

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: 10 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 Tuesday, 18th October, 2005 commencing at 1.00 pm.

AGENDA

1. **Declarations of Any Interests**

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

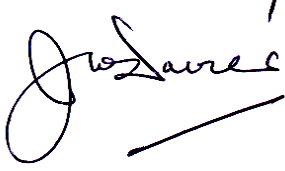
2. **Licensing Act 2004(Premises and Club Premises Certificate) Regulations 2003 - Application to vary premises license in respect of The Halfway House,470 Preston Road, Clayton-le-Woods, Chorley (Pages 1 - 54)**

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....



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 Walsh) for attendance.
2. Agenda and reports to Councillor Bedford (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 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	18 October 2005

APPLICATION TO VARY PREMISES LICENCE IN RESPECT OF THE HALFWAY HOUSE 470 PRESTON ROAD CLAYTON LE WOODS CHORLEY

PURPOSE OF REPORT

- For members to determine an application to 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 and 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

New Years Eve 11:00 – New Years Day – 23.00

Licensing Act 1964 embedded conditions and restrictions converted.

Continued....



THE APPLICATION

6. A copy of the application to vary 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.

7. Regulated Entertainment

i) Live Music – Indoors(E)

11.00 - 24.00 Monday - Saturday
12.00 - 23.30 Sunday

Acoustic and amplified

Christmas Eve, St Patrick's Day and Boxing Day – An additional hour

Non-Standard timings

Not Applicable

ii) Recorded Music - Indoors(F)

11.00 - 24.00 Monday - Saturday
12.00 - 23.30 Sunday

Amplified

Christmas Eve, St Patrick's Day and Boxing Day – An additional hour

Non-Standard timings

Not Applicable

8. Supply of alcohol both on and off the premises (M)

11.00 - 24.00 Monday - Thursday
11.00 - 01.00 Friday - Saturday
12.00 - 23.30 Sunday

Christmas Eve, St Patrick's Day and Boxing Day – An additional hour

Non-Standard timings

Not Applicable

9. Hours Premises are open to the public(O)

11.00 - 01.00 Monday - Thursday
11.00 - 02.00 Friday and Saturday
12.00 - 01.00 Sunday

Non Standard Timings

Additional hour for all the Bank Holiday weekends, Friday to Sunday and St Patrick's Day.

ADDITIONAL STEPS TO BE TAKEN TO PROMOTE LICENSING OBJECTIVES

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

i) **Prevention of crime and disorder**

The following potential issues have been identified:

- (a) Responsible Promotions
- (b) External Factors
- (c) Door Supervisors
- (d) Internal Factors
- (e) Glass Control
- (f) Pubwatch

A. Responsible promotions

- 1. At J W Lees we recognise the need to drink responsibly. All promotional activity will accordingly comply with industry agreed codes of practice.

B. External factors

Customers leaving the premises will be requested to leave in a quiet and orderly manner.

C. Door supervisions

- 1. Generally due to the nature of J W Lees's pubs door supervisors are not required. In the unlikely event that disorder within the area increases the Designated Premises Supervisor will bear in mind the benefits of hiring door supervision.
- 2. Licensees are encouraged to closely monitor all customers entering and leaving our premises.

D. Internal factors

- 1. With regard to drugs: any person found using drugs will be removed from the premises. Any person found to be dealing drugs will be detained and the police informed immediately. Drugs seized will be handed over to the Police.
- 2. Licensees are provided with a risk assessment file, which identifies the hazard of dealing with incidents of disorder.
- 3. We encourage vigilance among staff to supervise customers in all parts of the premises.

E. Glass control

- 1. The general environment and level of supervision and regular glass collections is considered sufficient to prevent dangers arising from the use of bottles or glasses as weapons.
- 2. Keeping premises and surrounding areas tidy.

F. Pubwatch

1. All our licensees are encouraged to be members of their local pubwatch scheme. As a company we have been instrumental in setting up schemes in certain areas.

ii) **Public Safety**

The following potential issues have been identified:

- (a) Risk Assessment
- (b) Fire
- (c) Electrical Installation

A. Risk Assessment

1. Consultation with local Fire Authority and other responsible Authorities.
2. Ensuring that Public Liability Insurance is in place.

C. Fire

1. Maintaining emergency exits unlocked and clear at all times.
2. An adequate number of fire exits are provided and clearly marked and maintained to readily afford ample means of safe escape.
3. Means of escape and passageways and gangways will be kept clear and unobstructed during the whole time the premises are used for the licensable activities.
4. No fire door shall be held open other than by approved devices.
5. In the event of an outbreak of fire, irrespective of the severity, the fire brigade shall be immediately called to the premises.

D. Electrical Installation

1. Adhere to fire regulations.
2. Temporary electrical wiring installations shall only be undertaken by competent qualified persons. Where this is not practicable all temporary electrical lighting shall be inspected and certified by a competent qualified person before it is put to use.

iii) **Public Nuisance**

The following potential issues have been identified:

- (a) Nuisance from Outside
- (b) Nuisance for Persons Dispersing
- (c) Other Nuisance

A. Nuisance from outside

Permitting outdoor drinking and eating only in defined areas.

B. Nuisance from persons dispersing

1. The company are mindful of the concerns of residents and will take all reasonable steps to prevent nuisance.
2. Display of telephone numbers for taxi firms in a prominent location and provide other facilities for customers to order cabs.

