
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: 13 September 2005

Chorley
Borough Council

Town Hall
Market Street
Chorley
Lancashire
PR7 1DP

Chief Executive:
Jeffrey W Davies MA LLM

Dear Councillor

A meeting of the Statutory Licensing Sub-Committee A is to be held in the Council Chamber, Town Hall, Chorley on Wednesday, 28th September, 2005 commencing at 3.30 pm. Or on the rise of the previous meeting of the Sub-Committee

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 Certificates) Regulations 2003 - Application to vary premises Licence in respect of The Duke of York, 144 Chorley Old Road, Whittle le Woods (Pages 1 - 50)**

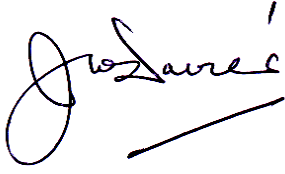
Report of Director of Legal Services (enclosed)

Attached for Members information is the Hearing Procedure

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

Continued....

Yours sincerely



Chief Executive

Distribution

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

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

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

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

01257 515823

کیجئے:

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

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

- All parties have a right to a fair hearing.
- Decision-making will be conducted in an open, transparent and accountable way.
- Each application will be determined on its own merits and the decision will be based upon:
 - the merits of the application
 - the promotion of the four licensing objectives
 - the Council's Statement of Licensing Policy
 - the Guidance issued by the Secretary of State for Culture, Media and Sport under Section 182 of the Licensing Act 2003
- the Licensing Authority will only permit licensing decisions to be taken by sub-committee consisting of three members. In the event of one member being unable to attend, the Licensing authority will use 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 unless the licensing authority “considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing taking place in public” in which the applicant, those assisting the applicant or other interested parties can be excluded. In the absence of any criteria in the Licensing Act 2003, the guidance issued under section 182 of the Act or the licensing Regulations, the Licensing Authority has adopted the existing criteria in Schedule 12A of the Local Government Act 1972 for excluding the press and public. The public and press will be excluded when the Sub-Committee is considering an application for a personal licence, where Lancashire Police have lodged an objection notice due to an existing relevant offence(s). Generally, the public and the applicant will be excluded when the Sub-Committee is determining a decision. Once a decision has been made all parties will be readmitted and the Chair will announce the decision and give reasons.
- all parties will be notified of the decision in accordance with any periods set down by the Licensing Act 2003 or where none are prescribed within 5 working days.
- the Sub-Committee has the right to exclude any parties behaving in a disruptive manner at the hearing at its own discretion.

HEARING PROCEDURE

PREMISES/CLUB PREMISES LICENCE APPLICATIONS

1. CHAIR OF SUB-COMMITTEE:

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

2. LICENSING OFFICER OUTLINES APPLICATION AND RELEVANT REPRESENTATIONS

3. QUESTIONS TO LICENSING OFFICER FOR CLARIFICATION FROM:

- Sub-Committee
- Applicant

4. APPLICANT OR REPRESENTATIVE OUTLINES APPLICATION

5. QUESTIONS TO APPLICANT FROM:

- Sub-Committee
- Interested Representative

6. LANCASHIRE POLICE REPRESENTATIONS

7. QUESTIONS TO LANCASHIRE POLICE FROM:

- Sub-Committee
- Applicant

8. LANCASHIRE FIRE & RESCUE REPRESENTATIONS

9. QUESTIONS TO LANCASHIRE FIRE & RESCUE FROM:

- Sub-Committee
- Applicant

10. ENVIRONMENTAL HEALTH (ENVIRONMENT) REPRESENTATIONS

11. QUESTIONS TO ENVIRONMENTAL HEALTH FROM:

- Sub-Committee
- Applicant

12. ENVIRONMENTAL HEALTH (HEALTH & SAFETY) REPRESENTATIONS

13. QUESTIONS TO ENVIRONMENTAL HEALTH FROM:

- Sub-Committee
- Applicant

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

- Sub-Committee
- Applicant

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

- Sub-Committee
- Applicant

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

- Sub-Committee
- Applicant

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

- Sub-Committee
- Applicant

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

All parties retire whilst Sub-Committee makes decision.

26. NOTICE OF DECISION

Parties re-admitted and Chair announces decision and reasons.

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

APPLICATION TO VARY PREMISES LICENCE IN RESPECT OF DUKE OF YORK 144 CHORLEY OLD ROAD WHITTLE LE WOODS

PURPOSE OF REPORT

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

CORPORATE PRIORITIES

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

RISK ISSUES

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

Strategy		Information	
Reputation		Regulatory/Legal	✓
Financial		Operational	
People		Other	

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

CURRENT PREMISES LICENCE

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

supply of alcohol by retail (on Licence)

Monday – Saturday	11.00 – 23.00
Sunday and Good Friday	12.00 – 22.30
Christmas Day	12.00 – 15.00 and 1900 – 22.30

Late night refreshment hours

Monday – Saturday	22.00 – 23.00
Sunday, Christmas Day and Good Friday	22.00 – 23.00

On New Years Eve, the permitted hours for the sale of alcohol and the provision of entertainment (if a PEL is in force) commence as set out above and extend to the start of

Continued....



the permitted hours on the following day as set out above, and the permitted hours for the provision of late night refreshment extend until 05:00 on the following day.

