

## Chief Executive's Office

Please ask for: Mr G K Bankes  
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Your Ref:  
Our Ref: GKB/AJS  
Doc ID:  
Date: 04 October 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 Thursday, 13th October 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 Certificates) Regulations 2003 - Application to vary premises licence in respect of The Malthouse Farm, Moss Lane, Whittle-le-Woods. (Pages 1 - 46)**

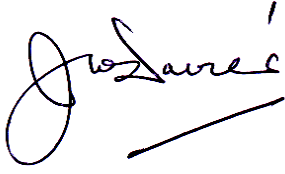
Report of Director of Legal Services (enclosed)

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 Bedford and Mrs Smith, for attendance.
2. Agenda and reports to Councillor T Gray (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 Deputy Leader (Councillor Edgerley) and Leader of Conservative Group (Councillor P Goldsworthy) for information.
5. Agenda 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	13 October 2005

**APPLICATION TO VARY PREMISES LICENCE IN RESPECT OF THE MALTHOUSE FARM MOSS LANE 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 or off the premises

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

Current embedded conditions and restrictions to be converted

Continued....



Alcohol

The provisions of sections 59-61 inclusive and section 63 of the LA 1964 apply (drinking up time)

Late night refreshment

Food may be sold in line with the alcohol sales plus an extra 30 minutes

Recorded Music

Recorded music may be played throughout the premises without limitation in line with the provisions of 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.

Please note following discussions with the police, the applicant amended the application. The amended application is listed below and Lancashire Police have formally withdrawn their objection. The letters agreeing these changes are included in this report. However, there still remain representations from interested parties which are listed below.

6. Provision of regulated entertainment

- i) Live Music – indoors (E)

07.00 – 01.00 Monday – Thursday  
07.00 - 02.00 Friday - Sunday

Limited to a maximum two performers, as currently permitted under s182 LA 1964, and to entertainment at bona fide private events as currently permitted at the premises.

## Non Standard Timings

Regulated entertainment allowed an extra hour at new year and 12 other agreed occasions per year, with fourteen days notice and agreement with the Police.

- ii) Recorded Music – Indoors (F)

07.00 – 01.00 Monday – Thursday  
07.00 - 02.00 Friday -Sunday

The playing of all descriptions of amplified recorded music as permitted under the existing licence (s). Variation applies to hours of operation only.

## Non Standard Timings

Regulated entertainment allowed an extra hour at new year and 12 other agreed occasions per year, with fourteen days notice and agreement with the Police.



iii) Anything of a similar description to that falling within e,f or g – Indoors (H)

07.00 – 01.00 Monday – Thursday  
 07.00 – 02.00 Friday - Sunday

Live entertainment as permitted under the existing licence (s), and Karaoke.

Non Standard Timings

Regulated entertainment allowed an extra hour at new year and 12 other agreed occasions per year, with fourteen days notice and agreement with the Police.

iv) Provision of facilities for dancing – Indoors (J)

07.00 – 01.00 Monday – Thursday  
 07.00 - 02.00 Friday - Sunday

As currently permitted at the premises, including at Bona fide private events.

Non Standard Timings

Regulated entertainment allowed an extra hour at new year and 12 other agreed occasions per year, with fourteen days notice and agreement with the Police.

7. Late night refreshment – Indoors (L)

23.00 – 02.00 Monday – Thursday  
 23.00 - 03.00 Friday - Sunday

Non Standard Timings

Regulated entertainment allowed an extra hour at new year and 12 other agreed occasions per year, with fourteen days notice and agreement with the Police.

8. Supply of Alcohol – Both on and off the premises (M)

07.00 – 01.00 Monday – Thursday  
 07.00 – 02.00 Friday - Sunday

Non Standard Timings

Regulated entertainment allowed an extra hour at new year and 12 other agreed occasions per year, with fourteen days notice and agreement with the Police.

There are no restrictions on the hours during which alcohol maybe sold to residents and their bona fide guests (not withstanding the fact that residents may be sleeping in a separate annexe).

