

Licensing Act 2003 Sub-Committee

Wednesday, 24th November 2021, 6.30 pm
Council Chamber, Town Hall and YouTube

This meeting can be watched live on our YouTube by clicking [here](#).

Agenda

Apologies

1 **Declarations of Any Interests**

Members are reminded of their responsibility to declare any pecuniary interest in respect of matters contained in this agenda.

If you have a pecuniary interest you must withdraw from the meeting. Normally you should leave the room before the business starts to be discussed. You do, however, have the same right to speak as a member of the public and may remain in the room to enable you to exercise that right and then leave immediately. In either case you must not seek to improperly influence a decision on the matter.

2 **Procedure**

(Pages 3 - 4)

General procedure points and hearing procedure for the meeting.

3 **Review of Premises Licence Cosmopolitan 30 St Georges Street, Chorley**

(Pages 5 - 46)

Report of the Director of Planning and Development attached.

Gary Hall
Chief Executive

Electronic agendas sent to Members of the Licensing Act 2003 Sub-Committee Councillor Matthew Lynch (Chair), Councillors Terry Howarth and Jean Sherwood.

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

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**LICENSING ACT 2003 SUB-COMMITTEE
HEARING PROCEDURE
REVIEW OF CLUB PREMISES CERTIFICATE / PREMISES LICENCE**

1. CHAIR OF SUB-COMMITTEE:

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

2. SUB-COMMITTEE TO DECIDE WHETHER TO ALLOW PERSON SPECIFIED ON REGULATION 8 NOTICE PERMISSION TO SPEAK

- Members should note that permission should not be unduly withheld

3. LICENSING OFFICER OUTLINES THE APPLICATION AND RELEVANT REPRESENTATIONS

4. QUESTIONS TO THE LICENSING OFFICER FOR CLARIFICATION FROM:

- Sub-Committee
- The Applicant and/or Legal Representative
- Responsible Authorities/Other Persons
- The Licence Holder

5. THE APPLICANT FOR THE REVIEW AND/OR LEGAL REPRESENTATIVE MAKES REPRESENTATIONS REGARDING THEIR APPLICATION

6. QUESTIONS TO THE APPLICANT FOR THE REVIEW AND/OR LEGAL REPRESENTATIVE FROM:

- Sub-Committee
- Responsible Authorities/Other Persons
- The Licence Holder

6. REPRESENTATIONS FROM RESPONSIBLE AUTHORITIES

7. QUESTIONS TO RESPONSIBLE AUTHORITIES FROM:

- Sub-Committee
- The Applicant and/or Legal Representative
- Other Persons
- The Licence Holder

8. REPRESENTATIONS FROM OTHER PERSONS

9. QUESTIONS TO OTHER PERSONS FROM:

- Sub-Committee
- The Applicant and/or Legal Representative
- Responsible Authorities
- The Licence Holder

10. REPRESENTATION FROM LICENCE HOLDER**11. QUESTIONS TO LICENCE HOLDER FROM:**

- Sub-Committee
- The Applicant and/or Legal Representative
- Responsible Authorities/Other Persons

12. APPLICANT INVITED TO BRIEFLY SUMMARISE (IF THEY WISH)**13. RESPONSIBLE AUTHORITIES INVITED TO BRIEFLY SUMMARISE (IF THEY WISH)****14. OTHER PERSONS INVITED TO BRIEFLY SUMMARISE (IF THEY WISH)****15. LICENCE HOLDER INVITED TO SUM UP (IF THEY WISH)****16. DECISION MAKING**

All parties retire whilst Sub-Committee makes decision

17. NOTICE OF DECISION

Parties re-admitted and Chair announces decision and reasons



Report of	Meeting	Date
Director of Planning and Development	Licensing Act 2003 Sub Committee	24 th November 2021

Confidential report	Yes	No
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Premises Details

Premises Name:	Cosmopolitan	Address:	30 St Georges Street, Chorley, PR7 2AA
Premises Holder:	Licence	Mrs Vanda Rome-Tankut	DPS: Mr Recep Tankut

Reason for referral

- To advise members that an application for the review of a premises licence in respect of the premises detailed above has been received.
- To request that members give due consideration to the application and any relevant representations and take such steps as are considered appropriate for the promotion of the licensing objectives.

Corporate priorities

- This report relates to the following Strategic Objectives:

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

Licensing objectives

- Members are reminded of the Licensing Objectives, as follows:
 - Prevention of Crime and Disorder
 - Public Safety
 - Prevention of Public Nuisance
 - Protection of Children from Harm
- Members are reminded that the duty of the licensing authority is to take steps necessary to promote the licensing objectives in the interests of the wider community and not those of the individual licence holder.

Appeals

- An appeal against the decision of the Council may be made to the Magistrates' Court within 21 days of receipt of the determination notice which will be delivered to all relevant parties.

Legal considerations

- Members must have regard to the following:
 - The Guidance issued under Section 182 of the Licensing Act 2003.
 - The Council's Statement of Licensing Policy effective from 2016.
 - The Licensing Act 2003.

Background

- 8. The premises have been licensed in the name of the current premises licence holder since July 2011. The premises licence was granted to the current licence holder and the Designated Premises Supervisor. A copy of the current licence is appended at Appendix 1.
- 9. The premises is located on St Georges Street off Market Street which continues onto Church Street. The building is a two-storey traditional end terraced building and comprises of an extended outside area used for eating and drinking. It is next door to a new build building which houses an office on the ground floor together with a number of residential apartments on the ground floor and the first floor. The other properties on St Georges Street are mainly used for numerous business purposes which does not reflect on the night-time economy. At the rear of the premises on Halliwell Street and Halliwell Court the dwellings on these streets are mainly residential family type houses. A location map of the premises is appended at Appendix 2.

Application for review of a premises licence

- 10. On 30th September 2021, an application for the review of a premises licence was received from Mrs Lesley Miller, for an on behalf of the Environmental Health Department of Chorley Council. A copy of the application is appended at Appendix 3a and is concerned with the Prevention of Public Nuisance objective being undermined at the premises.
- 11. The grounds for the review are as follows:

The licensing objective of The Prevention of Public Nuisance is being undermined at the premises in that there are continuous occurrences of a statutory noise nuisance from the premises from the playing of loud amplified sound. An abatement notice has been served on 24th September 2021 following repeated complaints by many local residents and the installation of noise monitoring equipment at a neighbouring property. A site visit was made by Licensing colleagues on 10th September 2021.

- 12. There were a number of documents provided in support of this application by the Environmental Health Officer and these are appended as Appendix 3b-e.

Advertisement of the application and relevant representations

- 13. The application was advertised in accordance with the regulations in that a notice was displayed at the premises, at the Council Offices and a copy of the application was published on the Council’s website for the whole 28-day consultation period.
- 14. In response to this consultation and on 25/10/21, Mr Nathan Howson Enforcement Team Leader (Licensing) an authorised officer of Chorley Council under the Licensing Act 2003, on behalf of Chorley Council made a representation. This representation is appended as Appendix 4a and relates to the Prevention of Public Nuisance objective.

Two further representations were received during the consultation period from residents who reside near the premises. These representations also relate to the Prevention of Public Nuisance objective which are appended as Appendix 4b and 4c.