Current conditions are those embedded conditions under the Licensing Act 1964

THE APPLICATION

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

6. Provision of regulated entertainment

i) Live Music -Indoors

19.00 – 00.00 Monday – Thursday
19.00 – 01.00 Friday and Saturday
19.00 - 00.00 Sunday

Music and Singing (amplified and unamplified)

Non Standard timings

19.00 to 01.00 on all Bank or Public Holidays (including Christmas eve, Boxing Day, Easter Monday and New Years Day) and on any Sunday or Monday forming part of a bank or public holiday weekend.

ii) Provision of facilities for making music

19.00 – 00.00 Monday – Thursday
19.00 – 01.00 Friday and Saturday
19.00 - 00.00 Sunday

Provision of piano amplification equipment and karaoke

Non Standard timings

19.00 to 01.00 on all Bank or Public Holidays (including Christmas eve, Boxing Day, Easter Monday and New Years Day) and on any Sunday or Monday forming part of a bank or public holiday weekend.

iii) Provision of facilities for entertainment of a similar description to that falling within I or J - Indoors

9.00 – 00.00 Monday – Thursday
19.00 – 01.00 Friday and Saturday
19.00 - 00.00 Sunday

Non Standard timings

19.00 to 01.00 on all Bank or Public Holidays (including Christmas eve, Boxing Day, Easter Monday and New Years Day) and on any Sunday or Monday forming part of a bank or public holiday weekend.

7. Supply of Alcohol – On or Off the Premises

9.00 – 00.00 Monday – Thursday
 19.00 – 01.00 Friday and Saturday
 19.00 - 00.00 Sunday

Non Standard timings

19.00 to 01.00 on all Bank or Public Holidays (including Christmas eve, Boxing Day, Easter Monday and New Years Day) and on any Sunday or Monday forming part of a bank or public holiday weekend.

8. Hours premises are open to the Public

11.00 – 00.30 Monday – Thursday
 11.00 - 01.30 Friday and Saturday
 11.00 – 00.30 Sunday

Non Standard timings

19.00 to 01.00 on all Bank or Public Holidays (including Christmas eve, Boxing Day, Easter Monday and New Years Day) and on any Sunday or Monday forming part of a bank or public holiday weekend.

9. ADDITIONAL STEPS TO BE TAKEN TO PROMOTE LICENSING OBJECTIVES

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

i) Prevention of crime and disorder

No irresponsible sales promotions of alcoholic beverages shall be offered to customers.

No customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public.

A sign will be displayed on the premises indicating the standard hours during which the sale of alcohol is permitted.

The DPS will be a member of the local Pubwatch

ii) Public Safety

All fire doors will be maintained effectively self-closing and shall not be held open other than by approved devices.

Notices detailing the actions to be taken in the event of fire or other emergencies, including how the brigade shall be summoned, are to be prominently displayed.

iii) The Prevention of public nuisance

No regulated entertainment of any type shall take place outside the premises in any areas which are within the licence holders control after 22.00 save for any special event seven days notice of which has been given to the licensing authority and Police.

When amplified musical entertainment is taking place inside the premises after 22.00 windows and doors, save for entrance and exit purposes, will be kept shut.

A Sign will be located at the exit(s) requesting that customers leaving the premises do so quietly and with consideration to neighbours

iv) The protection of children from harm

No one under the age of 18 will be allowed to enter or remain on the premises after 21.00 save on Christmas Eve and New Years Eve.

Anyone who appears to be under the age of 18 and who is attempting to buy alcohol must be required to produce proof of age before such a sale is made.

11. Conditions/ Restrictions to be removed on variation.

None

12. Relevant Representations – Responsible Authorities

There is a relevant representation from the Police. The objection is relevant to the following licensing objective - Prevention of public nuisance

A copy of the representation in full is attached to this report in Appendix 2., and is in full below -

Due to the nature of the immediate area surrounding the public house it is obvious that any time after midnight for amplified entertainment is excessive, other than New Years Eve.

13. Relevant Representations – Interested Parties.

There has been a relevant representation received to the application to vary from an interested party who resides close to the premises. The objection is relevant to the following licensing objectives - Prevention of Public Nuisance
- Prevention of Crime and Disorder

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

Customers leaving the premises generating noise i.e. singing, foul and abusive language

Customers leaving the premises fighting, smashing glasses and discarding litter

14. Policy Considerations.

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

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

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

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

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

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

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

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

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

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

Paragraph 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.

Paragraph 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.

Paragraph 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).

Paragraph 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.

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

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

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

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

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

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

Paragraph 5.1 Each application will be determined on its individual merits.

Paragraph 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.

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

CRIME AND DISORDER

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

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

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

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

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

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

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

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

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

LICENSING HOURS

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

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

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

Paragraph 7.5 The Licensing Authority also recognises the principle of 24 hour opening of all licensed premises. However, it considers that longer opening hours may be more

acceptable in commercial areas with high levels of public transport. The grant of a licence will in all cases be dependent on the impact of an activity in relation to the licensing objectives.