9. Hours premises are open to the Public

06.00 – 02.00 Monday – Thursday  
 06.00 - 03.00 Friday - Sunday

Non Standard Timings

Regulated entertainment allowed an extra hour at new year and 12 other agreed occasions per year, with fourteen days notice and agreement with the Police.

Notwithstanding these usual opening times, the premises, in accordance with the converted right may chose to open to the public at any time for non licensable activities/purposes

10. ADDITIONAL STEPS TO BE TAKEN TO PROMOTE LICENSING OBJECTIVES

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

General

We have applied for an extended period between the cessation of the supply of alcohol and the closure of the premises to give us the option to allow for a more gradual dispersal of customers, the style and operation of pub will not differ significantly during the extended hours. Where this is appropriate, non-alcoholic refreshment will be available in the extended period.

The premises will respect Spirit Group's approach to responsible drinking ( copy with the application). Our policies change at regular intervals to reflect current trends and it would be inappropriate to standardise them on a permanent basis. The enclosed policy is included for information only and not as suggested conditions or to form part of any other Operating Schedule.

Prevention of crime and disorder

We are introducing Security Industry Authority (sia) approved door supervisors across our estate, in line with the Government approved implementation plan.

A zero tolerance towards illegal drugs will be enforced at all times.

If a dj is used on any night then he/she will ask customers top leave quietly.

If a CCTV system is installed at this site, it will continue to operate during the additional hours of trading and notices will be displayed.

All instances of crime and disorder will be reported to the Police and will be kept in an incident logbook.

Public Safety

Public safety is integral to the way that the Spirit group runs its business and is reviewed regularly through our health and safety policy. This policy is fully briefed and trained to all Management and staff and we will continue to train our staff to the standards required by relevant legislation.

Free drinking water will be available at all times

The Prevention of public nuisance

Additional patrols will take place by members of staff internally and externally, to limit any noise pollution when entertainment is being offered within the premises.

If appropriate, notices will be displayed asking our customers to respect our neighbours when leaving the premises.

Where already used text/radio pagers will continue to be used for the additional hours of trading and will be monitored by a responsible member of staff.

Soft drinks and non-alcoholic refreshment will be available if we decide to use the option to stay open for an extended period between the cessation of the supply of alcohol and the closure of the premises (see above under general).

All amplified entertainment to cease by 01.00.

Recorded music to be played at a lower/reduced volume for background purposes between 01.00 and 02.00.

Other than New Years Eve all alcohol sales to cease at 02.00.

The protection of children from harm

When children are allowed upon the premises, any entertainment offered within the premises will be suitable for young persons.

Children will be required to be supervised by the accompanying adult at all times.

A no smoking area will be provided.

Soft drinks and non-alcoholic drinks will be available.

A recognised proof of age policy will be enforced.

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

Under 18 year olds will not be allowed to play on section 34 permitted AWP machines.

Children will not be allowed in the area immediately adjacent to the bar/severy.

12. Conditions/ Restrictions to be removed on variation.

To remove the restrictions and effects of section 168, 168a and 171 LA 1964 so as to allow the provisions under the LA 2003 to apply in relation to children.

To remove the restrictions on consumption of alcohol as set out in section 63 (1) LA 1964 (drinking up time).

To remove restrictions on credit sales in place by section 166 LA1964.

To extend the terminal hour at the premises in respect of the sale of alcohol and other licensable activities.

To allow limited entertainment in line with current provisions of section 182 LA 1964.

13. Relevant Representations – Responsible Authorities.

There are no relevant representations.

14. Relevant Representations – Interested Parties.

There are **two** representations received to the application to vary from interested parties who reside close to the premises. The objections are relevant to the following licensing objectives - Prevention of public nuisance.

Copies of the representations in full are attached to the report.