C. Other nuisance

1. Removal of glassware and regularly cleaning and clearing tables where outside drinking takes place.
2. Provision of secure facilities for empty glass containers.
3. Cleaning area around the premises on a regular basis.
4. Ensuring refuse is removed regularly and in a manner sensitive to needs of local residents.

iv) **Protection Of Children**

The following potential issues have been identified:

- (a) Sale to Under 18's
- (b) Under 18's in the Premises

A. Sale to Under 18's

1. Displaying prominent signage about the laws relating to children and alcohol.
2. Making customers aware of the laws involving sales and purchases of alcohol on behalf of children.
3. Insisting that anyone who appears to be under 18 must produce ID or a proof of age card.
4. Suitable ID includes: passport, photo card driving licence, citizen card.

B. Under 18's In The Premises

1. No children under 18 are to enter the premises (except accessing toilet facilities) unless accompanied by an adult.
2. All staff are aware to report any suspicious behaviour to the premises management.
3. We support the Portman Group code of practice which aims to ensure that drinks are packaged and promoted to over 18s only, and in a socially responsible way.

SUMMARY

12. J W Lees are a sixth generation family company who take great pride in working closely with the local authorities for mutual benefit. It is the intention of J W Lees to offer people the opportunity to socialise in an enjoyable, friendly and safe environment. We fully understand our responsibilities of retailing alcohol and have been active supporters of local and national initiatives to curb anti-social behaviour and promote sensible drinking.

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

None.

14. Conditions/ Restrictions to be removed on variation.

None.

15. Relevant Representations – Responsible Authorities

None

16. Relevant Representations – Interested Parties.

There are six relevant 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

Public Safety

Prevention of Crime and Disorder

A copy of the representations are attached in full to this report in Appendix 2.

16. 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 had regard to the representations, may take the following steps it considers it necessary for the promotion of the licensing objectives.

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

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

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

Paragraph 1.4. The Statement of Licensing Policy sets out how the licensing objectives will be achieved and to secure the safety and amenity of residential communities whilst facilitating a sustainable entertainment and cultural industry. The Policy recognises both the needs of residents for a safe and healthy environment in which to live and work and

the importance of safe and well run entertainment premises to the local economy. Balancing these interests will not always be straightforward and will be guided by the four licensing objectives.

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

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

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

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

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

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

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

CRIME AND DISORDER

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

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

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

Paragraph 6.4 The Council will have particular regard to the likely impact on licensing of related crime and disorder in the Borough particularly when considering the location,

impact and the operation and management of all proposed licensed premises and applications for variations.

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

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

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

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

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

LICENSING HOURS

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

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

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

Paragraph 7.5 The Licensing Authority also recognises the principle of 24-hour opening of all licensed premises. However, it considers that longer opening hours may be more acceptable in commercial areas with high levels of public transport. The grant of a licence will in all cases be dependent on the impact of an activity in relation to the licensing objectives.

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

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

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

PROTECTION OF CHILDREN FROM HARM

Paragraph 10.1 The policy does not seek to prevent or limit the access of children to licensed premises unless it is necessary for the prevention of physical, moral or psychological harm to them. The Licensing Authority is committed to protecting children from harm and activities associated with premises that sell alcohol or provide regulated entertainment, may in certain circumstances, give rise to concerns for the health and welfare of children. For the purpose of this Policy, a 'child' is defined as any person who is under the age of 16

Paragraph 10.2 The Licensing Authority will not impose any conditions that specifically require access of children to premises and where no limitation is imposed this should remain a matter for the individual licence holder or club premises certificate holder. The Licensing Authority will consider the individual merits of each application. However, the Licensing Authority will have particular concern in respect of children:

- where there have been convictions of the current management for serving alcohol to minors or those where there is a reputation of under age drinking.
- where there is reputation of drug taking or dealing.

- where there is a strong element of gambling on the premises.(but not for example, the simple presence of a small number of cash prize gaming machines)
- where entertainment of an adult or sexual nature is provided (see paragraph 29 for additional information).
- where the supply of alcohol is the exclusive or primary purpose of the services provided at the premises.

Paragraph 10.3 The Licensing Authority, in such circumstances as outlined above, may consider it necessary to impose a complete prohibition; it is envisaged that this would be rarely imposed. The Licensing Authority would normally be likely to impose requirements such as:

- limitations on the hours when children may be present.
- age limitations for persons under 18
- limitations or exclusions when certain activities are taking place
- requirements for accompanying adults
- limitations of access to certain parts of the premises when particular licensable activities are taking place
- provision of suitable signage
- such other conditions or restrictions as may be necessary to achieve the licensing objectives.

Paragraph 10.4 Licensees are not to provide alcohol except as provided for by the Act. The Council expects applicants to consider child access in their operating schedules and volunteer appropriate conditions where relevant. The Council recommends that the following documents should be used as evidence of age:

- Passport
- Photo Card Driving licence issued in the European Union
- Proof of Age Scheme Card (i.e. Portman Group)and schemes which carry the Proof of Age Standard Scheme logo
- Citizen Card supported by the Home Office
- Official ID Card issued by HM Forces or a European Union Country bearing a photograph and date of birth of the holder.