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

- the nature of the area where the premises are located (e.g. commercial, residential)
- arrangements to ensure adequate availability of taxis and private hire vehicles, public transport.
- whether appropriate car parking is readily accessible to premises and whether the use/parking of vehicles would cause a demonstrable adverse impact on the amenity of residents.
- whether the licensable activities are likely to cause adverse impact especially on local residents and whether appropriate measures will be put in place to prevent any adverse impact
- in relation to the grant of a new premises licence whether the premises will give rise to a negative cumulative impact on one or more of the licensing objectives

In assessing the impact of the activity proposed the Licensing Authority may consider a number of factors inter alia,

- the type and scale of activity, the number and nature of clientele likely to attend
- the levels of noise from the premises, which may be acceptable later in the evening
- the proposed hours of operation
- the levels of public transport accessibility for customers and the likely means of public or private transport that will be used, access to private hire/taxis
- the means of access to the premises e.g whether on principal pedestrian routes
- the level of car parking demand on surrounding residential streets and its effect on local residents, and movement of traffic
- the cumulative impact of licensed premises in an area and scope for mitigation
- frequency of the activity.

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

PREVENTION OF PUBLIC NUISANCE

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

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

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

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

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

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

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

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

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

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

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

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

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

16. Human Rights Act Implications

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

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

ASSOCIATED PAPERS

17 Application form and relevant representation.

ROSEMARY LYON
DIRECTOR OF LEGAL SERVICES

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
H.Bee	5665	31 August 2005	LEGREP/90143AJS

Whittle le Woods
Chorley

Chorley Borough Council
Civic Offices
Union Street
Chorley PR7 1AL

FOR THE ATTENTION OF HOWARD BEE

Dear Sir

We would like to offer a rejection to the extended hours of opening that have been applied for the DUKE of YORK public house in Whittle le Woods.

We have been informed that an application has been received for the opening times to be changed to midnight during the week and 1.00 a.m. on a Friday and Saturday.

We live directly behind the Duke of York and in the past have spoken to the various landlords. We believe in direct contact but this does not seem to have any effect.

Our objections are based on the following:

- We already have an all day noise inconvenience from the Duke of York.
- At certain times we can hear noise above the level of our television within our cottage. We already endure "normal" pub noise from the Duke of York and are prepared to carry on with this within normal opening hours. We do not feel though that we should endure this beyond the current licensing hours.
- No effort is made to control this noise even when requested.
- The doors on the rear of the pub direct noise straight at our cottage.
- The doors are always propped open in the summer months.
- Little or no consideration is given to the local residents late at night and there are frequent disturbances around the pub, noisy disturbance is common place especially at weekends.
- Two Christmas's ago the pub was closed on new years eve due to a stabbing, if additional hours are allowed this would encourage further abuse.

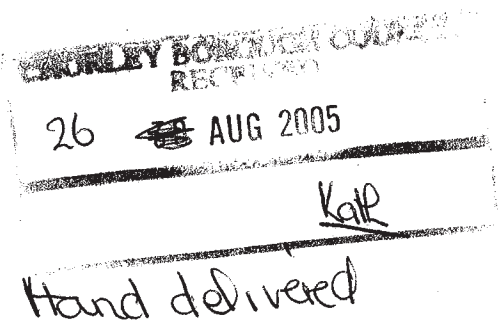
We consider that the Duke of York is a village pub in a residential area and full consideration should be to the residents.

We would like to know if the application is to be approved who will be responsible for policing the extension hours.

Will the environmental agency or any other body be allowed to remove any authorisation if the noise and disturbances continue.

If you would like any additional information then please contact us at the above address.

Yours Faithfully



WHITTLE-LE-WOODS
CHORLEY

23/8/05

DEAR LICENSES,

I WOULD LIKE TO COMPLAIN IN VIEW TO ANY PUBLIC ENTERTAINMENT LICENCE RE- THE DUKE OF YORK PUBLIC HOUSE ON CHORLEY OLD ROAD, WHITTLE-LE-WOODS. I MYSELF LIVE ON CHORLEY OLD ROAD AND WE HAVE ENOUGH PROBLEMS COMING FROM THE PUBLIC HOUSE WITH DRUNKEN PEOPLE SHOUTING LATE IN THE EVENING ALONG WITH BASHED GLASSES AND BOTTLES LITTERING THE CHORLEY OLD ROAD AREA. WE ALSO SEEM TO HAVE FIGHTS OUTSIDE THE PUB WHICH HAS USUALLY BEEN USED FROM PEOPLE WHO

HAVE LEFT THE PUB OR BEEN
-VICTED AND CARRIED ON
OUTSIDE WITH FOUL AND
ABUSIVE LANGUAGE. I DO
FEEL THIS WILL ONLY HEAP
MORE DAMAGE AND KEEP
PEOPLE OF A MORE OLDER
NATURE, COMING HOME
LATER IN THE NIGHT. WE
HAVE ALSO HAD 3 SERIOUS
ASAULTS WHICH HAVE BEEN
DRINK RELATED ON CHORLEY
OLD ROAD AND I WOULD
SERIOUSLY AGAINST ANY
LATE ENTERTAINMENT LIC-
ENCE BY YOURSELVES,

YOUR'S,
SINCERELY,



Lancashire Constabulary

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

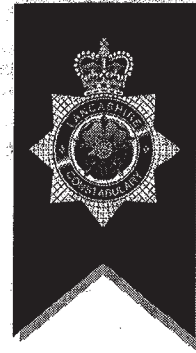
Tel: 01257 246215

Fax: 01257 246217

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

2nd 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 DUKE OF YORK, 144, CHORLEY OLD ROAD, WHITTLE LE WOODS

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

1. Due to the nature of the immediate area surrounding the public house it is obvious that any time after midnight for amplified entertainment is excessive, other than New Years Eve.