## 15. Policy Considerations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **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

- Article 8
  - Article 1 of the First Protocol
- independent and impartial tribunal established by law;  
 that everyone has the right to respect for his home and family life;  
 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	26 September 2005	LEGREP/90477AJS



# 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



05 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      MALTHOUSE FARM, MOSS LANE, WHITTLE LE WOODS

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

1. The Police are concerned regarding F, K, and M on the form. We feel that the latest time for any amplified entertainment should be no later than 0100 hrs to prevent crime and disorder, the prevention of public nuisance and the protection of children from harm. Entertainment allowed an extra hour at New Year AND OTHER 12 AGREED SPECIAL OCCASIONS, recorded music could generally continue until 0200 but between 0100 and 0100 as background music ONLY at a reduced volume, this would have to be stipulated.
2. We feel for the local area the LATEST sale of alcohol should be 0200, with a suggested 1 hr drinking up time, later at New Year.

Yours faithfully

Police Sergeant 1506

(Licensing)

22 AUG 2005

Whittle-le-woods,  
Chorley.

22.8.05.

Dear Sir / Madam,

Re: Extension of licensing hours

Malthouse Farm Public House, Moss Lane,  
Chorley.

I am writing to lodge my objection to the proposed increased opening hours of the above mentioned Public House.

My objections are that it may bring an increased amount of noise and traffic to a residential area late at night.

Yours Faithfully,

[Redacted Signature]

22 AUG 2005

Whittle-Le-Woods,  
Chorley,  
[REDACTED]

22.8.05

Dear Sir / Madam,

Re: Extension of licensing hours  
Malthouse Farm Public House, Moss Lane,  
Chorley.

I am writing to lodge my objections to the proposed increased opening hours of the above mentioned Public House.

My objections are that it may bring an increased amount of noise and traffic to a residential area late at night.

Yours faithfully,

[REDACTED]

[REDACTED]

# Lancashire Constabulary

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

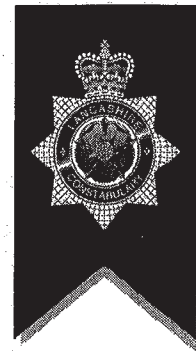
Tel: 01257 246215

Fax: 01257 246217

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

11 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 Malthouse Farm, Moss Lane, Whittle le Woods

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

As a result of correspondence from the Spirit Group which confirms agreement to our suggestions as detailed in our representation letter dated 4<sup>th</sup> August we would now like to withdraw our previous representation in respect of these premises.

Yours faithfully

Police Sergeant 1506

(Licensing)

Spirit Group Limited, 107 Station Street, Burton-on-Trent, Staffordshire DE14 1SZ

Tel: 01283 545320

Registered Office: As above. Registered in England Number 05266811

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

26 July 2005

27 JUL 2005

- 2 AUG 2005

Our ref: S6758

Dear Sir/Madam,

**Re: Premises Licence Application for Malthouse Farm**

Please find enclosed an application to convert an existing licence to a premises licence under Schedule 8 to the Licensing Act 2003 and to vary it under section 34 of the Licensing Act 2003 for **Malthouse Farm**.

Also enclosed is:

- a certified copy of each existing licence
- a plan of the premises
- a consent form completed by the proposed premises supervisor
- the consent of the justices' licence holder(s) to this application
- a cheque for £00:00 for the licence fee

A copy of this application and accompanying documents has been sent to the police and other responsible authorities at the addresses below. We are also advertising this application as per Section 34 of the Licensing Act 2003.

If you have any queries with regard to this application, we will be grateful if you would contact us explaining the clarification you require instead of returning the form.

Yours sincerely,



Licensing Administrator  
Spirit Group Limited

cc: Lancashire Constabulary, Licensing Unit: C Division, Chorley Police Station, St. Thomas' Road, Chorley, Lancashire PR7 1DR  
Lancashire Fire and Rescue Service, Fire Safety, Fire Station, Weld Bank Lane, Chorley, Lancashire PR7 3NQ  
Planning Services Unit, Civic Offices, Union Street, Chorley, Lancashire PR7 1AL  
Environmental Services Unit (Health & Safety at Work), Civic Offices, Union Street, Chorley, Lancashire PR7 1AL  
Environmental Services Unit (Environmental Concerns), Civic Offices, Union Street, Chorley, Lancashire PR7 1AL  
Trading Standards (Licensing Act 2003), 58 - 60 Guildhall Street, Preston, Lancashire PR1 3NU  
Quality & Review Manager, Lancashire County Council, Social Services Directorate, PO Box 162, East Cliff County Offices, Preston PR1 3EA  
Health & Safety Executive, Marshall House, Ringway, Preston PR1 2HS