Implications of report

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

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

Comments of the Statutory Finance Officer

16. No comments.

Comments of the Monitoring Officer

17. The Licensing Authority is required to hold a hearing to consider the review application and any relevant representations made. The hearing must be held in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

The Licensing Panel is required to give appropriate weight to the review application, representations (including supporting information) presented by all the parties, the Guidance issued pursuant to section 182 of the Licensing Act 2003, the Council's statement of licensing policy and the steps (if any) that are appropriate to promote the licensing objectives.

It should be noted that clear reasons must be given for the decision and any additional or modified conditions should be practical and enforceable.

The applicant for the review, the premises licence holder and any person who made relevant representations would have the right of appeal to a magistrates' court within 21 days from notification of the decision, on one of the grounds provided in schedule 5 to the Licensing Act 2003.

In addition to determining the application in accordance with the legislation, Members must have regard to the rules of natural justice (i.e. ensuring a fair and unbiased hearing etc); provisions of the Human Rights Act 1998. The Panel should take in to account particularly articles 6 (relating to the right to a fair trial); article 8 (protection of private and family life); and article 1 of the First Protocol (protection of property).

The decision made by the committee will not take effect until the end of the period given for appealing against the decision or, if the decision is appealed against, until the appeal is disposed of.

Conclusions

18. The decision should be based on the individual merits of the application and the representation. In accordance with Regulation 26 of the Licensing Act 2003 (Hearings) Regulations 2005, a decision must be made within 5 working days, beginning with the day of the hearing.
19. In accordance with Section 52, the Authority must, having regard to the application and any relevant representations, take such steps mentioned below (if any) as it considers appropriate for the promotion of the licensing objectives:
- to modify the conditions of the licence;
 - to exclude a licensable activity from the scope of the licence;
 - to remove the designated premises supervisor;
 - to suspend the licence for a period not exceeding three months;
 - to revoke the licence.
20. For the purposes of the previous paragraph, a condition of the licence is modified if any of them are altered, or omitted, or any new condition is imposed.

Jonathan Noad
Director of Planning and Development

Appendices

Appendix	Description
Appendix 1	Current premises licence
Appendix 2	Location map of the surrounding area
Appendix 3a	Application for the review of a premises licence
Appendix 3b	Summary of complaints
Appendix 3c	Transcript of noise recordings
Appendix 3d	Certified copies of the abatement notices
Appendix 3e	Covering letter to premises licence holder
Appendix 4a	Relevant representation- Nathan Howson (Licensing)
Appendix 4b	Relevant representation – Denise Richmond (Resident)
Appendix 4c	Relevant representation – Paul Schofield

Background papers

Document	Date	Place of Inspection
The Council's Statement of Licensing Policy	2016 - 2021	The Council's Statement of Licensing Policy
Secretary of State Section 182 Guidance	April 2018	Secretary of State Section 182 Guidance

Report Author	Ext	Date
Usman Gazra		25 th October 2021

Licensing Act 2003
Premises Licence PLA0394

Part 1 – Premises Details

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

Cosmopolitan
 30 St Georges Street Chorley PR7 2AA

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- Exhibition of Film
- Performance of Live Music
- Performance of Recorded Music
- Performance of Dance
- Other entertainment
- Entertainment Facilities - Making Music
- Entertainment Facilities - Dancing
- Entertainment Facilities - Similar Description
- Late Night Refreshment
- The sale by Retail of Alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and area if applicable)	Days and times
Exhibition of Film (Indoors & Outdoors)	Monday to Sunday 11:00 - 02:00
Performance of Live Music (Indoors & Outdoors)	Thursday to Saturday 12:00 - 02:00
	Sunday to Wednesday 12:00 - 01:00
Performance of Recorded Music (Indoors & Outdoors)	Thursday to Saturday 09:00 - 02:30
	Sunday to Wednesday 09:00 - 02:00
Performance of Dance (Indoors & Outdoors)	Monday to Sunday 18:00 - 00:00

Licensing Act 2003
Premises Licence

PLA0394

Other entertainment (Indoors & Outdoors)	Thursday to Saturday 18:00 - 02:30 Sunday to Wednesday 18:00 - 02:00
Entertainment Facilities - Making Music (Indoors & Outdoors)	Monday to Sunday 12:00 - 02:00
Entertainment Facilities - Dancing (Indoors & Outdoors)	Monday to Sunday 18:00 - 02:30
Entertainment Facilities - Similar Description (Indoors & Outdoors)	Monday to Sunday 12:00 - 02:30
Late Night Refreshment (Indoors & Outdoors)	Monday to Sunday 23:00 - 02:00
The sale by Retail of Alcohol (On and off the premises)	Monday to Sunday 11:00 - 02:00

THE OPENING HOURS OF THE PREMISES

Monday to Sunday 10:00-02:30

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

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

Part 2

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

Mrs Vanda Rome-Tankut

12 Topaz Way Chorley PR6 0LQ
Email address: vandatankut@hotmail.com
Mobile phone number: 07717 778130
Telephone number: 01257 233180

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Mr Recep Tankut

12 Topaz Way Chorley PR6 0LQ



Licensing Act 2003
Premises Licence

PLA0394

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence Number: PA0872

Issuing Authority: Chorley Borough Council

ANNEXES

ANNEX 1 – MANDATORY CONDITIONS

MANDATORY DRINKS CODE

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

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

ALCOHOL PROMOTIONS

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

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

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

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

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

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

DISPENSING ALCOHOL

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



Licensing Act 2003 Premises Licence

PLA0394

FREE TAP WATER

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

AGE VERIFICATION

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

ALCOHOL MEASURES

The responsible person shall ensure that-

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
- (i) beer or cider: 1/2 pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

EXHIBITION OF FILMS

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

DOOR SUPERVISORS

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



Licensing Act 2003 Premises Licence

PLA0394

SCHEDULE Mandatory Licensing Condition

MINIMUM DRINKS PRICING

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1-

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a); .

(b) "permitted price" is the price found by applying the formula $P = D + (D \times V)$

where-

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

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

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

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

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

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

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

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

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

ANNEX 2 – CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

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

General



Licensing Act 2003
Premises Licence

PLA0394**Prevention of Crime and Disorder**

A tamper proof digital CCTV system will be installed, operated and maintained in liaison with and to the satisfaction of Lancashire Constabulary, the system will record for 24 hours each and every day. There will be, at all times licensable activity is provided, someone at the premises who can operate and download images from the system and these will be provided to any responsible authority on reasonable request.

The use of door supervisors at the premises shall be determined by a written risk assessment agreed between the DPS and security provider which will use a minimum of 2 door supervisors and thereafter the ratio of 1 door supervisor per 100 customers.

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

The premises will have a written drugs policy to the satisfaction of the Police and all staff will have a working knowledge of it.

The DPS will ensure the premises maintains an incident book which will contain a record of all incidents relating to the premises, its staff and customers, including time, date, nature of incident and outcome, to the satisfaction of Lancashire Constabulary and the Local Authority.

The premises will have and operate a town centre link radio.

Public Safety

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

All staff will be trained and have knowledge of fire precaution measures, illegal sales of alcohol, first aid and the drugs policy.

All staff training will be recorded and these records made available for inspection on request by any responsible authority.

Prevention of Public Nuisance

When live entertainment or amplified sound is provided a nominated member of staff will make regular checks of the external areas for noise. These checks both positive and negative any action taken will be recorded in document form and this should be made available for inspection at the request of any responsible authority. Signage will be displayed on the premises asking customers to leave the premises quietly.

Protection of Children From Harm

The Premises will operate a policy that prevents the sale of alcohol to persons under 18 to the satisfaction of the Police and Local Authority.