Yours faithfully

Police Constable 290

(Licensing)

LICENSING ACT 2003 CHECKLIST

Type of Licence:					Date received		
Personal New		Personal Conversion				28/7/05	
Premises New		Premises Conversion <input checked="" type="checkbox"/>		Premises Variation <input checked="" type="checkbox"/>			
Surname MARSHALL WOODS			Forename PHILLIP COLIN DARREN				
Premises address Duke of York 144 Chorney Old Road Whittle Le Woods			Correspondence to: Cobbeles Ship Canal House King St Macclesfield M24 4WB				
Phone No		01257 277010		Phone No		0845 165 5505	
Alternative Phone No				Alternative Phone No			
Original Licence		No of photos received		Copy of plan received			Cheque £ 250.00
Copy of Licence <input checked="" type="checkbox"/>				Yes	No	N/A	
				<input checked="" type="checkbox"/>			
Status							
Date comments received back from:-							
Fire		Police		Health		B. Control	
Objections							
Comments ENTERED AS FAR AS POSSIBLE APP N° : 004581 ,							
Date Granted				Licence No			
Any other action							

18/8/05

cobbetts

Licensing Unit
 Chorley Borough Council
 Town Hall
 Chorley
 Lancashire
 PR7 1DP

Cobbetts

Ship Canal House
 King Street
 Manchester M2 4WB
 tel: +44 (0)845 404 2404
 fax: +44 (0)845 404 2414
 DX 14374 Manchester 1

28 JUL 2005

www.cobbetts.co.uk
 BOW Ref: HKLKMD/S000287-402

27 July 2005

Dear Sirs

Client: Scottish & Newcastle Pub Ent - Conversion
Premises: Duke of York 144 Chorley Old Road Whittle-le-Woods CHORLEY PR6 7LR
Application For Conversion to Premises Licence and Variation of Premises Licence

We refer to the above-mentioned premises and now enclose the following:

- 1 Application for an existing licence to be converted to a premises licence (Part A);
- 2 Application to vary a premises licence (Part B);
- 3 Cheque in the sum of £250.00;
- 4 Certified copy of existing licence(s);
- 5 Plan of the premises;
- 6 Consent form completed by the proposed DPS; and
- 7 Consent form(s) completed by existing Licence holder(s);
- 8 Explanatory Note entitled "Embedded Benefits".

We confirm that we have served a copy of the application forms and relevant enclosures on all the responsible authorities.

The Variation Notice will be displayed on the premises and in a local newspaper. A copy of the original newspaper will follow in due course.

Kindly acknowledge safe receipt.

The person dealing with this matter is Suzanne Gadsby who may be contacted on 0845 165 5505 (Direct Dial) or suzanne.gadsby@cobbetts.co.uk (Email).

Yours faithfully


 Cobbetts

enc

CERTIFICATE OF SERVICE

I, **Kelly Doyle** of Ship Canal House, King Street in the City of Manchester, hereby certify that I caused to be served the undermentioned parties with a notice of which this is a true copy by sending the said notice to them by pre-paid first class post on the 27 July 2005 and addressed to:-

<p>Chief Officer of Police Lancashire Constabulary Licensing Unit: C Division Chorley Police Station St Thomas' Road Chorley, Lancashire PR7 1DR</p>	<p>Planning Authority Planning Services Unit Civic Offices Union Street Chorley Lancashire PR7 1AL</p>
<p>HASWA Environmental Services Unit Health & Safety & Work Act) Civic Offices Union Street Chorley PR7 1AL</p>	<p>Environmental Environmental Services (Environmental Concerns) Union Street Chorley, Lancashire PR5 8GD</p>
<p>Child Protection Dave McHale Quality & Review Manager Lancashire County Council Social Services Directorate, PO Box 162 East Cliff County Offices Preston, PR1 3EA</p>	<p>Fire Authority Lancashire Fire & Rescue Services Fire Safety, Fire Station Weld Bank Lane Chorley Lancashire PR7 3NQ</p>
<p>Local Weights and Measures Authority Trading Standards (Licensing Act 2003) 58-60 Guildhall Street Preston Lancashire PR1 3NU</p>	

Dated this 27 July 2005

Signed 

EMBEDDED BENEFITS

To answer the question "***What existing licensable activities are authorised by your existing Licence(s)?***" raised in part A3, we have adopted the second limb (b) of the definition given in paragraph 1 of Schedule 8 to the 2003 Act ("***any other licensable activities which may be carried on ... by virtue of the existence of the licence***").

For these premises, covered by a Justices' On-Licence, there are two such "***embedded***" benefits:

1. Playing of recorded music – s.182 of the Licensing Act 1964 allows "***...music and singing only which is provided solely by the reproduction of recorded sound***" without the need for a Public Entertainment Licence; and
2. Provision of late night refreshment – by virtue of the Late Night Refreshment Houses Act 1969. Section 1(2) exempts these premises from having to hold a Late Night Refreshment Licence from 10:00pm until 30 minutes after its permitted hours.

For these reasons, box f) recorded music and the box entitled Provision of Late Night Refreshment have been ticked as licensable activities which may be carried through the conversion process under "***grandfather***" rights.

