities and Lancashire Fire and Rescue Service by establishing the responsibilities of each partner organisation.

3 WHAT LANCASHIRE FIRE AND RESCUE SERVICE WILL UNDERTAKE

- 3.1 Lancashire Fire and Rescue Service will prioritise existing licensed premises and inspect under current fire safety legislation, utilising a risk-based regime allied to their available resources.
- 3.2 Lancashire Fire Rescue Service will undertake, on formal request from the Licensing Authority, inspections of new or significantly altered premises, immediately prior to licensing (new having never before had a licence).
- 3.3 Lancashire Fire and Rescue Service prior to taking any formal enforcement action (under existing fire safety legislation) will inform the Licensing Authority and call for a review of the licence.
- 3.4 Lancashire Fire and Rescue Service will investigate all substantive complaints regarding the fire safety provision in any licensed premises.
- 3.5 Lancashire Fire and Rescue Service will inspect jointly, any licensed premises where the Licensing Authority inspectors have serious concerns regarding the provision or management of fire safety.
- 3.6 Lancashire Fire and Rescue Service will provide a copy of any written enforcement report following an inspection of licensed premises to the relevant Licensing Authority.
- 3.7 Lancashire Fire and Rescue Service will send a written report to the License Holder or applicant and designated premises holder following an inspection.
- 3.8 Lancashire Fire and Rescue Service will not undertake fire risk assessments for the License Holder. But will on inspection audit the process the License Holder has gone through in producing the risk assessment.

- 3.9 Lancashire Fire and Rescue Service will provide the Licensing Authority with information about any policy issues that may affect any proposed working arrangements.

Summary of Inspection Criteria

Lancashire Fire and Rescue Service may inspect the licensed premises for the following reasons:

- Any complaint in respect of fire safety in the licensed premises
- A specific request by the Licensing Authority inspector regarding fire safety concerns
- Enforcement of Fire Safety Legislation
- Statutory consultations regarding building control applications
- Initial application (never had a licence before)
- The licensed premises which fall under the higher risk category under Lancashire Fire and Rescue Service inspection policy
- A themed inspection that may be introduced by Lancashire Fire and Rescue Service when targeting specific at risk premises
- Following a fire.

4 WHAT THE LICENSING AUTHORITY WILL UNDERTAKE

- 4.1 The Licensing Authority will, provide a list of the licensing applications to Lancashire Fire and Rescue Service.
- 4.2 The Licensing Authority will, provide further information to Lancashire Fire and Rescue Service about premises where there is a high life risk should a fire occur in the premises.
- 4.3 The Licensing Authority will provide information to Lancashire Fire and Rescue Service regarding all material alterations to the structure or layout of existing high life risk premises.
- 4.4 The Licensing Authority will, utilising a standard letter, inform licensees of their legislative responsibilities under the Fire Precautions (Workplace) Regulations 1997, as amended.
- 4.5 The following are examples of premises where Lancashire Fire and Rescue Service would not expect to inspect:
- Small providers of catering (chip shops, burger bars etc.)
 - Current supermarkets with licensed sections
 - Small licensed premises
 - Corner shops selling alcohol
 - Sit-down eateries
- 4.6 The Licensing Authority will provide information to Fire Authorities about any policy issues that may affect proposed working arrangements.
- 4.7 The Local Authority will provide information on any small premises where a license is proposed or exists on request of Lancashire Fire and Rescue Service for inspection purposes.

ADVICE

Recommendations and provisions for Fire Safety should be provided in accordance with the guidance contained in:

- British Standard 5588 Part 6
- British Standard 5588 Part 11
- Guide to Fire Precautions in Existing Places of Entertainment and Like Premises
- The Building Regulations 2000 Approved Document B
- Fire Safety; An Employers Guide

RESPONSIBLE AUTHORITIES**APPENDIX 6**

<p>People and Places Directorate Chorley Council Civic Offices Union Street Chorley Lancashire PR7 1AL Telephone: 01257 515151 Email contact@chorley.gov.uk Web: www.chorley.gov.uk</p>	<p>Planning Policy and Performance Directorate Civic Offices Union Street Chorley Lancashire PR7 1AL Telephone: 01257 515151 Email contact@chorley.gov.uk Web: www.chorley.gov.uk</p>
<p>Lancashire Constabulary Licensing Unit: C Division Chorley Police Station St Thomas' Road Chorley Lancashire PR7 1DR Telephone: 01257 246215 Fax: 01257 246217 Email: southern-licensing@lancashire.pnn.police.uk</p>	<p>Lancashire Fire & Rescue Services Fire Safety Fire Station Weldbank Lane Chorley Lancashire PR7 3NQ Telephone: 01257 262919 Fax: 01257 234363</p>
<p>Lancashire County Council Lancashire Safeguarding Children's Board Manager Room B52, PO Box 61, County Hall Preston PR1 8RJ Telephone: 01772 536288 Email: lscb@cyp.lancscc.gov.uk</p>	<p>Lancashire County Council Trading Standards 58-60 Guildhall Street Preston PR1 3NU Telephone: 01772 533528 Email: feedback@ts.lancscc.gov.uk</p>
<p>For applications concerning larger establishments only. The health and safety responsible authority is : H.S.E. Marshall House Ringway Preston PR1 2HS Telephone 01772 836200 For queries on this please call 01257 515151</p>	<p>FOR VESSEL APPLICATIONS ONLY British Waterways Trafalgar House Birchwood Warrington WA3 6GD Telephone: 01925 847700</p>

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