This policy shall state that any person who does not appear to be at least 21 years of age, will not be served unless they can produce a recognised proof of age card accredited under the Proof of Age Standards Scheme (PASS), photo card driving licence or passport.

Notices will be displayed where they can be clearly seen and read in the premises indicating that the premises operates a Challenge policy in relation to the sale of alcohol.

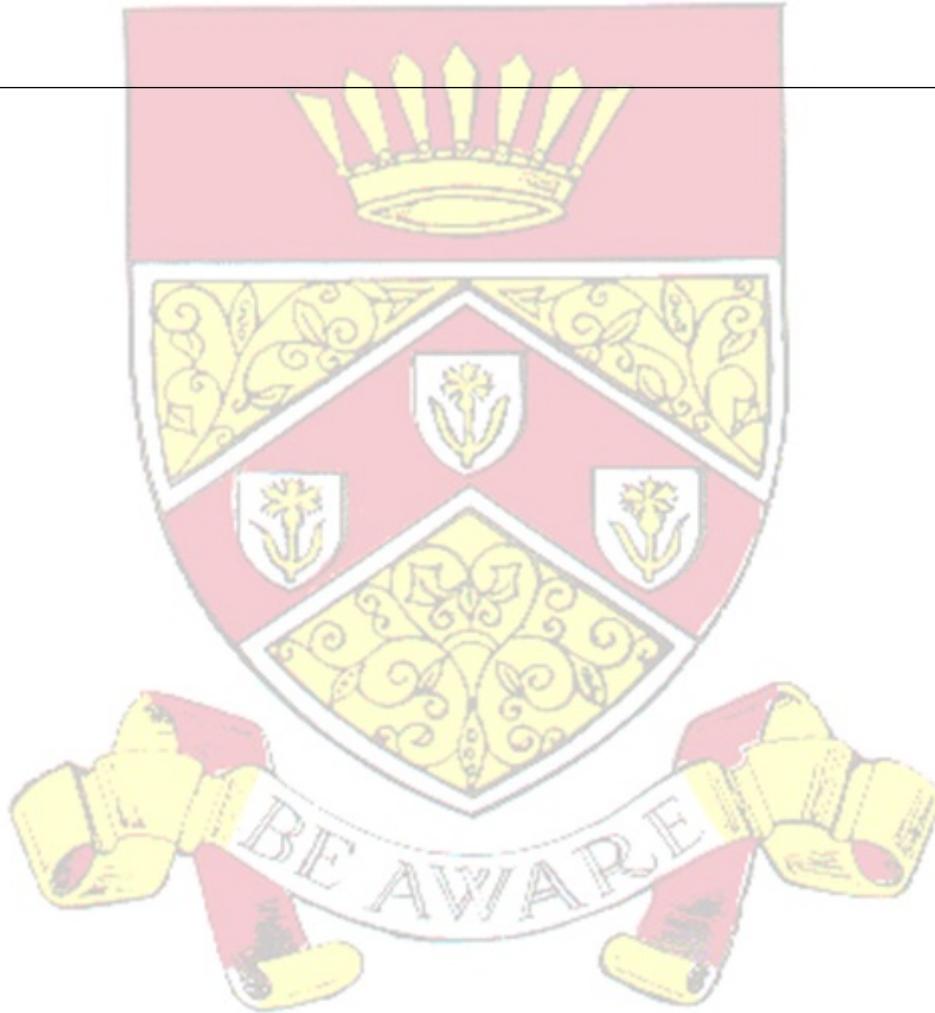
ANNEX 3 – CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

None



Licensing Act 2003
Premises Licence **PLA0394**

ANNEX 4 – PLANS



Licensing Act 2003
Premises Licence PLA0394

Summary of Licence

Premises Details

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

Cosmopolitan
 30 St Georges Street Chorley PR7 2AA

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- Exhibition of Film
- Performance of Live Music
- Performance of Recorded Music
- Performance of Dance
- Other entertainment
- Entertainment Facilities - Making Music
- Entertainment Facilities - Dancing
- Entertainment Facilities - Similar Desc
- Late Night Refreshment
- The sale by Retail of Alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and area if applicable)	Days and times
Exhibition of Film (Indoors & Outdoors)	Monday to Sunday 11:00 - 02:00
Performance of Live Music (Indoors & Outdoors)	Thursday to Saturday 12:00 - 02:00
	Sunday to Wednesday 12:00 - 01:00
Performance of Recorded Music (Indoors & Outdoors)	Thursday to Saturday 09:00 - 02:30
	Sunday to Wednesday 09:00 - 02:00



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Performance of Dance (Indoors & Outdoors)	Monday to Sunday 18:00 - 00:00
Other entertainment (Indoors & Outdoors)	Thursday to Saturday 18:00 - 02:30 Sunday to Wednesday 18:00 - 02:00
Entertainment Facilities - Making Music (Indoors & Outdoors)	Monday to Sunday 12:00 - 02:00
Entertainment Facilities - Dancing (Indoors & Outdoors)	Monday to Sunday 18:00 - 02:30
Entertainment Facilities - Similar Description (Indoors & Outdoors)	Monday to Sunday 12:00 - 02:30
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The sale by Retail of Alcohol (On and off the premises)	Monday to Sunday 11:00 - 02:00

THE OPENING HOURS OF THE PREMISES

Monday to Sunday 10:00-02:30

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

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

Part 2

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Mrs Vanda Rome-Tankut

12 Topaz Way Chorley PR6 0LQ

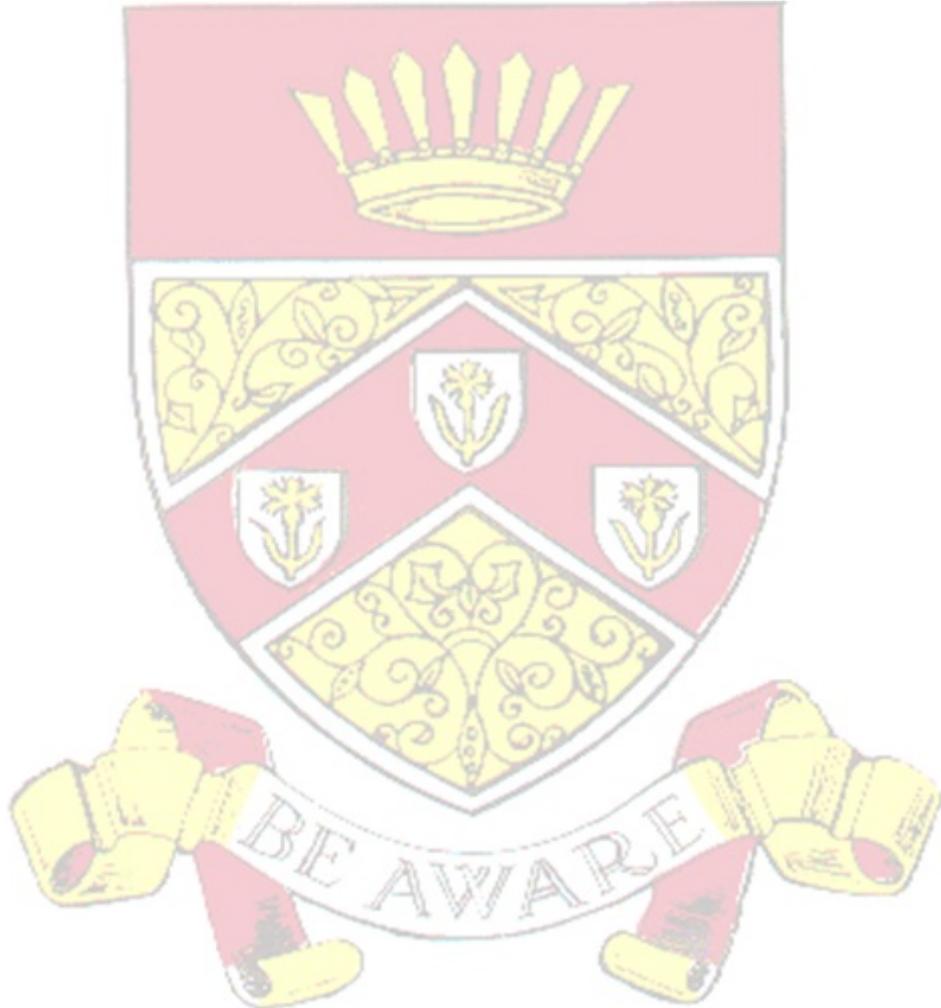
REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)**NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