If your Council has adopted the Private Places of Entertainment (Licensing) Act 1967, the provision of entertainment facilities for music and dancing promoted for private gain where the functions are private in nature is also a further licensable activity which should be carried forward as an embedded benefit through the conversion process.

~ ~ ~

SCHEDULE 1

article 2

*Licensing Unit
Chorley Borough Council
Town Hall
Chorley
Lancashire
PR7 1DP*

APP N^o 00458 1

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

We Mr Phillip Marshall and Mr Colin Woods 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	
Duke of York 144 Chorley Old Road Whittle-le-Woods	
Post town Chorley	Post code PR6 7LR

Telephone number of premises (if any) 01257 277010

Non-domestic rateable value of premises £ 19250.00

Part A2 - Applicant Details

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

- | | | |
|---|-------------------------------------|-----------------------------|
| | Please tick ✓ | |
| a) An individual or individuals | <input checked="" type="checkbox"/> | please complete section (A) |
| b) a person other than an individual | | please complete section (B) |
| i. as a limited company | <input type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |
| f) a health service body | <input type="checkbox"/> | please complete section (B) |

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname
 Marshall

First names
 Phillip

I am 18 years old or over

Please tick
Yes

Current postal address if different from premises address
 Duke of York
 144 Chorley Old Road
 Whittle-le-Woods

Post Town Chorley **Postcode**

Daytime contact telephone number 01257 277010

Email Address (optional)

SECOND INDIVIDUAL APPLICANT (IF APPLICABLE)

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

Surname
 Woods

First names
 Colin

I am 18 years old or over

Please tick
Yes

Current postal address if different from premises address
 Duke of York
 144 Chorley Old Road
 Whittle-le-Woods

Post Town Chorley **Postcode** PR6 7LR

Daytime contact telephone number 01257 277010

Email Address (optional)

(B) OTHER APPLICANTS

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

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

Part A3 - Operating Schedule

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

General description of premises (please read guidance note 1)

A traditional community local public house located in a village.
 A central bar services multiple rooms.
 There is a beer garden immediately adjacent to the premises.
 The premises benefit from the "two in a bar rule".

Please tick ✓ Yes

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

Provision of regulated entertainment

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

Provision of entertainment facilities for:

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

Provision of late night refreshment

Sale by retail of alcohol

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

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

Name Mr Phillip Marshall

Address Duke of York 144 Chorley Old Road Whittle-le-Woods Chorley PR6 7LR

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.

On Licence Hours – Liquor Only			On Licence Hours - Entertainment		
	From	To		From	To
Monday	11:00	23:00	Monday		
Tuesday	11:00	23:00	Tuesday		
Wednesday	11:00	23:00	Wednesday		
Thursday	11:00	23:00	Thursday		
Friday	11:00	23:00	Friday		
Saturday	11:00	23:00	Saturday		
Sunday	12:00	22:30	Sunday		
Christmas Day	12:00 to 15:00	19:00 to 22:30	Bank Holidays	N/A	N/A
Good Friday	12:00	22:30	Christmas Day		
			Good Friday		

Late Night Refreshment Hours		
	From	To
Monday to Saturday	22:00	23:30
Sunday, Christmas Day & Good Friday	22:00	23:00

On New Years Eve, the permitted hours for the sale of alcohol and the provision of entertainment (if a PEL is in force) commence as set out above and extend to the start of the permitted hours on the following day as set out above, and the permitted hours for the provision of late night refreshment extend until 05:00 on the following day.

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)

None

b) The prevention of crime and disorder

None

c) Public safety

None

d) The prevention of public nuisance

None

e) The protection of children from harm

None

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 Cobbetts
 Date 27/7/05
 Capacity Solicitors and authorised agents

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 Cobbetts
 Date 27/7/05
 Capacity solicitors and authorised agents

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 7)	
Suzanne Gadsby Cobbetts Ship Canal House King Street	
Post Town Manchester	Post Code M2 4WB
Telephone Number 0845 165 5505	
E-mail address (optional) suzanne.gadsby@cobbetts.co.uk	

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

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

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

We Mr Phillip Marshall and Mr Colin Woods 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 do you want the variation to take effect from

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

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

Please describe briefly the nature of the proposed variation. (Please read guidance note 8)
 To extend the hours for the sale of alcohol from 1100 each day until 0000[~~midnight~~] Sunday to Thursday and until 0100 Friday, Saturday and certain specified bank/public holidays and to provide musical entertainment within those hours.

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)

Please tick ✓ **Yes**

Provision of regulated entertainment

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

Provision of entertainment facilities:

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

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

Sale by retail of alcohol (if ticking yes, fill in box M)

Please complete Part B3 on this form.