**(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 Spirit Group 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	
Malthouse Farm Moss Lane	
Post town Whittle-le-woods	Post code PR6 8AB

Telephone number of premises (if any)

01257 232889

Non-domestic rateable value of premises

£142,500

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

Surname  First names

I am 18 years old or over  Yes

Current postal address if different from premises address

Post Town  Postcode

Daytime contact telephone number

E-mail address (optional)

**SECOND INDIVIDUAL APPLICANT (IF APPLICABLE)**

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

Surname  First names

I am 18 years old or over  Yes

Current postal address if different from premises address

Post Town  Postcode

Daytime contact telephone number

E-mail address (optional)

Chorley Borough Council

**(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.

<p>Name</p> <p><b>Spirit Group Limited</b></p>
<p>Address</p> <p><b>107 Station Street Burton-on-Trent Staffordshire DE14 1SZ</b></p>
<p>Registered number (where applicable)</p> <p><b>05266811</b></p>
<p>Description of applicant (for example, partnership, company, unincorporated association etc.)</p> <p><b>Private Limited Company</b></p>
<p>Telephone number (if any)</p> <p><b>01283 545320</b></p>
<p>E-mail address (optional)</p>



**Part A3 - Operating Schedule**

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

N/a

General description of premises (please read guidance note 1)

These premises operate as a **public house** selling alcohol for consumption both on and off the premises.

The premises have the ability to provide private entertainment for gain, where the public are not admitted, if the Private Places of Entertainment Act 1967 have been adopted.

There is no restriction on the hours during which members of the public may be present on the premises.

Recorded music may be played throughout the premises.

**There is an external area adjacent to the premises which is used for the consumption of alcohol purchased at the premises.**

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 ..... **David Hartley** .....

Address ..... **c/o the Premises set out in A1 above** .....

Personal Licence number, if known **Not 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.

**See licence(s) and conditions enclosed**

**Alcohol**

The provisions of Sections 59 – 61 inclusive and Section 63 of the Licensing Act 1964 apply (drinking up time).

**Late Night Refreshment**

Food may be sold in line with the alcohol sales plus an extra 30 minutes.

**Private Entertainment**

Private entertainment for gain may be provided throughout the premises without limitation.

**Recorded Music**

Recorded music may be played throughout the premises without limitation in line with the provisions of Section 180 of the Licensing Act 1964.

Chorley Borough Council

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)**

**See licence(s) and conditions enclosed.**

Liquor licence conditions: If the prem don't have a PEL issued under schedule 1 of the local government act 1982, and any person or persons are employed as a steward or in any capacity for the purposes of vetting cust on entry to the prem or maintaining order, they must oper as such be registered in accordance with local authority scheme

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

See Box A above

**c) Public safety**

See Box A above

**d) The prevention of public nuisance**

See Box A above

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

See Box A above

Chorley Borough Council

- 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..... 23/07/05

Capacity .....Licensing Administrator, employee of the applicant.....

For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> 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)	
The Licensing Manager Spirit Group Limited 107 Station Street	
Post town Burton-on-Trent	Post code DE14 1SZ
Telephone number	01283 545320
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**

**We Spirit Group Limited being the proposed premises licence holder of an existing licence to be converted under the terms of Schedule 8 to the Licensing Act 2003 apply to vary it under section 34 of the Licensing Act 2003 for the premises described in Part A above.**

**Part B1 - Variation**

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

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

Day	Month	Year

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

N/a

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

To allow accompanied children under 16 to be permitted in the bar in line with the provisions of the Licensing Act 2003.

To extend the hours for the sale and supply of alcohol and other licensable activities to: Sunday (02:00), Monday (01:00), Tuesday (01:00), Wednesday (01:00), Thursday (01:00), Friday (02:00), Saturday (02:00).