Paragraph 10.5 The Licensing Authority requires applicants to consider, where relevant, those factors that impact on the protection of children objective, and identify where necessary and appropriate, suitable measures to promote this objective. Applicants may wish to consider, where appropriate:

- arrangements to prevent children acquiring of consuming alcohol
- arrangements to prevent children being exposed to drugs, drug taking, or drug dealing
- arrangements to prevent children being exposed to gambling, or activities of an adult or sexual nature
- steps to be taken to prevent children being exposed to violence or disorder
- arrangements for training staff in relation to the protection of children
- steps to be taken to prevent children purchasing cigarettes from vending machines and preventing access to Amusement with Prize Machines (except in accordance with the Gaming Legislation).

Paragraph 10.6 Applicants may volunteer prohibitions and restrictions on their Operating Schedules as a result of their own risk assessments determining that the presence of children is undesirable or inappropriate. Where no relevant representations are made to the Licensing Authority these volunteered prohibitions and restrictions will become conditions attached to the licence or certificate. The Licensing Authority may impose conditions where relevant representations are made if it considers it necessary and/or

appropriate including those drawn from the Model Pool of Conditions shown at in Appendix 3.

Paragraph 10.7 The Licensing Authority will also expect applicants, where relevant, to consider how they intend to provide for the supervision of children as unaccompanied customers and as performers providing regulated entertainment. Licence holders should give consideration to the welfare of children as performers in such cases. As a minimum requirement the Licensing Authority will require an adult to be nominated to be responsible for such child performers.

Paragraph 10.8 Where large numbers of unaccompanied children are to be present e.g. children's show or pantomime, conditions may be imposed, where relevant representations are received, requiring the presence of an appropriate number of adult staff to ensure public safety and protection of children from harm. The Licensing Authority requires applicants to address those matters in their operating schedules. See paragraph 12.1 for further guidance.

Paragraph 10.9. The Licensing Authority recognises Lancashire County Council Social Services Department or a future body with the relevant legislative functions of a social services department as being competent to advise on matters relating to the protection of children from harm.

CHILDREN AND CINEMAS

Paragraph 11.1 Where the exhibition of films is permitted the Licensing Authority requires admission to children to be restricted in accordance with the British Board of Film Classification (BBFC) or any other body designated under section 4 of the Video Recordings Act 1984.

Paragraph 11.2 Where it is proposed to exhibit films not classified by the BBFC, the Licensing Authority will, provided 28 days notice has been given, classify the films concerned using the guidelines published by the BBFC.

CHILDREN AND PUBLIC ENTERTAINMENT

Paragraph 12.1 Where there is entertainment specifically provided for children (e.g. children's disco) the Licensing Authority would recommend as a minimum:

- an adult member of staff to be stationed in the vicinity of each of the exits, a minimum of one member of staff per 50 children or part thereof
- no standing to be permitted in any part of an auditorium during the performance
- no child unless accompanied by an adult to be permitted in the front row of any balcony.

Paragraph 12.2 Where relevant representations are made, the Licensing Authority may, if it considers it necessary and/or appropriate attach conditions to licences and permissions to prevent harm to children, these may include those drawn from the Model Pool of Conditions at Appendix 3 relating to the Protection of Children from Harm.

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, eg 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 eg 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 (eg 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 premises regularly conduct themselves in an anti-social manner to the detriment of local

PUBLIC SAFETY

Paragraph 14.1 The Licensing Authority considers that members of the public when visiting licensed premises, have a right to expect that due consideration has been given to public safety. The Licensing Authority notes that the public safety objective is concerned with the physical safety of people using premises and not with public health which is dealt with in other legislation.

Paragraph 14.2 The Licensing Authority is committed to ensuring public safety across the Borough by working in partnership with Lancashire Police, Lancashire Fire & Rescue and Licence Holders.

Paragraph 14.3 Applicants should carefully consider the safety of the premises having regard to the licensable activities that are proposed and to address in the operating schedule, where relevant, how public safety will be achieved. Such measures may include, where relevant to the premises:

- the occupancy capacity of the premises
- age, design and layout of the premises including means of escape
- nature of the licensable activities to be provided, in particular the sale and supply of alcohol
- hours of operation
- customer profile (eg age)
- use of special effects e.g. lasers, pyrotechnics, smoke/foam machines.

Paragraph 14.4 The Act requires a plan of the premises to be supplied with operating schedules showing prescribed information.

The Licensing Authority will take notice of a health and safety risk assessment submitted with an operating schedule.

Paragraph 14.5 All licensed premises will be risk related according to a Protocol agreed with Lancashire Fire and Rescue. Inspections will be carried out by Lancashire Fire & Rescue in accordance with the Protocol. A copy is attached at Appendix 6.

Paragraph 14.6 The Licensing Authority may inspect premises where it considers it appropriate on public safety grounds.

Paragraph 14.7 On receipt of relevant representations the Licensing Authority may, where it considers it necessary and/or appropriate, impose conditions to secure the public safety objective including those drawn from the Model Pool of Conditions attached at

Appendix 3. Any conditions imposed will relate to the particular circumstances of the individual premises and will not duplicate other requirements of the law.

17. 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.