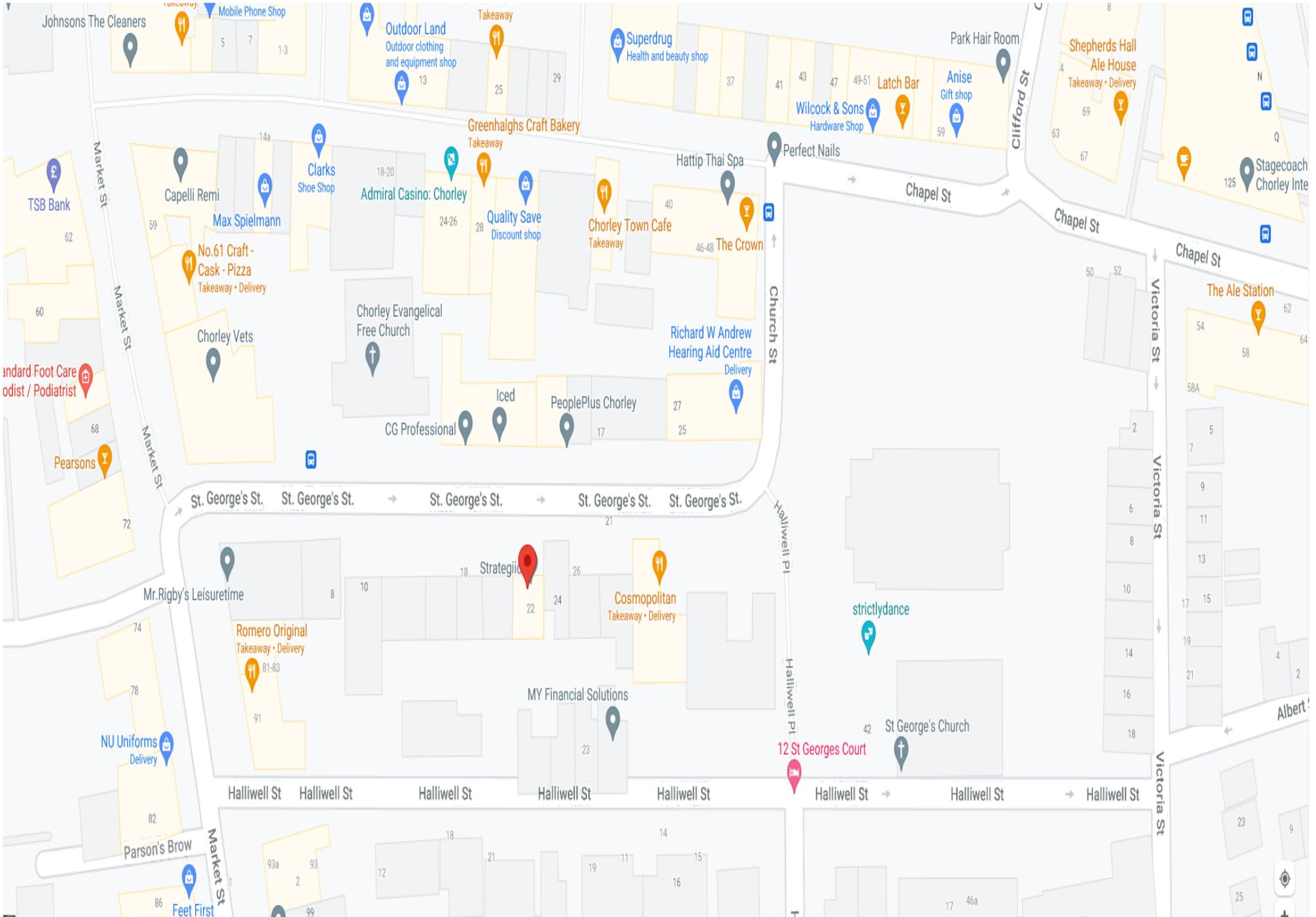
Mr Recep Tankut

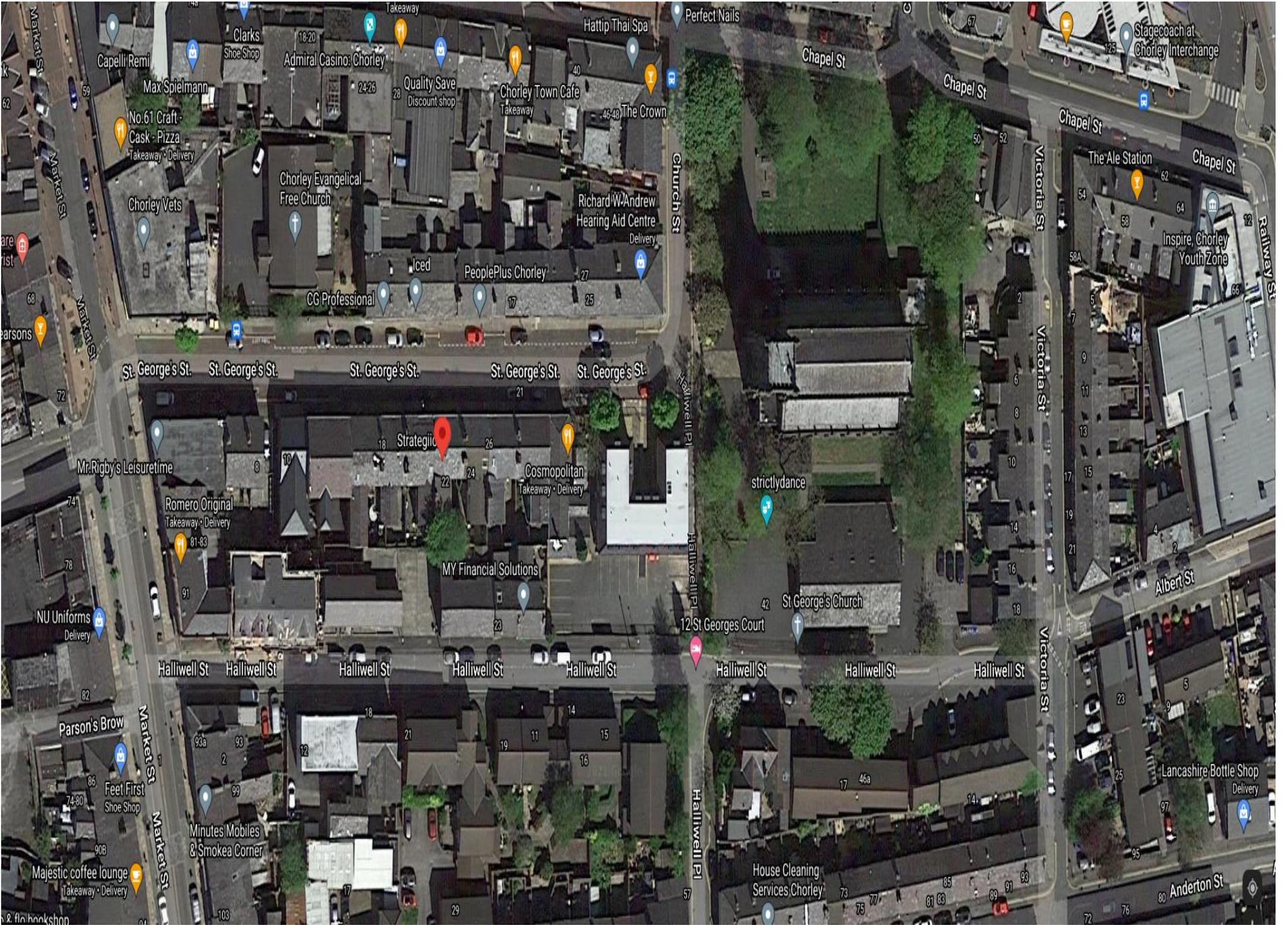


Licensing Act 2003
Premises Licence **PLA0394**

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED







Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

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 Mrs Lesley Miller,
 for and on behalf of the Environmental Health Department of Chorley Council

.....
(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or descriptio	
Cosmopolitan, 30/30a St Georges Street,	
Post town Chorley	Post code (if known) PR7 2AA

Name of premises licence holder or club holding club premises certificate (if known)
Vanda ROME-TANKUT

Number of premises licence or club premises certificate (if known)

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

✓

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

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

Surname

First names

Please tick ✓ yes

I am 18 years old or over

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Mrs Lesley Miller For and on behalf of the Environmental Health Department of Chorley Council Chorley Council Civic Offices Union Street Chorley Lancashire PR7 1AL
Telephone number (if any) 01257 515299
E-mail address (optional) Lesley.miller@chorley.co.uk

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes ✓
- 1) the prevention of crime and disorder
 - 2) public safety
 - 3) the prevention of public nuisance ✓
 - 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 2)

This application for the review of a premises licence is being submitted by the Environmental Health Department, acting as a responsible authority.

The licensing objective of The Prevention of Public Nuisance is being undermined at the premises in that there are continuous occurrences of a statutory noise nuisance from the premises from the playing of loud amplified sound. An abatement notice has been served on 24th September 2021 following repeated complaints by many local resident, the installation of noise monitoring equipment at a neighbouring property and a site visit made by Licensing colleagues on 10th September 2021.

Please provide as much information as possible to support the application

Environmental health received the first complaint about noise from a resident in Halliwell street, the street behind the premises, in late April 2021. This was following the reopening of premises, where this was restricted to outdoor areas. A visit was made on 29 April 2021 to the premises where we met with the DPS, Mr Recep 'Reggie' Tankut, to discuss the noise complaint and an adjustment was made to the graphic equalizer to reduce the bass frequencies in the speakers, as these carry further. The matter was dealt with informally by myself and Nathan Howson, Licensing Team Leader, and it was hoped that with some advice to the premises they could control the noise outside and when the premises could open inside then the matter would resolve.

Unfortunately, over the summer complaints continued to be received from residents, although some were reluctant to pursue the formal process. Many had approached the premises directly before contacting the Council having been reassured that their concerns would be addressed but still experiencing disturbance. Most reported issues of sleep disturbance from music and people shouting until 2am Thursday through to Sunday night. A number had advised that they were unable to have windows open during the summer months due to intolerable levels of noise. A summary of the complaints and actions is attached as a separate document.