To remove the restrictions relating to drinking up time.

To allow credit sales.

Removal of certain existing conditions on the licence(s).

Provision of late night refreshment to: Sunday (03:00), Monday (02:00), Tuesday (02:00), Wednesday (02:00), Thursday (02:00), Friday (03:00), Saturday (03:00).

- to allow limited entertainment in line with the current provisions of Section 182 Licensing Act 1964 ("two in a bar").

Chorley Borough Council

**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			Will the performance of a play take place indoors or outdoors or both – please tick [✓] (please read guidance note 9).	Indoors
Standard days and timings (please read guidance note 8)				Outdoors
Day	Start	Finish		Both
Mon			<b>Please give further details here</b> (please read guidance note 10)	
Tue				
Wed			<b>State any seasonal variations for performing plays</b> (please read guidance note 11)	
Thur				
Fri			<b>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</b> (please read guidance note 12)	
Sat				
Sun				

Chorley Borough Council

**B**

<b>Films</b> 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"/>			
				Outdoors				
				Both				
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 10)					
Mon								
Tue								
Wed						<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 11)		
Thur								
Fri						<b>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</b> (please read guidance note 12)		
Sat								
Sun								

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 8)			<b>Please give further details</b> (please read guidance note 10)					
Day	Start	Finish						
Mon								
Tue						<b>State any seasonal variations for indoor sporting events</b> (please read guidance note 11)		
Wed								
Thur						<b>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</b> (please read guidance note 12)		
Fri								
Sat								
Sun								

Chorley Borough Council

**D**

<b>Boxing or wrestling entertainment</b> 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			<b>Please give further details here</b> (please read guidance note 10)	Both		
Tue						
Wed				<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 11)		
Thur						
Fri				<b>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</b> (please read guidance note 12)		
Sat						
Sun						

**E**

<b>Live music</b> 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	07:00	01:00	<b>Please give further details here</b> (please read guidance note 10) Limited to a maximum of two performers, as currently permitted under s182 Licensing Act 1964, and to entertainment at bona fide private events as currently permitted at the premises	Both		
Tue	07:00	01:00				
Wed	07:00	01:00		<b>State any seasonal variations for the performance of live music</b> (please read guidance note 11)  On St. David's Day, St. Patrick's Day, St George's Day, and St. Andrew's Day, the finish time will be extended by one hour, with seven days notice and agreement with the police.		
Thur	07:00	01:00				
Fri	07:00	02:00		<b>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</b> (please read guidance note 12) For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Monday) and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour beyond these times. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the police.		
Sat	07:00	02:00				
Sun	07:00	02:00				



Chorley Borough Council

**F**

<b>Recorded music</b> 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	✓
Day	Start	Finish		Outdoors	
Mon	07:00	01:00	<p><b>Please give further details here</b> (please read guidance note 10) The playing of all descriptions of amplified recorded music as permitted under the existing licence(s). Variation applies to hours of operation only.</p> <p><b>State any seasonal variations for playing recorded music</b> (please read guidance note 11)</p> <p>On St. David's Day, St. Patrick's Day, St George's Day, and St. Andrew's Day, the finish time will be extended by one hour, with seven days notice and agreement with the police.</p> <p><b>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</b> (please read guidance note 12) For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Monday) and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour beyond these times. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the police.</p>		
Tue	07:00	01:00			
Wed	07:00	01:00			
Thur	07:00	01:00			
Fri	07:00	02:00			
Sat	07:00	02:00			
Sun	07:00	02:00			