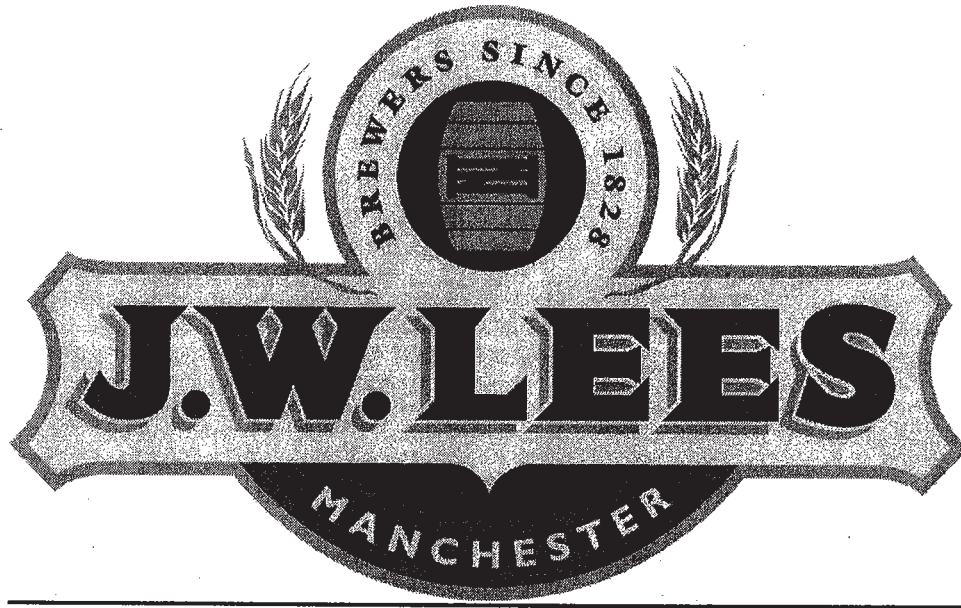
ASSOCIATED PAPERS

18. 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
Howard Bee	5164	6 October 2006	LEGREP/90586LM



OPERATING PLAN

JUNE 2005

J W LEES

1. PREVENTION OF CRIME AND DISORDER

The following potential issues have been identified:

- a) Responsible Promotions
- b) External Factors
- c) Door Supervisors
- d) Internal Factors
- e) Glass Control
- f) Pubwatch

A. RESPONSIBLE PROMOTIONS

- 1) At J W Lees we recognise the need to drink responsibly. All promotional activity will accordingly comply with industry agreed codes of practice.

B. EXTERNAL FACTORS

- 1) Customers leaving the premises will be requested to leave in a quiet and orderly manner.

C. DOOR SUPERVISIONS

- 1) Generally due to the nature of J W Lees's pubs door supervisors are not required. In the unlikely event that disorder within the area increases the Designated Premises Supervisor will bear in mind the benefits of hiring door supervision.
- 2) Licensees are encouraged to closely monitor all customers entering and leaving our premises.

D. INTERNAL FACTORS

- 1) With regard to drugs: any person found using drugs will be removed from the premises. Any person found to be dealing drugs will be detained and the police informed immediately. Drugs seized will be handed over to the Police.
- 2) Licensees are provided with a risk assessment file, which identifies the hazard of dealing with incidents of disorder.
- 3) We encourage vigilance among staff to supervise customers in all parts of the premises.

E. GLASS CONTROL

- 1) The general environment and level of supervision and regular glass collections is considered sufficient to prevent dangers arising from the use of bottles or glasses as weapons.
- 2) Keeping premises and surrounding areas tidy.

F. PUBWATCH

- 1) All our licensees are encouraged to be members of their local pubwatch scheme. As a company we have been instrumental in setting up schemes in certain areas.

2. PUBLIC SAFETY

The following potential issues have been identified:

- a. Risk Assessment
- b. Fire
- c. Electrical Installation

A. RISK ASSESSMENT

- 1) Consultation with local Fire Authority and other responsible Authorities.
- 2) Ensuring that Public Liability Insurance is in place.

C. FIRE

- 1) Maintaining emergency exits unlocked and clear at all times.
- 2) An adequate number of fire exits are provided and clearly marked and maintained to readily afford ample means of safe escape.
- 3) Means of escape and passageways and gangways will be kept clear and unobstructed during the whole time the premises are used for the licensable activities.
- 4) No fire door shall be held open other than by approved devices.
- 5) In the event of an outbreak of fire, irrespective of the severity, the fire brigade shall be immediately called to the premises.

D. ELECTRICAL INSTALLATION

- 1) Adhere to fire regulations.
- 2) Temporary electrical wiring installations shall only be undertaken by competent qualified persons. Where this is not practicable all temporary electrical lighting shall be inspected and certified by a competent qualified person before it is put to use.

3. PUBLIC NUISANCE

The following potential issues have been identified:

- a. Nuisance from Outside
- b. Nuisance for Persons Dispersing
- c. Other Nuisance

A. NUISANCE FROM OUTSIDE

- 1) Permitting outdoor drinking and eating only in defined areas.

B. NUISANCE FROM PERSONS DISPERSING

- 1) The company are mindful of the concerns of residents and will take all reasonable steps to prevent nuisance.
- 2) Display of telephone numbers for taxi firms in a prominent location and provide other facilities for customers to order cabs.

C. OTHER NUISANCE

- 1) Removal of glassware and regularly cleaning and clearing tables where outside drinking takes place.
- 2) Provision of secure facilities for empty glass containers.
- 3) Cleaning area around the premises on a regular basis.
- 4) Ensuring refuse is removed regularly and in a manner sensitive to needs of local residents.

4. PROTECTION OF CHILDREN

The following potential issues have been identified:

- a. Sale to Under 18's
- b. Under 18's in the Premises

A. SALE TO UNDER 18'S

- 1) Displaying prominent signage about the laws relating to children and alcohol.
- 2) Making customers aware of the laws involving sales and purchases of alcohol on behalf of children.
- 3) Insisting that anyone who appears to be under 18 must produce ID or a proof of age card.
- 4) Suitable ID includes: passport, photo card driving licence, citizen card.