One complainant was able to provide some written evidence of the ongoing issues that supported progression of our noise procedure. The recording equipment was installed on 26 August 2021 and the recordings made substantiated the complaints of noise disturbance and included recordings with windows open and closed for comparison and also with the TV on to demonstrate that the music was still audible above the volume of the TV. The recorder log is attached for information.

In addition, a report was received from a customer that had dined in the premises between 19.30 and 21.30 on the Saturday evening, saying that they could not hold a conversation over their meal due to the excessive volume of the music.

A visit was made to the premises with Nathan Howson on 2 September 2021, where we met with the DPS, Mr Recep 'Reggie' Tankut, also a Director of the Company. This was to discuss the evidence obtained from the noise recordings and provide a final opportunity to resolve the matter informally.

The results of an evening visit made by Nathan Howson, Licensing Team Leader and Tracy Brzozowski, Customer Services Manager (Enforcement) on 10 September 2021 at 23.45 were reported to me verbally on my return from leave. A submission has been made by the Licensing Authority detailing their findings, but Nathan reported that he was shocked at the volume of noise from the premises and was willing to provide a written statement to that effect.

The resident that had used the noise recorder, also reported by email the noise disturbance, relating to the same date and time, and again was willing to provide a supporting statement if required.

Based on the evidence previously obtained and the additional reported from the resident and licensing colleagues an abatement notice was served on 24 September 2021. These were delivered by hand during a meeting with the DPS, Mr Recep 'Reggie' Tankut, also a Director of the Company, the Premises Licence Holder, Vanda Rome-Tankut, also a Director of the Company. A copy was also issued to the Company and the Company Secretary. A copy of the certified copied of the notices and the covering letter for the PLH are attached.

The threshold for determining the existence or likely occurrence of a statutory nuisance is higher than that for public nuisance. Therefore as I am confident that a statutory nuisance exists it is likely to occur then it is only reasonable to also determine the existence of a public nuisance and the consequential failure to meet the relevant licensing objective set out in the Licensing Act 2003.

I believe there is an ongoing failure by the premises to protect the public from nuisance and that residents in the vicinity of the premises are suffering from a noise nuisance associated with the

music and the noise from patrons of the premises raising voices, shouting and singing as a directly associated activity.

The management of the premises have received numerous visits to try and resolve the ongoing issues, providing practical advice and solutions to help them control the noise and operate without impacting on nearby residents. However, these informal actions have been unsuccessful and therefore more formal proceedings are required to provide that essential protection for residents.