**G**

<b>Performances of dance</b> 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	
Day	Start	Finish		Outdoors	
Mon			<p><b>Please give further details here</b> (please read guidance note 10)</p> <p><b>State any seasonal variations for the performance of dance</b> (please read guidance note 11)</p> <p><b>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</b> (please read guidance note 12)</p>		
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 8)			<b>Please give a description of the type of entertainment you will be providing</b>	
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick [✓] (please read guidance note 9).	Indoors <input checked="" type="checkbox"/>
				Outdoors
Mon	07:00	01:00		Both
Tue	07:00	01:00	<b>Please give further details here</b> (please read guidance note 10)	
			Live entertainment as permitted under the existing licence(s), and karaoke.	
Wed	07:00	01:00		
Thur	07:00	01:00	<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 11)	
Fri	07:00	02:00	On St. David's Day, St. Patrick's Day, St George's Day, and St. Andrew's Day, the finish time will be extended by one hour, with seven days notice and agreement with the police.	
Sat	07:00	02:00	<b>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</b> (please read guidance note 12)	
Sun	07:00	02:00	For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Monday) and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour beyond these times. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the police.	

Chorley Borough Council

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

**J**

<b>Provision of facilities for dancing</b> Standard days and timings (please read guidance note 8)			Will the facilities for dancing be indoors or outdoors or both – please tick [✓] (see guidance note 9).		
Day	Start	Finish		Indoors	✓
				Outdoors	
				Both	
Mon	07:00	01:00	<b>Please give further details here</b> (please read guidance note 10) As currently permitted at the premises, including at bona fide private events		
Tue	07:00	01:00			
Wed	07:00	01:00	<b>State any seasonal variations for providing dancing facilities</b> (please read guidance note 11)		
Thur	07:00	01:00			
Fri	07:00	02:00	<b>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</b> (please read guidance note 12) For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Monday) and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour beyond these times. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the police.		
Sat	07:00	02:00			
Sun	07:00	02:00			

**K**

<b>Provision of facilities for entertainment of a similar description to that falling within j or k</b> Standard days and timings (please read guidance note 8)			<b>Please give a description of the type of entertainment facility you will be providing</b>	
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick [✓] (please read guidance note 9).</u>	Indoor
				Outdoor
Mon				Both
Tue			<b>Please give further details here</b> (please read guidance note 10)	
Wed				
Thur			<b>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within j or k</b> (please read guidance note 11)	
Fri				
Sat			<b>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within j or k at different times to those listed in the column on the left, please list</b> (please read guidance note 12)	
Sun				

**L**

<b>Late night refreshment</b> Standard days and timings (please read guidance note 8)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick [✓] (please read guidance note 9).</u>	Indoors	✓
Day	Start	Finish		Outdoors	
Mon	23:00	02:00		Both	
Tue	23:00	02:00			
Wed	23:00	02:00	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 11)		
Thur	23:00	02:00	On St. David's Day, St. Patrick's Day, St George's Day, and St. Andrew's Day, the finish time will be extended by one hour, with seven days notice and agreement with the police.		
Fri	23:00	03:00	<b>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</b> (please read guidance note 12)		
Sat	23:00	03:00	For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Monday) and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour beyond these times. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with seven days notice and agreement with the police.		
Sun	23:00	03:00			

**M**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 8)			Will the sale of alcohol be for consumption (Please tick box ✓) (please read guidance note 13)	On the premises	
				Off the premises	
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon	07:00	01:00	<p><b>State any seasonal variations for the supply of alcohol (please read guidance note 11)</b></p> <p>On St. David's Day, St. Patrick's Day, St George's Day, and St. Andrew's Day, the finish time will be extended by one hour, with seven days notice and agreement with the police.</p> <p><b>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)</b></p> <p>For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Monday) and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour beyond these times. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the police.</p>		
Tue	07:00	01:00			
Wed	07:00	01:00			
Thur	07:00	01:00			
Fri	07:00	02:00			
Sat	07:00	02:00			
Sun	07:00	02:00			

**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)**

Under 18 year olds will not be allowed to play on Section 34 permitted AWP machines.

Children will not be allowed in the area immediately adjacent to the bar servery.