B. UNDER 18'S IN THE PREMISES

- 1) No children under 18 are to enter the premises (except accessing toilet facilities) unless accompanied by an adult.
- 2) All staff are aware to report any suspicious behaviour to the premises management
- 3) We support the Portman Group code of practice which aims to ensure that drinks are packaged and promoted to over 18s only, and in a socially responsible way.

SUMMARY

J W Lees are a sixth generation family company who take great pride in working closely with the local authorities for mutual benefit. It is the intention of J W Lees to offer people the opportunity to socialise in an enjoyable, friendly and safe environment. We fully understand our responsibilities of retailing alcohol and have been active supporters of local and national initiatives to curb anti-social behaviour and promote sensible drinking.

[REDACTED]
Clayton le Woods,
Chorley,
[REDACTED]

01/09/05

Chorley Borough Council
Civic Offices
Union Street
Chorley
PR7 1AL

Dear Chorley Borough Council.

Public Entertainment Licenses

Thank you for the opportunity to comment on public houses who have applied for entertainment licenses under the new licensing act. This was provided by a message from three of your councilors

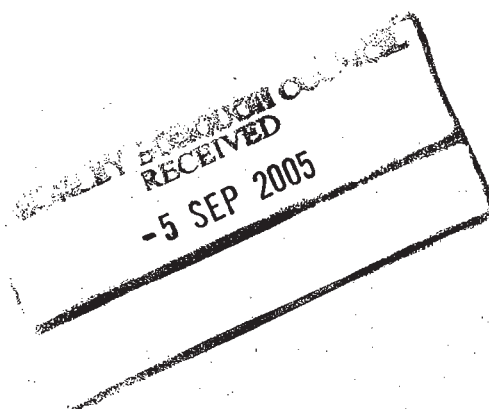
Whilst I do not have full details of what the act might allow, I feel that the developments that have already taken place recently in licensed premises are beginning to have a detrimental affect on society and further initiatives could make matters worse. The extended opening times have put an additional burden on our already overworked police service. My concerns with the consequences of public entertainment are that these too will further affect conditions within residential areas.

I reside close to the Half Way House. The establishment has served the community as a hostelry for a quiet drink and gives travelers by car, cycle and motor cycle a place where they could break their journey. What has developed on the site is a restaurant with outside space and an adjacent hotel. These facilities in themselves are acceptable. However I feel that they should provide no more than background music by juke box or other remote semi-automatic devices. If there is a proposal and opportunity within the new act for live music of any kind I would not support this and I wish to make my objection through this letter.

The Half Way House is situated in residential space. The development of the hotel was, in my opinion, unsound as this has attracted the parking of not only coaches delivering hotel guests but the parking of medium sized goods vehicles. It has lead to an increase in traffic movements on an already busy area. If live music were to be allowed in the public house this would attract more traffic and unacceptable noise from within the premises, the outside space and disruption from the late night revelers who already cause enough disruption.

Yours faithfully,

[REDACTED]
[REDACTED]



CLAYTON-LE-WOODS PARISH COUNCIL

CLERK TO THE COUNCIL: MRS. EILEEN WHITEFORD

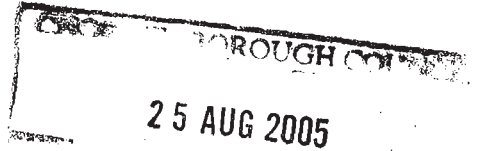
6 STONEHOUSE GREEN, CLAYTON-LE-WOODS, CHORLEY PR6 7JT

TELEPHONE: 01772 338188 FACSIMILE: 01772 620016

E-mail: parish@claytonlewoods.fsnet.co.uk

18th August 2005

The Licensing Committee
Chorley Borough Council
Union Street
CHORLEY



Dear Sir

**Re: Half Way House Hotel, Preston Road, Clayton-le-Woods
Change of Licensing Hours**

I attach a copy of a letter which I have forwarded to the Licensing Officer lodging the Parish Council's objection to the proposal to change the licensing hours at the Half Way House Hotel, Preston Road, Clayton-le-Woods.

You will see from the copy letter that there is a relevant history attached to this establishment when so many difficult problems existed due to extended licensing hours at that time. Since the closure of the club and the late closing hours that went with it, residents have been able to enjoy the quality of life they deserve and expect living in a rural residential area.

The Parish Council would ask that you take into consideration all the relevant facts and history appertaining to the Half Way House Hotel before any extension of hours is granted.

Yours sincerely

A handwritten signature in cursive script that reads "Eileen Whiteford".

Clerk to the Council

19th August 2005

The Licensing Officer
C/o Chorley Police Station
St. Thomas's Road
CHORLEY

Dear Sir

**Re: Half Way House Hotel, Preston Road, Clayton-le-Woods
Change of licensing hours**

The Parish Council wish to object to the proposal to change the licensing hours at the Half Way House Hotel, Preston Road, Clayton-le-Woods.

Briefly, the history attached to this establishment has been very difficult in that this Parish Council along with Police and residents fought for many years to have the club within the hotel closed due to the unreasonable behaviour to local residents when people were leaving the premises. Indeed, a police car had to be parked more or less permanently outside the premises to try and keep the youngsters in order.