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick [✓] (please read guidance note 9).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 10)	Both	
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 11)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 12)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick [✓] (please read guidance note 9).	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 10)	Both		
Tue						
Wed				State any seasonal variations for the exhibition of films (please read guidance note 11)		
Thur						
Fri						
Sat				Non standard timings. Where you intend to use the premises for the exhibitions of films at different times to those listed in the column on the left, please list (please read guidance note 12)		
Sun						

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details here (please read guidance note 10)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 11)
Tue			
Wed			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 12)
Thur			
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		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 10)	Both		
Tue						
Wed				State any seasonal variations for boxing or wrestling entertainment (please read guidance note 11)		
Thur						
Fri						
Sat				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)		
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	✓
Day	Start	Finish		Outdoors	
Mon	1900	0000	Please give further details here (please read guidance note 10) Music and singing [amplified and unamplified].	Both	
Tue	1900	0000			
Wed	1900	0000	State any seasonal variations for the performance of live music (please read guidance note 11)		
Thur	1900	0000			
Fri	1900	0100			
Sat	1900	0100	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 12) 1900 to 0100 on all Bank or Public holidays [including Christmas Eve Boxing Day Easter Monday and New Years' Day] and on any Sunday or Monday forming part of a Bank or Public holiday weekend.		
Sun	1900	0000			

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	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 10)		
Tue					
Wed			State any seasonal variations for playing recorded music (please read guidance note 11)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 12)		
Sat					
Sun					

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	
				Outdoors	
				Both	
Day	Start	Finish			
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

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick [✓] (please read guidance note 9).	Indoors	
Mon				Outdoors	
				Both	
Tue			Please give further details here (please read guidance note 10)		
Wed					
Thur			State any seasonal variations for the entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 11)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 12)		
Sun					

I

Provision of facilities for making music Standard days and timings (please read guidance note 8)			Please give a description of the facilities for making music you will be providing		
Day	Start	Finish	Will the facilities for making 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"/>	
Mon	1900	0000	Please give further details here (please read guidance note 10) Provision of piano amplification equipment and karaoke.		
Tue	1900	0000			
Wed	1900	0000	State any seasonal variations for the provision of facilities for making music (please read guidance note 11)		
Thur	1900	0000			
Fri	1900	0100	Non standard timings. Where you intend to use the premises for the provision of facilities for making music entertainment at different times to those listed in the column on the left, please list (please read guidance note 12) 1900 to 0100 on all Bank or Public holidays [including Christmas Eve Boxing Day Easter Monday and New Years' Day] and on any Sunday or Monday forming part of a Bank or Public holiday weekend.		
Sat	1900	0100			
Sun	1900	0000			

J

Provision of Facilities for dancing Standard days and timings (please read guidance note 8)			Will the facilities for dancing take place indoors or outdoors or both – please tick [✓] (please read guidance note 9).		
Day	Start	Finish		Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>	
Mon			Please give further details here (please read guidance note 10)		
Tue					
Wed			State any seasonal variations for providing dancing facilities (please read guidance note 11)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 12)		
Sat					
Sun					

K

Provision of facilities for entertainment of a similar description to that falling within I or J Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment facility you will be providing		
Day	Start	Finish	Will this entertainment facility be indoors or outdoors or both – please tick [✓] (please read guidance note 9).	Indoors	<input checked="" type="checkbox"/>
Mon	1900	0000		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	1900	0000	Please give further details here (please read guidance note 10)		
Wed	1900	0000			
Thur	1900	0000	State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within I or J (please read guidance note 11)		
Fri	1900	0100			
Sat	1900	0100	Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list (please read guidance note 12) 1900 to 0100 on all Bank or Public holidays [including Christmas Eve Boxing Day Easter Monday and New Years' Day] and on any Sunday or Monday forming part of a Bank or Public holiday weekend.		
Sun	1900	0000			

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

M

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick [✓] (please read guidance note 3).	On the premises	
				Off the premises	
				Both	✓
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 11)		
Mon	1100	0000			
Tue	1100	0000			
Wed	1100	0000			
Thur	1100	0000			
Fri	1100	0100			
Sat	1100	0100			
Sun	1100	0000	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) 1100 to 0100 on all Bank or Public holidays [including Christmas Eve Boxing Day Easter Monday and New Years' Day] and on any Sunday or Monday forming part of a Bank or Public holiday weekend.		

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

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 14)

None

O

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variation (please read guidance note 11)
Day	Start	Finish	
Mon	1100	0030	<p>Non standard timings. Where you intend to use the premises to be open to the public at different times to those listed in the column on the left, please list (please read guidance note 12)</p> <p>1100 to 0130 on all Bank or Public holidays [including Christmas Eve Boxing Day Easter Monday and New Years' Day] and on any Sunday or Monday forming part of a Bank or Public holiday weekend.</p> <p>An additional 30 minutes on the day British Summer Time commences.</p>
Tue	1100	0030	
Wed	1100	0030	
Thur	1100	0030	
Fri	1100	0130	
Sat	1100	0130	
Sun	1100	0030	

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

None

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)

None

b) The prevention of crime and disorder

No irresponsible sales promotions of alcoholic beverages shall be offered to customers.

No customers carrying open or sealed bottles shall be admitted to the premises at any time the premises are open to the public.

A sign will be displayed on the premises indicating the standard hours during which the sale of alcohol is permitted.

c) Public safety

All fire doors will be maintained effectively self closing and shall not be held open other than by approved devices.

Notices detailing the actions to be taken in the event of fire or other emergencies, including how the fire brigade shall be summoned, are to be prominently displayed.

d) The prevention of public nuisance

No regulated entertainment of any type shall take place outside the premises in any areas which are within the licence-holder's control after 22:00 save for any special event seven days' notice of which has been given to the licensing authority and police.

When amplified musical entertainment is taking place inside the premises after 22:00 windows and doors, save for entrance and exit purposes, will be kept shut.