Chorley Borough Council

O

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 8)			<u>State any seasonal variation (please read guidance note 11)</u>
Day	Start	Finish	
Mon	06:00	02:00	On St. David's Day, St. Patrick's Day, St George's Day, and St. Andrew's Day, the finish time will be extended by one hour, with seven days notice and agreement with the police.
Tue	06:00	02:00	
Wed	06:00	02:00	
Thur	06:00	02:00	<b><u>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)</u></b> For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Monday) and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour beyond these times. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the police.
Fri	06:00	03:00	
Sat	06:00	03:00	
Sun	06:00	03:00	Notwithstanding these usual opening times, the premises, in accordance with the converted right, may chose to open to the public at any time for non-licensable activities/purposes.

P

<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</p> <p>To remove the restrictions and effects of Section 168 and 171 Licensing Act 1964 so as to allow the provisions under the Licensing Act 2003 to apply in relation to children.</p> <p>To remove the restrictions on consumption of alcohol as set out in Section 63(1) Licensing Act 1964 (drinking up time).</p> <p>To remove the restrictions on credit sales in place by Section 166 Licensing Act 1964.</p> <p>To extend the terminal hour at the premises in respect of the sale of alcohol and other licensable activities.</p> <p>- to allow limited entertainment in line with the current provisions of Section 182 Licensing Act 1964 ("two in a bar").</p>
--

**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)**

We have applied for an extended period between the cessation of the supply of alcohol and the closure of the premises to give us the option to allow for a more gradual dispersal of customers. The style and operation of the pub will not differ significantly during the extended hours. Where this is appropriate, non-alcoholic refreshment will be available in the extended period.

The premises will respect Spirit Group's Approach to Responsible Drinking (a copy of which is enclosed in support of this application). Our policies change at regular intervals to reflect current trends and it would be inappropriate to standardise them on a permanent basis. The enclosed policy is included for information only and not as suggested conditions or to form part of any other Operating Schedule.

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

When door staff are used they will be Security Industry Authority (SIA) approved and operate in accordance with the security industry guidelines.

A zero tolerance towards illegal drugs will be enforced at all times.

If a disc jockey is used on any night then he/she will ask customers to leave quietly.

If a CCTV system is installed at this site, it will continue to operate during the additional hours of trading and notices will be displayed.

All instances of crime and disorder will be reported to the police and will be kept in an incident log book.

**c) Public safety**

Public safety is integral to the way that the Spirit Group runs its business and is reviewed regularly through our health and safety policy. This policy is fully briefed and trained to all management and staff and we will continue to train our staff to the standards required by relevant legislation.

Free drinking water will be available at all times.

**d) The prevention of public nuisance**

Additional patrols will take place by members of staff, internally and externally, to limit any noise pollution when entertainment is being offered within the premises.

If appropriate, notices will be displayed asking our customers to respect our neighbours when leaving the premises.

Where already used text/radio pagers will continue to be used for the additional hours of trading and will be monitored by a responsible member of staff.

Soft drinks and non-alcoholic refreshment will be available if we decide to use the option to stay open for an extended period between the cessation of the supply of alcohol and the closure of the premises (see above under General).

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

When children are allowed upon the premises, any entertainment offered within the premises will be suitable for young persons.

Children will be required to be supervised by the accompanying adult at all times.

A no smoking area will be provided.

Soft drinks and non-alcoholic drinks will be available.

A recognised Proof of Age Policy will be enforced.

**Part B3 – Premises Supervisor**

Full name of proposed designated premises supervisor

Designated Premises Supervisor is NOT BEING VARIED therefore this section is not applicable.

Address of proposed designated premises supervisor

Designated Premises Supervisor is NOT BEING VARIED therefore this section is not applicable.

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

Designated Premises Supervisor is NOT BEING VARIED therefore this section is not applicable.



- 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

[Redacted Signature]

Date

23/1/05

Capacity ..... **Licensing Administrator, employee of the applicant**.....

**Where the premises licence is jointly held signature of 2<sup>nd</sup> applicant (the proposed current premises licence holder) or 2<sup>nd</sup> 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)

The Licensing Manager  
Spirit Group Limited  
107 Station Street

**Post town**  
Burton-on-Trent

**Post code**  
DE14 1SZ

## Chorley Borough Council

## 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 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. 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.