Please tick ✓ yes

Have you made an application for review relating to the premises before

N/A

If yes please state the date of that application

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

If you have made representations before relating to the premises please state what they were and when you made them

N/A

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ✓
- I understand that if I do not comply with the above requirements my application will be rejected ✓

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – 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

30th September 2021

Capacity

Environmental Health Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Summary of noise complaints- Cosmopolitan

Date of complaint	Details of complaint	Summary of actions
24/04/21-21/00913/NI	Noise from bass of the music and people in the outside area of the premises on Friday and Saturday nights until 2am. Complaint from resident on Halliwell Street, who contacted the premises directly at first but no improvement, began noise procedure.	Joint site visit with Licensing Team Leader. Spoke to Mr Tankut (DPS) on site to try and provide some practical advice as still only outside area open at the moment due to COVID restrictions. He was contradictory about the times that he plays music to- firstly saying until 12.30 and then it depended on how many customers he had. Once the inside is open he agreed to turn the music down outside after 23.30. we adjusted the bass on the graphic equalizer to reduce the impact. He was not happy and said that anyone that didn't like the music and complained should move. The complainant did not pursue the complaint at this time, so it was believed the situation had improved and I notified Mr Tankut of this and closed this file on 24/5/21.
28/6/21-21/01451/NH	Noise late at night - A further resident from Halliwell Street complaining of disturbance from the premises. Complainant advised issues Thursday, Friday and Saturday until 2am	Noise advice leaflet sent to begin procedure with this complainant and record sheets requested. Email sent to PLH on 5/7/21 advising of the complaint from a different resident. Record sheets were not returned by this customer and the file was close don 17/8/21
22/7/21-21/01725/NI	Noise until 2am from the premises preventing resident sleeping, Mainly Friday and Saturday, but also sometimes on Thursday and Sunday nights	Resident had approach premises directly initially. Complainant started to make a record and forward this by email early in the process. Separate email attached. Site visit to premises on 30/7/21 to advise that further complaints received and noise investigation will be conducted, copy of standard letter advising of complaint left at premises. Further record sheets and evidence returned by complainant and arranged to install the noise recorder. Noise recorder installed on 26/8/21. Recordings made where music was clearly audible in the property- see summary sheet. Site visit made on 2/9/21 with Licensing. Spoke to Mr Tankut- he said he had been away for 2 weeks. Advised of outcome of monitoring and he agreed to keep windows closed and readjust the sound

		equipment.10/9/21- customer reported by email excessive noise at 23.45- same time Licensing were carrying out a visit to the area. Site visit to premises on 24/9/21- spoke to PLH as well as DPS and advised of ongoing noise issues and served abatement notice.
17/8/21- 21/01923/NE	Loud music, offensive language and shouting- mainly from outside area- music, singing, shouting until very late- after 2am- resident is on Halliwell street.	Customer reluctant to make a formal complaint but advised of ongoing investigations.
28/8/21- 21/01725/NI	Complaint from someone dining in premises between 19.30 and 21.30- level of music in downstairs eating area was so loud they could not hold a conversation while having a meal- they asked staff to turn music down and were told they could leave if they didn't like it	Complaint noted and reported to premises during site visit on 2/9/21.
2/9/21- 21/01725/NI	Further complaint- added to existing record	Information of complainant passed to Licensing. Complainant advised of actions so far.

Noise recorder log- Cosmopolitan

Reference	Date	Time	Observations
R000	26/8/21	13.04	Calibration 94.6 intro and demo.
R001	27/8/21	22.13	Window open- can hear abba playing and people talking loudly. Noted by customer as acceptable as still relatively early- but my opinion is that this is excessive.
R002	27/8/21	23.53	Bass audible and persistent, people talking loudly and cars in street also audible. Windows closed so some attenuation from double glazing noticeable.
R003	28/8/21	00.36	First minute noise on mic- sounds like movement/fallen over. TV on during this recording and quite loud, but can hear music and people noise even with the TV on loud, so clearly understand why using TV to drown out noise from premises. Window open.
R004	28/8/21	19.22	Some distortion at beginning of recording. TV off initially and can clearly hear music and people shouting. TV comes on after a couple of mins and football commentary but can still hear music clearly above quite loud TV with window open.
R005	28/8/21	21.06	Window closed but music still audible inside.
R006	29/8/21	00.19	Window open and TV on, also talking from people in the property, some distortion at beginning of recording. Some noise of people shouting in the background audible.
R007	29/8/21	01.09	Window open, bass beat and some shouting audible from the premises. LAeq 37.7dB so compared to WHO guidelines this is elevated night time noise levels- but more importantly it is disturbing.

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Reference: 21/01725/NI

ENVIRONMENTAL PROTECTION ACT 1990 S.80**ABATEMENT NOTICE IN RESPECT OF STATUTORY NUISANCE**

To: Cocktailium Limited
 Of: 30a St Georges Street
 Chorley
 PR7 2AA

*I certify this is a true copy of a notice handed to a director of the company at the premises at 13:16 on 24/9/21
 Mullin*

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 **Chorley Council** being satisfied of the likely occurrence of a statutory nuisance under section 79 (1)(g) of that Act at or from the premises known as:

Cosmopolitan, 30/30a St Georges Street, Chorley PR7 2AA

Arising from:

Music played at the premises

HEREBY REQUIRE YOU as the occupier of the premises with immediate effect

From the service of this notice to abate the same and also **HEREBY PROHIBIT** the occurrence of the same and for that purpose require you to:

Reduce the volume of the music so that is it inaudible at the boundary of the nearest noise sensitive premises

This is a notice to which paragraph (2) of regulation 3 of the Statutory Nuisance (Appeals) Regulations 1995 applies and in consequence, in the event of an appeal the notice shall **NOT** be suspended until the appeal has been abandoned or decided by the Courts, in the opinion of the Council the expenditure which would be incurred by any person in carrying out the works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance

If without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be guilty of an offence under section 80(4) of the Environmental Protection Act 1990. On summary conviction in the magistrates' court, the penalty for a person committing the offence on Industrial, trade or business premises, for an offence is an unlimited fine. (section 80(6), EPA 1990). On other premises, for an offence committed on or after 12 March 2015, is an unlimited fine. In addition, there is a further daily fine of one-tenth of the greater of £5,000 or level 4 on the standard scale for each day on which the offence continues after the conviction. (Section 80(5).)

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this notice, the Council may execute the works and recover from you the necessary expenditure incurred. Works in default and accrued interest can become a charge on the property.

Date of issue: 24 September 2021

Signed:

J Mullin

On behalf of: Chorley Borough Council
 Town Hall
 Market Street
 Chorley
 PR7 1DP

NB: The person served with this notice may appeal against the notice to a magistrate's court within twenty-one days beginning with the date of service of the notice. A fee may be payable.

Reference: 21/01725/NI

ENVIRONMENTAL PROTECTION ACT 1990 S.80**ABATEMENT NOTICE IN RESPECT OF STATUTORY NUISANCE**

To: Janie Deniz ROME-TANKUT
 Of: 12 Topaz Way
 Chorley
 PR6 0LQ

I confirm this is a true copy of a notice handed to a director of the company at the premises of B-16 on 24/9/21
J Mullin

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 **Chorley Council** being satisfied of the likely occurrence of a statutory nuisance under section 79 (1)(g) of that Act at or from the premises known as:

Cosmopolitan, 30/30a St Georges Street, Chorley PR7 2AA

Arising from:

Music played at the premises

HEREBY REQUIRE YOU as the occupier of the premises with immediate effect

From the service of this notice to abate the same and also **HEREBY PROHIBIT** the occurrence of the same and for that purpose require you to:

Reduce the volume of the music so that is it inaudible at the boundary of the nearest noise sensitive premises

This is a notice to which paragraph (2) of regulation 3 of the Statutory Nuisance (Appeals) Regulations 1995 applies and in consequence, in the event of an appeal the notice shall **NOT** be suspended until the appeal has been abandoned or decided by the Courts, in the opinion of the Council the expenditure which would be incurred by any person in carrying out the works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance

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The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this notice, the Council may execute the works and recover from you the necessary expenditure incurred. Works in default and accrued interest can become a charge on the property.

Date of issue: 24 September 2021

Signed: *J Mullin*

On behalf of: Chorley Borough Council
 Town Hall
 Market Street
 Chorley
 PR7 1DP

NB: The person served with this notice may appeal against the notice to a magistrate's court within twenty-one days beginning with the date of service of the notice. A fee may be payable.