A sign will be located at the exit(s) requesting that customers leaving the premises do so quietly and with consideration to neighbours.

e) The protection of children from harm

No one under the age of 16 will be allowed to enter or remain on the premises after 22:00 save on Christmas Eve and New Year's Eve.

Anyone who appears to be under the age of 18 and who is attempting to buy alcohol must be required to produce proof of age before such a sale is made.

Part B3 — Premises Supervisor

Full name of proposed designated premises supervisor

Mr Phillip Marshall

Address of proposed designated premises supervisor

Duke of York
144 Chorley Old Road
Whittle-le-Woods
Chorley
PR6 7LR

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 Cobbetts
 Date 27/7/05
 Capacity Solicitors and authorised agents

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 Cobbetts
 Date 27/7/05
 Capacity Solicitors and authorised agents

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 7)

Suzanne Gadsby
 Cobbetts
 Ship Canal House
 King Street

Post Town
 Manchester

Post Code
 M2 4WB

Notes for Guidance

PART A

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which would be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and provide a place for consumption of these off-supplies you must include a description of where the place is and its proximity to the premises.
2. Where the conditions to which your existing licence(s) is granted do not relate solely to any one of the four licensing objectives, please describe such conditions in the general box.
3. The law requires you to send a mandatory copy of this application to the chief officer of police for that area at the same time as sending to the relevant licensing authority.
4. The application form must be signed.

5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
7. This is the address we shall use to correspond with you about this application.

PART B

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

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

Justices' Licence
Intoxicating Liquor

Licence No.92

**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 June 2002 for the Division of Chorley in the County of Lancashire.

The Licensing Justices for the said Licensing district hereby grant
To Peter Robert Bate
Of Duke of York
Of 144 Chorley Old Road, Whittle-le-Woods

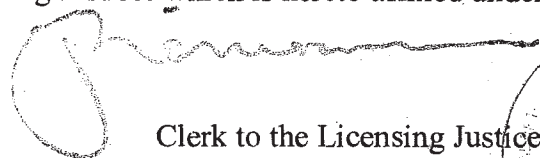
(hereinafter called the licensee this Justices' Licence authorising her to sell by retail at the premises known as Duke of York

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

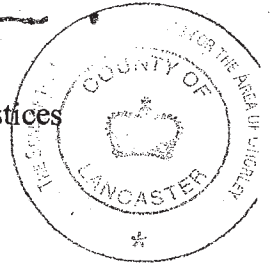
The owner(s) of the premises in respect of which this licence is granted
Matthew Brown & Co. Ltd
Of Lion Brewery, Blackburn

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 2004.

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



Clerk to the Licensing Justices



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

I Certify that this is a true copy of the original document.



Darren Luty, A Solicitor
Cobbetts Solicitors, Manchester.

PROTECTION ORDERS

Before the Magistrates' Court for the Division above mentioned sitting at the Court House, St Thomas's Road, Chorley, on the _____ day of _____ year

The said Court, being satisfied that
of
and
of

are/is a person(s) to whom the Licensing Justices could grant a transfer of the within written licence, hereby grant to him/her/them the same authority as that conferred by the said licence upon the holder(s) thereof until the conclusion of the second licensing session begun after the date hereof unless such licence shall be sooner transferred or removed.

Given under the official stamp of the Court, which is hereby verified by me

Clerk to the Justices

Before the Magistrates' Court for the Division above mentioned sitting at the Court House, St Thomas's Road, Chorley, on the _____ day of _____ year

The said Court, being satisfied that
of
and
of

are/is a person(s) to whom the Licensing Justices could grant a transfer of the within written licence, hereby grant to him/her/them the same authority as that conferred by the said licence upon the holder(s) thereof until the conclusion of the second licensing session begun after the date hereof unless such licence shall be sooner transferred or removed.

Given under the official stamp of the Court, which is hereby verified by me

Clerk to the Justices

Before the Magistrates' Court for the Division above mentioned sitting at the Court House, St Thomas's Road, Chorley, on the _____ day of _____ year

The said Court, being satisfied that
of
and
of

are/is a person(s) to whom the Licensing Justices could grant a transfer of the within written licence, hereby grant to him/her/them the same authority as that conferred by the said licence upon the holder(s) thereof until the conclusion of the second licensing session begun after the date hereof unless such licence shall be sooner transferred or removed.

Given under the official stamp of the Court, which is hereby verified by me


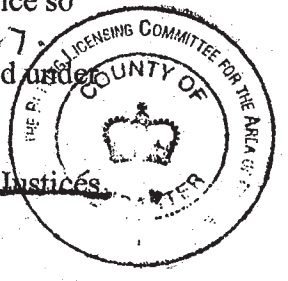
Clerk to the Justices

TRANSFERS
of the within-mentioned Justices' Licence

At the Licensing Session held at the Court House, St Thomas's Square, Chorley, on the day of ^{3rd} November year 2004, for the Division of Chorley, in the County of Lancashire.