## Our Approach to Responsible Drinking

- Our pricing policy is about delivering great value for customers at fair, competitive prices - it is not about encouraging excessive drinking.
- We don't offer financial incentives to customers to drink to excess (e.g we don't have 'all-you-can-drink for a set price' offers).
- We make sure any time limited alcohol promotion is offered over a reasonable period.
- We don't sell alcohol to anyone who's under age – we always ask for Proof of Age when in doubt.
- We don't charge for tap water.
- We support anti drink/drive initiatives (e.g Dept of Transport Think! Campaign).
- We stay focused on food sales as an important part of our offer.
- We respect the fact that many of our pubs are in residential areas and take steps as far as possible to limit any noise from inside our premises.
- We have a zero tolerance approach towards drugs on our premises.
- We use toughened glass for pints and half pints in our outlets as far as possible and are moving progressively towards 100% usage.
- We make sure that all our Team Players' training is focused on creating a safe and welcoming environment for our customers.
- We are rolling out Security Industry Authority (SIA) approved door supervisors across our estate, in line with the Government approved roll out plan.
- We attend local Pubwatch (or equivalent) meetings where they are in place.
- Any pub specific alcohol related promotional activity is signed off by the relevant Business Development Manager, who is responsible for compliance with our policy.

December 2004

Spirit Group Ltd, 107 Station Street, Burton on Trent, Staffordshire DE14 1SZ

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



*J. Butterfield*

Designated Officer

Dated this 18<sup>th</sup> day of July 2005.

Justices' Licence  
Intoxicating Liquor

Licence No.290

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

**LICENSING ACT 1964**

At the Licensing Session held at the Court House, St Thomas's Road, Chorley, on the 2<sup>nd</sup> day of March, 2005 for the Division of Chorley in the County of Lancashire.

The Licensing Justices for the said Licensing district hereby grant  
To **David Anthony Hartley**

of **Moss Lane, Whittle-le-Woods, Chorley**

**Bevan Brittan LLP**

We certify this to be a true copy of the original

Signed *B. Brittan*

Dated 26/7/05

(hereinafter called the licensee this Justices' Licence authorising him to sell by retail at the premises known as **Malthouse Farm**

of **Moss Lane, Whittle-le-Woods, Chorley**

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

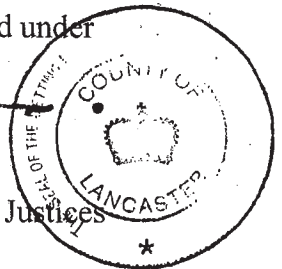
The owner(s) of the premises in respect of which this licence is granted are **Scottish & Newcastle** of **Lakeside House, The Lakes, Northampton**

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.

*[Handwritten signature]*

Clerk to the Licensing Justices



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

If the premises do not have the benefit of a Licence for Public Entertainment issued under Schedule 1 of the Local Government (Miscellaneous Provisions) Act 1982, and any person or persons are employed as a steward or in any capacity for the purposes of vetting customers on entry to the premises or maintaining order, they must before operating as such be registered in accordance with any Local Authority scheme at that time being in force.

**Bevan Brittan LLP** 

We certify this to be a true copy of the original

Signed 

Dated 20/1/12

SCHEDULE 2

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

I, **David Hartley** hereby consent to being named as the premises supervisor in a new licence granted under paragraph 4 of Schedule 8 to the Licensing Act 2003 to Spirit Group Limited (registered number 05266811) in respect of the application to convert an existing justices' licence where the holder of the licence has consented to the application being made by the applicant for **Malthouse Farm, Moss Lane, , Whittle-woods, PR6 8AB** if that application is successful.

Signed: .....



Date: .....

27/7/05

SCHEDULE 3

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

I/We, **David Hartley**, being the holder(s) of an existing justices' licence renewed on 4 April 2004 by **Chorley Licensing Division** hereby consent(s) to the application by Spirit Group Limited (registered number 05266811) 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 held by me/us in respect of **Malthouse Farm, Moss Lane, Whittle-le-woods, PR6 8AB**

Signed:  .....

Date: ..... *11.07.05* .....

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