Residents were woken with swearing and shouting, urinating in their gardens and cars vandalised all as a result of too much alcohol due to the late times they were leaving the premises.

To bring a town city facility into a residential area would have a devastating effect on the community and in view of the past history, the Parish Council would ask you to refuse the application for the proposed extension to hours.

Yours sincerely

Clerk to the Council

Clayton-Le-Woods
Nr. Chorley

24 AUG 2005

19th August 2005

Dear Sir/Madam,

I would like to strongly object to the proposal by the Halfway House (Preston Road) to have extended opening hours.

Both myself and my husband can not and will not tolerate any more stress and aggravation caused by noise pollution. We are already on the waiting list to have a tape recorder installed by the council to monitor high noise levels coming from the 24hr garage. In the recent past we have on numerous occasions found it necessary to call the police due to drunken yobs causing malicious damage (fence + garden) to not only our property but to neighbour properties one of those in there 80's. We have also got to put up with late night brawling, shouting, singing, taxis pumping their horns, glass bottles being thrown into our garden and seeing drunken people urinating and vomiting around the area.

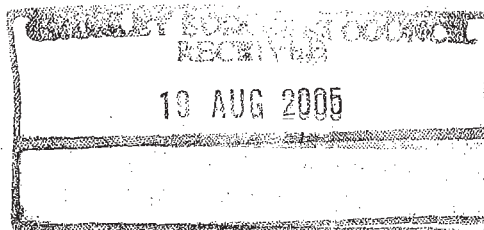
All of this is happening whilst the

○ Halfway House has restricted opening hours. I can not begin to imagine how it is going to be if people are allowed to be drinking for even longer periods of time.

Yours faithfully

A solid black rectangular box redacting the signature of the sender.

Licensing Department
Chorley Borough Council
Union St.
Chorley



Clayton-le-Woods
Chorley

18th August 2005

Dear Sirs,

Re. Application for Variation in Licensing Hours; Halfway House, 470 Preston Road, Clayton-le-Woods

I wish to lodge an objection to the above application for variation in licensing hours, on the grounds of loss of amenity to local residents, nuisance caused by associated vandalism and increased traffic nuisance.

The application requests that the premises be allowed to play music up to midnight on almost every night of the week and up to 1:00 am in the morning at Christmas and St. Patrick's day. It also requests that alcohol be served until 1:00am at week ends and midnight in the week. This too is to be extended by an hour on the same bank holidays and St Patrick's day. Additionally it is also requested that the premises be allowed to stay open until 2:00 am at weekends and 1:00 am in the week, which is also extended until up to 3:00am on all bank holiday weekends.

Obviously the intention is to gain additional business, which will cause considerable disturbance to a residential area, by providing a town centre style facility and its associated noise and vandalism problems. This will be further exacerbated by increased traffic, due both to taxis arriving and leaving; and private cars using the large car park beyond these times. This is in an area covered by very low policing during these hours.

Some eighteen years ago this same establishment had opening hours similar to those proposed and attracted custom from all over the area, especially popular were its "Bomp and Stomp" nights. This was the cause of extreme disruption and upset to the lives of those of us unfortunate enough to be living nearby. This was only curtailed after lengthy campaigns by neighbours resulted in Chorley Borough Council imposing conditions on noise pollution and making the establishment responsible for the behaviour of customers leaving the premises.

It is my concern that granting of this variation will allow this establishment to operate in a similar fashion as before and cause misery once again for the neighbours.

I would ask that this variation is refused. Failing that, at the very least, conditions are imposed governing the level of noise from the premises, i.e. it is not heard by nearby houses, and that the public house assumes responsibility for customers arriving and leaving.

Yours faithfully

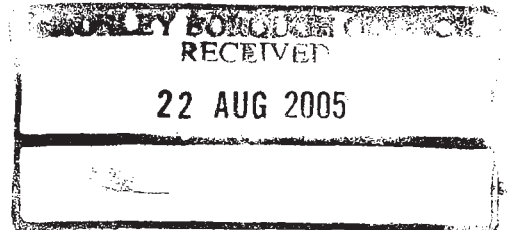
[Redacted signature]

Date 20th August 2005

Chorley borough council
Civic offices
Union Street
Chorley
Lancashire

[REDACTED]
Clayton Le Woods
Chorley
Lancashire
[REDACTED]

Re: public entertainment licences
Halfway house Clayton-le-Woods



Dear Sir/Madam,

I am writing to you too strongly object to the Halfway House having an entertainment licence under the new Licensing Act, the reason for my objection is, the halfway house already as a public bar and restaurant facility plus accommodation at the rear, and if the halfway house was to be granted an entertainment licence under the new Licensing Act, that would mean that they could be open 24 hours, I strongly object to them being open day and night, as this would mean extra customers coming and going from the premises all night long, I E private motor vehicles and taxi's, which would mean extra traffic noise, engine noise and doors slamming, and most probably noisy customers, (raised voices). and this could mean that there could be fighting amongst the customers, as there was a number of years back when they used to have a disco to the rear of the premises. Me and my wife like to have a good night's sleep when we go to bed and not be disturbed by rowdiness from the halfway house, this is our objection, so please, do not grant them a licence to

open 24 hours a day as we do like to have a peaceful night's sleep.

thank you

yours 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 HALFWAY HOUSE, 470, PRESTON ROAD, CLAYTON LE WOODS

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

This is a repeat application, an initial representation being sent on 27/07/05. The times etc have been altered and as such the Police Representation has now been withdrawn.