Reference: 21/01725/NI

ENVIRONMENTAL PROTECTION ACT 1990 S.80**ABATEMENT NOTICE IN RESPECT OF STATUTORY NUISANCE**

To: Vanda ROME-TANKUT
 Of: 12 Topaz Way
 Chorley
 PR6 0LQ

*I comply this as a true copy of a notice served on the recipient at the premises by hand at 13.16 24/9/21
 Muller*

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 **Chorley Council** being satisfied of the likely occurrence of a statutory nuisance under section 79 (1)(g) of that Act at or from the premises known as:

Cosmopolitan, 30/30a St Georges Street, Chorley PR7 2AA

Arising from:

Music played at the premises

HEREBY REQUIRE YOU as the occupier of the premises with immediate effect

From the service of this notice to abate the same and also **HEREBY PROHIBIT** the occurrence of the same and for that purpose require you to:

Reduce the volume of the music so that it is inaudible at the boundary of the nearest noise sensitive premises

This is a notice to which paragraph (2) of regulation 3 of the Statutory Nuisance (Appeals) Regulations 1995 applies and in consequence, in the event of an appeal the notice shall **NOT** be suspended until the appeal has been abandoned or decided by the Courts, in the opinion of the Council the expenditure which would be incurred by any person in carrying out the works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance

If without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be guilty of an offence under section 80(4) of the Environmental Protection Act 1990. On summary conviction in the magistrates' court, the penalty for a person committing the offence on Industrial, trade or business premises, for an offence is an unlimited fine. (section 80(6), EPA 1990). On other premises, for an offence committed on or after 12 March 2015, is an unlimited fine. In addition, there is a further daily fine of one-tenth of the greater of £5,000 or level 4 on the standard scale for each day on which the offence continues after the conviction. (Section 80(5).)

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this notice, the Council may execute the works and recover from you the necessary expenditure incurred. Works in default and accrued interest can become a charge on the property.

Date of issue: 24 September 2021

Signed: *J Mullin*

On behalf of: Chorley Borough Council
 Town Hall
 Market Street
 Chorley
 PR7 1DP

NB: The person served with this notice may appeal against the notice to a magistrate's court within twenty-one days beginning with the date of service of the notice. A fee may be payable.

Reference: 21/01725/NI

ENVIRONMENTAL PROTECTION ACT 1990 S.80

ABATEMENT NOTICE IN RESPECT OF STATUTORY NUISANCE

To: Recep TANKUT
 Of: 12 Topaz Way
 Chorley
 PR6 0LQ

I confirm this as a true copy of a notice handed to the recipient at the premises at 13.16 on 24/9/21 Muller

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 **Chorley Council** being satisfied of the likely occurrence of a statutory nuisance under section 79 (1)(g) of that Act at or from the premises known as:

Cosmopolitan, 30/30a St Georges Street, Chorley PR7 2AA

Arising from:

Music played at the premises

HEREBY REQUIRE YOU as the occupier of the premises with immediate effect

From the service of this notice to abate the same and also **HEREBY PROHIBIT** the occurrence of the same and for that purpose require you to:

Reduce the volume of the music so that it is inaudible at the boundary of the nearest noise sensitive premises

This is a notice to which paragraph (2) of regulation 3 of the Statutory Nuisance (Appeals) Regulations 1995 applies and in consequence, in the event of an appeal the notice shall **NOT** be suspended until the appeal has been abandoned or decided by the Courts, in the opinion of the Council the expenditure which would be incurred by any person in carrying out the works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance

If without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be guilty of an offence under section 80(4) of the Environmental Protection Act 1990. On summary conviction in the magistrates' court, the penalty for a person committing the offence on industrial, trade or business premises, for an offence is an unlimited fine. (section 80(6), EPA 1990). On other premises, for an offence committed on or after 12 March 2015, is an unlimited fine. In addition, there is a further daily fine of one-tenth of the greater of £5,000 or level 4 on the standard scale for each day on which the offence continues after the conviction. (Section 80(5).)

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this notice, the Council may execute the works and recover from you the necessary expenditure incurred. Works in default and accrued interest can become a charge on the property.

Date of issue: 24 September 2021

Signed:

J Mullin

On behalf of: Chorley Borough Council
 Town Hall
 Market Street
 Chorley
 PR7 1DP

NB: The person served with this notice may appeal against the notice to a magistrate's court within twenty-one days beginning with the date of service of the notice. A fee may be payable.

Date: 23 September 2021
Our Ref: 21/01725/NI
Doc Type: RSCORR
Please ask for: Mrs Lesley Miller

Civic Offices
Union Street
Chorley
PR7 1AL

Mrs Vanda Rome-Tankut
12 Topaz Way
Chorley
PR6 0LQ

Dear Mrs Rome-Tankut

Environmental Protection Act 1990 section 79
Re: Cosmopolitan 30 St Georges Street Chorley PR7 2AA

This letter contains important information about your premises

Further to complaints received from a number of residents relating to noise from loud music being played at the above premises and the associated noise from patrons, I have carried out an investigation for statutory nuisance.

I have visited the premises several time to provide advice and guidance, as there was evidence of excessive noise form the premises.

Unfortunately, those informal actions have not succeeded in reducing the volume sufficiently to prevent a noise nuisance. The premises remain a cause of complaint despite our best efforts to engage with the management.

Colleagues from our Licensing Team visited the premises at approximately 23.45 on Friday 10th September and were shocked and disappointed to note the excessive volume of the music played by the premises. It was clearly heard from a significant distance from the premises.

In addition, the loud volume of the music resulted in undue noise from patrons singing, shouting and screaming above this level.

Residents have also confirmed the impact of the noise within their properties at the time of the visit by the Licensing Team and further into the night, with the noise not subsiding until approximately 2am.

Where I believe that a statutory nuisance exists, I have a duty to take formal action to abate that nuisance. In this case my colleagues have advised they would be willing to provide formal witness statement supporting the issue of an abatement notice.

Therefore, I have included a notice served on yourself as a Director of the company (Cocktailium Limited) and Premises Licence Holder.

You are also advised that non-compliance of the notice will result in court proceedings and you may be subject to an unlimited fine or a custodial sentence.



21/01725/NI

 01257 515151
 chorley.gov.uk

Your Premises Licence is also at risk and I will be discussing further the review of that licence with the Licencing Team as a failure to meet the licencing objective to prevent public nuisance.

This is a serious matter and although we have made efforts to informally resolve the issues at the premises, there has been a blatant disregard for the consideration of residents.

Yours sincerely

Chorley Council

I am Nathan Howson, Enforcement Team Leader (Licensing), an authorised officer of Chorley Council under the Licensing Act 2003. I make these representations on behalf of the Licensing Authority, acting in the capacity of a responsible authority, following an application for the review of a premises licence made by Lesley Miller on behalf of the Environmental Health Department of Chorley Council.

These representations relate to the premises known as Cosmopolitan, 30 St Georges Street, Chorley, PR7 2AA and are concerned with the following licensing objective being undermined at the premises:

- The Prevention of Public Nuisance

Since the re-opening following the Covid lockdown, the licensing team has received a number of noise complaints regarding the premises and has attended a number of joint visits to the premises.