The Licensing Justices for the said Division grant to Philip Marshall
of
and
of


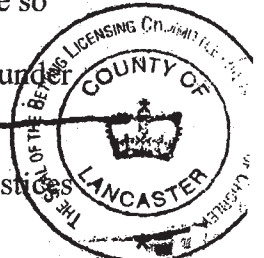
(hereinafter called the licensee(s)) a justices' licence by way of transfer of the licence within contained in substitution for the last mentioned licensee(s), and the licence so granted shall have effect from this day until the fourth day of April, year 2007.
Given under the official stamp of the Licensing Justices, which is hereto affixed under their authority by me.


Clerk to the Licensing Justices


At the Licensing Session held at the Court House, St Thomas's Road, Chorley on the day of 6th July year 2005, for the Division of Chorley, in the County of Lancashire.

The Licensing Justices for the said Division grant to Philip Marshall
of
and Colin Darren Woods
of

(hereinafter called the licensee(s)) a justices' licence by way of transfer of the licence within contained in substitution for the last mentioned licensee(s), and the licence so granted shall have effect from this day until the fourth day of April, year 2007.
Given under the official stamp of the Licensing Justices, which is hereto affixed under their authority by me.


Clerk to the Licensing Justices


At the Licensing Session held at the Court House, St Thomas's Road, Chorley on the day of _____ year _____, for the Division of Chorley, in the County of Lancashire.

The Licensing Justices for the said Division grant to
of
and
of

(hereinafter called the licensee(s)) a justices' licence by way of transfer of the licence within contained in substitution for the last mentioned licensee(s), and the licence so granted shall have effect from this day until the fourth day of April, year _____
Given under the official stamp of the Licensing Justices, which is hereto affixed under their authority by me.

Clerk to the Licensing Justices

RENEWALS

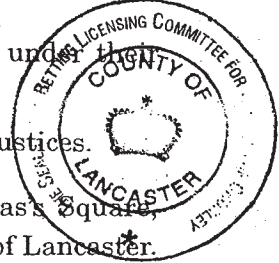
of the within-mentioned Justices' Licence.

At the General Annual Licensing Meeting holden at the Court House, St. Thomas's Square, Chorley, on the 04/02/04 for the Division of Chorley, in the County of Lancaster.

The Licensing Justices for the said Division hereby grant a justices' licence by way of renewal of the licence within contained, and the licence so granted shall be in force until the fourth day of April, 2004

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

[Signature]
Clerk to the Licensing Justices.



At the General Annual Licensing Meeting holden at the Court House, St. Thomas's Square, Chorley, on the [redacted] for the Division of Chorley, in the County of Lancaster.

The Licensing Justices for the said Division hereby grant a justices' licence by way of renewal of the licence within contained, and the licence so granted shall be in force until the fourth day of April, 20

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

Clerk to the Licensing Justices.

At the General Annual Licensing Meeting holden at the Court House, St. Thomas's Square, Chorley, on the [redacted] for the Division of Chorley, in the County of Lancaster.

The Licensing Justices for the said Division hereby grant a justices' licence by way of renewal of the licence within contained, and the licence so granted shall be in force until the fourth day of April, 20

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

Clerk to the Licensing Justices.

At the General Annual Licensing Meeting holden at the Court House, St. Thomas's Square, Chorley, on the [redacted] for the Division of Chorley, in the County of Lancaster.

The Licensing Justices for the said Division hereby grant a justices' licence by way of renewal of the licence within contained, and the licence so granted shall be in force until the fourth day of April, 20

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

Clerk to the Licensing Justices.

At the General Annual Licensing Meeting holden at the Court House, St. Thomas's Square, Chorley, on the [redacted] for the Division of Chorley, in the County of Lancaster.

The Licensing Justices for the said Division hereby grant a justices' licence by way of renewal of the licence within contained, and the licence so granted shall be in force until the fourth day of April, 20

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

Clerk to the Licensing Justices.

At the General Annual Licensing Meeting holden at the Court House, St. Thomas's Square, Chorley, on the [redacted] for the Division of Chorley, in the County of Lancaster.

The Licensing Justices for the said Division hereby grant a justices' licence by way of renewal of the licence within contained, and the licence so granted shall be in force until the fourth day of April, 20

Given under the official stamp of the Licensing Justices, which is hereto affixed under their

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

I/We, PHILIP MARSHALL + COLIN WOODS, [insert full name(s) of existing licence holder(s)] being the holder(s) of an existing licence/existing licences Justices Full on licence granted by the Petty Sessions Division of Chancery on 6 July 2005 [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 PHILIP MARSHALL + COLIN WOODS [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 DUKE OF YORK WHITTLE -LE- WOODS [insert name and address of premises].

Signed



Dated

21/7/05.

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

PHILIP MARSHALL [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 PHILIP MARSHALL [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 DUKE OF YORK 144 CHOLLE'S OLD RD CHOLLE'S WHITTLE-LE-WOODS PR6-7LX [insert name and address of existing licensed premises] if that application is successful.

Signature  _____

Dated 13/7/05 _____

The drawing has detailed against it
was gathered and drawn:

Information has been drawn up
drawings and then checked on
accordingly.

Complete on site survey carried out

Light Fitting

Exit Sign

r

ector

Call Point

ounder

Fire Extinguisher

de Fire Extinguisher

xtinguisher

xtinguisher

K

K

Note

Y ASHTON

Surveyors Planners Designers



nterprises

- 144 CHORLEY OLD
E-LE-WOODS

LAYOUTS
NG SHOWING

DATE

05

DRAWN

XX

DRAWING NO

1

PHC