Yours faithfully

Police Constable 290

(Licensing)

Lancashire Constabulary

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

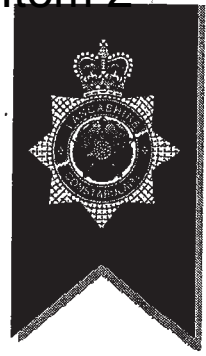
Tel: 01257 246215

Fax: 01257 246217

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

01 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 HALFWAY HOUSE, 470, PRESTON ROAD, CLAYTON LE WOODS

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

1. The Police feel that the extra hour applied for on Bank Holiday weekends is excessive and would increase the risk of Crime and Disorder, Public Nuisance, Public Safety and the protection of Children From Harm.
2. Due to the residential nature of the area the latest that amplified music of any nature should sound should be midnight Mon-Sun inc. With a proviso for an extra half hour on special occasions only. Any music generally after midnight should be background only. Re-iterating the above points
3. Concern re the licensed area outside the front of the premises and near the A6 main road, particularly with regards to children, this area should be monitored via cctv and/or have a boundary fence to help prevent young children running into the busy main road.

Yours faithfully

Police Sergeant 1506

(Licensing)



The Chief Executive Officer
 Council Offices
 Gillibrand Street
 Chorley
 Lancashire
 PR7 2EL

LICENSING TEAM

Principal
Partner: Anthony Lyons

3 St. Mary's Parsonage
 Manchester M3 2RD

Phone 0161 838 7888

0161 832 3434

Fax 0161 839 7544

email kslaw@kuits.com

web www.kuits.com

DX 14325 Manchester 1

Your Ref
 Our Ref

JOP.JOP.JW1.124

04 August 2005

Dear Sir

The Licensing Act 2003
Application for Conversion
Halfway House, 470 Preston Road, Clayton LeWoods

Enclosed please find the following notices of application:

- Notice of application for Conversion under the Licensing Act 2003
- Notice of application for Variation under the Licensing Act 2003

Please note this application has been amended in line with police suggestion and resubmitted to the Licensing Authority as required.

In accordance with the new regulations also enclosed are:

- Plans in support of the application. Please note the area edged red is the area used for the consumption of alcohol.
- Certified copy Justices Licence.
- A form of consent signed by the proposed Designated Premises Supervisor.
- A form of consent to the application signed by the current Licensee.
- A cheque in respect of the fee.

Kindly acknowledge safe receipt.

Yours faithfully

KUIT STEINART LEVY

Copies to Lancashire Constabulary
 Lancashire Fire and Rescue Service
 Environmental Services Unit
 Planning Services Unit
 Quality & Review Manager (Child Protection)
 Health and Safety
 Trading Standards

- 8 AUG 2005

- Jan S. Fidler
- Colin M. Hoffman
- Jonathan Marks
- Robert A. Levy
- Martin S. Davies
- Steven P. Eccleston
- David Haffner
- Anthony Lyons
- Nicholas W. Nyunt
- Graham D. Wood
- Cyril M. Rose
- Damian R. Bailey
- Andrew G. Weinberg
- Kirsti J. Pinnell
- John C. Turner
- Norman Cohen
- Robert W. Buckley
- Associates
- Sally C. Bird
- Elizabeth Winter
- Steven Reynolds
- Mohammed Javid Shafi
- Simon Jones



Consultants

Bryan H. Bodek

Ellis B. Santhouse
 Notary Public

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/We J W LEES & CO (BREWERS) 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 HALFWAY HOUSE 470 PRESTON RD CLAYTON LE WOODS			
Post town	CHORLEY	Post code	PR6 7JB

Telephone number of premises (if any)	
Non-domestic rateable value of premises	£70000

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)

(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 J. W. LEES & CO. (BREWERS) LIMITED
Address GREENGATE BREWERY MIDDLETON JUNCTION MANCHESTER M24 2AX
Registered number (where applicable) 00 55 72 25
Description of applicant (for example, partnership, company, unincorporated association etc.) PRIVATE LIMITED COMPANY
Telephone number (if any)
E-mail address (optional)

Part A3 - Operating Schedule

General description of premises (please read guidance note 1)

PUBLIC HOUSE AND RESTAURANT

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

--

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.

JUSTICES LICENCE:	
MONDAY TO SATURDAY	11:00 UNTIL 23:00
SUNDAY	12:00 UNTIL 22:30
GOOD FRIDAY	12:00 UNTIL 22:30
CHRISTMAS DAY	12:00 UNTIL 15:00 & 19:00 UNTIL 22:30
NEW YEARS EVE	11:00 UNTIL 23:00
NEW YEARS 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)

N/A

b) The prevention of crime and disorder

N/A

c) Public safety

N/A

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (Please read guidance note 6). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 7)			
KUIT STEINART LEVY			
[REDACTED]			
Post town	[REDACTED]	Post code	[REDACTED]
Telephone number	[REDACTED]		
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 B2 - Operating Schedule

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

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

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

Provision of regulated entertainment

Please tick Yes

- a) plays (if ticking yes, fill in box A)
- 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 B6 on this form.