On 24/04/21, I attended the premises following a noise complaint and met with the premises licence holder and DPS. We had a discussion regarding the noise in the outside area and the playing of music in the same. This discussion was well received with the management promising to carry out patrols in the outside area and challenge customers who were becoming rowdy and to keep music to a background level.

On 29/04/21, I attended the premises with Lesley Miller following another noise complaint. We spoke with the DPS again regarding his responsibilities and explained that having loud music outside until 2am was completely unreasonable. The DPS stated that the music was off by 00:30hrs. At the request of the DPS, Lesley Miller amended the music controls to reduce low bass frequencies in an effort to reduce the disturbance being caused. At this point, indoor hospitality was not permitted due to coronavirus regulations and wouldn't be permitted for approximately 3 weeks.

On 02/09/21, I again attended the premises with Lesley Miller following a further noise complaint. The noise recorder had been installed in a residential property the previous weekend and music had been completely unreasonable. Again, discussions were had with the DPS advising that music was the main issue which was contributing to a public nuisance and, particularly, that having a DJ on Saturday night was causing nuisance. The DPS committed to not having a DJ on the Saturday and to closing all windows and doors whilst playing music indoors.

On 10/09/21, I was in company with my manager Tracy Brzozowski in Chorley Town Centre carrying out visits to licensed premises. At approximately 2345hrs, we attended Cosmopolitan to assess the level of noise being generated at this late hour. On attending the bottom of St Georges Street, junction with Market Street, music was clearly and plainly audible. I was able to hear the main tune of a song playing and follow along with the words, despite being approximately 130 metres away from Cosmopolitan. As we approached the premises, the music became louder until I stood outside the gate to the premises. The music was at such a volume that I would describe it as an "outside club"; I was able to observe patrons stood outside having to speak into each other's ears in order to be heard over the volume of the music. It was impossible to speak at a regular volume over the sound being generated from the premises.

As a result of the music being so loud, the noise being generated from patrons outside was also very loud; customers were having to shout to be heard over the music, contributing to the overall

unreasonableness of the sound. We observed the premises for approximately 5 minutes to see whether there would be any change or control exerted over the premises. There didn't appear to be any whilst we observed and so we left the premises.

Statement of Licensing Policy

Chorley Council is currently consulting on a new Statement of Licensing Policy which is due to go before Full Council on 16th November if approved by Licensing and Public Safety Committee on 3 November as far as it is able. I therefore include extracts from the policy on the proviso that this Policy is approved as currently stands. Clarifications shall be made prior to the hearing if they are required.

The Statement of Licensing Policy states:

Playing of music can cause nuisance both through noise breakout and by its effect on patrons, who become accustomed to high sound levels and to shouting to make themselves heard, which can lead to them being noisier when leaving premises. Other major sources of noise nuisance are vehicles collecting customers, the slamming of car doors and the sounding of horns. These noises can be particularly intrusive at night when ambient noise levels are lower.

Where relevant representations are received, the authority may attach appropriate conditions to licences, necessary to support the prevention of undue noise disturbance from licensed premises. Where premises remain open after 23:00, the licence holder will be expected to provide facilities which are relevant to controlling noise and the patrons of those premises late at night. The authority also expects that premises which produce noise generating licensable activities are acoustically controlled and engineered to a degree where the noise from the premises when compared to the ambient noise level will not cause undue disturbance.

The provision of tables and chairs outside the premises, either on the highway or on private land, and the provision of beer gardens, can enhance the attractiveness of the venue. It can have the benefit of encouraging a continental style café culture and family friendly venues. However, late at night, tables and chairs and beer gardens can cause significant public nuisance to residents whose homes overlook these areas.

I would invite the Sub Committee to consider that the following conditions are appropriate for the promotion of the licensing objectives and to impose the conditions on the licence in making their determination:

- At any time the playing of recorded music or the performance of live music is being carried on at the premises after 2200hrs, the windows and doors of the premises shall be kept closed, save for access and egress. Following a review of the premises licence, Section 177A of the Act does not apply to this condition.
- No music, whether live or recorded, shall be played or performed in the outside areas of the premises after 2200hrs. Following a review of the premises licence, Section 177A of the Act does not apply to this condition.

- After 2300hrs and until the close of business, the premises licence holder, designated premises supervisor or other person nominated in writing, shall conduct hourly patrols in the outside areas of the premises, as defined by the plan attached to the premises licence, to assess the levels of noise generated by patron. Where noise is above background noise, remedial action shall be taken. A record shall be made in a dedicated diary which shall include, as a minimum, the person making the entry, the time and date of the entry, what the findings of the patrol were, and what remedial action, if any, was taken. This diary shall be kept on the premises at all times and shall be produced to a police constable or authorised officer on request. Completed diaries shall be kept for a minimum period of 12 months from the date of the final entry in it or for such longer period as may be directed by a police constable or an authorised person.
- Alcohol shall not be permitted to be taken into the outside areas of the premises after 2300hrs.
- The premises licence holder shall cause signage to be displayed in the outside areas with wording to the effect of asking customers to leave quietly and with respect to neighbours.

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Usman Gazra

From: Licensing
Sent: 25 October 2021 12:27
To: Usman Gazra
Subject: FW: Representation

Follow Up Flag: Follow up
Flag Status: Flagged

Nathan Howson
Enforcement Team Leader (Licensing)

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

From: Denise Richmond [REDACTED]
Sent: 23 October 2021 18:23
To: Licensing <licensing@chorley.gov.uk>
Subject: Representation

CAUTION! This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

I would like to make a representation regarding the review of a premises license for Cosmopolitan, 30A St Georges Street, Chorley, PR7 2AA.

My name is Denise Richmond and I live at Apartment 5, St Georges House, St Georges Street, Chorley, PR7 2AA.

I feel that The licensing objective of The Prevention of Public Nuisance is being undermined at the premises. There are continuous occurrences of noise nuisance from the premises due to the playing of loud amplified sound and people shouting.

I have approached the premises directly on a couple of occasions regarding the issues, only to be offered a discounted meal rather than them addressing my concerns. I have suffered sleep disturbance from music and people shouting until 2am Thursday through to Sunday night since I moved into my apartment in May and have resorted to trying to sleep with the aid of ear defenders, which unfortunately didn't work as they are very uncomfortable to wear and didn't completely drown out the noise. Also, I was unable to have windows open during the summer months due to intolerable levels of noise.

On a couple of occasions at the end of August and the beginning of September, the premises employed live DJ's and installed outdoor speakers. The noise from this could be heard even with volume turned up very high on my TV. I went out to see what was going on and walked past the premises and down to Market Street where the noise was still audible.

I would be grateful if you would take my concerns into account when reviewing the license for these premises.

Regards
Denise Richmond

Sent from my iPad

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Usman Gazra

From: Licensing
Sent: 28 October 2021 11:40
To: Usman Gazra
Subject: FW: Cosmopolitan St. George's st

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Usman,

Representation for consideration.

Thanks,

Nathan Howson
Enforcement Team Leader (Licensing)

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

From: Paul Schofield [REDACTED]
Sent: 27 October 2021 16:58
To: Licensing <licensing@chorley.gov.uk>
Subject: Cosmopolitan St. George's st

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With reference to the Cosmopolitan, we have been a little disappointed by the noise that has been coming from there on most weekends as they have been piping music outside. Also that considering it is a restaurant it can go on until well after 2am as there are so many residential property near by. I hope this will be considered at your next license meeting.

Yours sincerely
Paul Schofield
St George's house

Sent from my iPad

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