B

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

D

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

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 9)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	11:00	24:00	Please give further details here (please read guidance note 10) AMPLIFIED.		
Tue	11:00	24:00			
Wed	11:00	24:00	State any seasonal variations for playing recorded music (please read guidance note 11) CHRISTMAS EVE, ST PATRICKS DAY & BOXING DAY - AN ADDITIONAL HOUR		
Thur	11:00	24:00			
Fri	11:00	24:00	Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 12) N/A		
Sat	11:00	24:00			
Sun	12:00	23:30			

H

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

J

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

L

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

O

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 11) CHRISTMAS EVE & BOXING DAY - AN ADDITIONAL HOUR
Day	Start	Finish	Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 12) ADDITIONAL HOUR FOR THE ALL BANK HOLIDAY WEEKENDS, FRIDAY TO SUNDAY AND ST PATRICK'S DAY
Mon	11:00	01:00	
Tue	11:00	01:00	
Wed	11:00	01:00	
Thur	11:00	01:00	
Fri	11:00	02:00	
Sat	11:00	02:00	
Sun	12:00	01:00	

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

N/A

Part B3 – Premises Supervisor

Full name of proposed designated premises supervisor
 TRACEY CAROLINE STEVENSON

Address of proposed designated premises supervisor



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

Notes for Guidance**PART A**

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

PART B

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

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

No. 153

GAMING ACT 1968, s.34

PERMIT

for the use of

Machines for Gaming by way of Amusement with Prizes

THE LICENSING JUSTICES for the Licensing District of CHARLEY

in the COUNTY OF LANCAHIRE,

within which licensing district the undermentioned premises are situated HEREBY

GRANT to MICHAEL STEPHEN PHILLIPS of HALF WAY HOUSE HOTEL

this [renewal of the] PERMIT for the use of machines for gaming under s. 34 of the Gaming Act 1968 on the premises known as HAWKWAY HOUSE HOTEL

470 PRESTON RD. CAYTON - LE - WOODS

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

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

THIS PERMIT shall be in force from the 5th day of MAY 2004

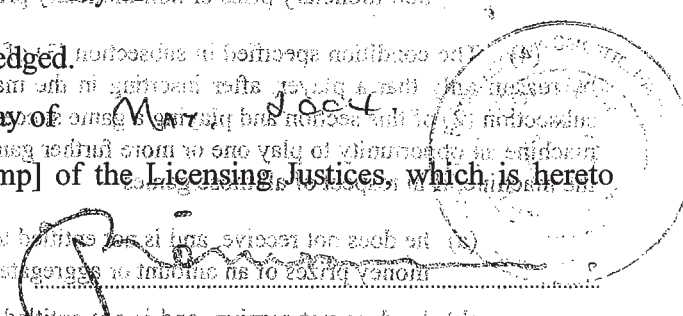
and, subject to paragraphs 18 to 20 of Schedule 9 to the said Act, shall cease to be in force at the end of the 4th day of MAY 2007.

Receipt of the fee of £32.00 is acknowledged.

DATED this 5th day of May 2004

[GIVEN under the official [seal] [stamp] of the Licensing Justices, which is hereto

affixed under their authority by me**



Clerk to the Licensing Justices

THAT ANY MACHINE IN RESPECT OF WHICH THE CLAUSE IN SECTION 34(6A) OF THIS ACT ARE CASORERS IS LOCATED AT THIS

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

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

*Insert number

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

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

Justices' Licence
Intoxicating Liquor

Licence No.153

**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 May 2004 for the Division of Chorley in the County of Lancashire.

The Licensing Justices for the said Licensing district hereby grant
To Michael Stephen Philips
Of The Half Way House, 470 Preston Road, Clayton-Le-Woods

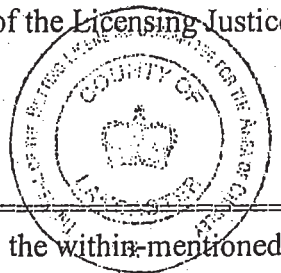
(hereinafter called the licensee this Justices' Licence authorising her to sell by retail at the premises known as Black Horse Inn

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 J. W. Lees
Of Greengate Brewery, Middleton Junction, Manchester, M24 2AX

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

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



Clerk to the Licensing Justices

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

**WE CERTIFY THIS TO BE
A TRUE COPY OF THE
ORIGINAL**

Alex Lambert

KUIT STEINART LEVY
SOLICITORS MANCHESTER
DATED: *16.05.05*

SCHEDULE 3

article 2

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

I [MICHAEL STEPHEN PHILLIPS]¹, being the holder of an existing licence(s):

Justices' Licence

Date Granted:

Magistrates Court:

Public Entertainment Licence

Date Granted:

Local Authority:

hereby consent to the application by [J WIGGS & CO (BREWERS) LTD] 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

Name of Premises:..... HALFWAY HOUSE

Address:..... 470 PRESTON RD
CLAYTON - LE - WOODS
CHORLEY
PR6 7TB

Signed [Redacted Signature] -----
Dated 6/5/05 -----

¹ Insert full name(s) of existing licence holder(s)
² Insert full name(s) of applicant for a Premises Licence

SCHEDULE 2

article 2

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

I, [CAROLINE TRACY STEVENSON] 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 J W LEES & CO (BREWERS) LIMITED 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] for

Name of Premises: HALFJAY HOUSE
Address: 470 PRESTON RD
CLAYTON - LE - WOODS
CHORLEY
PR6 7TB

if that application is successful.

Signed [Redacted Signature]

Dated 2/8/05

1 Insert first name and surname of prospective premises supervisor
2 Please delete as applicable

HALFWAY HOUSE, CLAYTON-LE-WOODS

Line Plan (not to scale)

Ground Floor

