



**Lancashire
Constabulary**

police and communities together

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5th February 2019

Dear Sir/Madam,

APPLEJAX – Back Mount Street, Chorley

This representation is submitted after a lengthy consultation process involving face to face meeting with Applejax management and their consultant Mr. Cairney and a lengthy exchange of emails.

In considering a police response to parts of this application to vary closing times I have taken into account Chorley Council policy in relation to licensing objectives, in particular

5.1.4 The Licensing authority wishes to encourage applications for restaurants and other predominantly seated venues which do not adversely impact upon the licensing objectives in contrast to those that predominantly offer vertical drinking. If applications are made they must demonstrate how the licensing objectives are to be promoted.

Although this is not a new application it recognises that vertical drinking establishments are likely to have an adverse impact on the licensing objectives.

5.1.5 The current staggered closing times of licensed premises that has developed since 2005 in the Town Centre initially helped to reduce the problems associated with large numbers of people leaving premises at the same time but a significant number of premises within this area have now similar closing times which has increased the risk of increased levels of crime, disorder and nuisance.

Although this is around staggered closing times it references the problem of large numbers of people leaving a premises and in this case we are looking at the impact of large numbers of people leaving a single premises at 6am every Saturday and Sunday morning.

I have also taken into account the four Licensing Objectives as set out in Licensing Act 2003

1. The prevention of crime and disorder
2. Public safety
3. The prevention of public nuisance
4. The protection of children from harm.

There is currently no Cumulative Impact Policy for Chorley but the guidance is clear that this does not prevent a responsible authority from making representations on a variation on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

I have also taken into account information held on police systems regarding AppleJax and the area immediately around it.

During this process there has been substantial compromise on both sides leading to a number of appropriate new and amended conditions being agreed and agreement to the removal of many obsolete conditions from the licence.

The only area where we have been unable to come to a compromise agreement has been around hours. Applejax want to open until 6am on every Friday and Saturday throughout the year whilst Police have offered opening until 6am on up to 24 days based around public holidays and pay day weekends when there will likely be enhanced police presence in Chorley to deal with the additional crime and disorder that will inevitably flow from extending hours for a vertical drinking establishment from 4am to 6am.

During discussion Applejax raised the hours of the neighbouring premises The White Hart which I would submit is a pub rather than a club type premises, has more restrictive licensing conditions and should not be considered as a comparator for Applejax.

During discussion with Police, Applejax has also represented that they plan to use other bars in Chorley as feeder bars for Applejax and that opening Applejax until 6am would allow for a crowd to move through bars in the Chorley Night Time Economy with Applejax concentrating on being a final destination for a crowd that will arrive in drink in the early hours of the morning.

Whilst I recognise the desire of Applejax to be profitable and to have licence conditions that maximise their profitability, this cannot be at the expense of a negative impact on the licensing objectives. Nevertheless we have sought a compromise whereby the days supported by police and offered to Applejax were as follows

New Years Day
Good Friday
Saturday before Easter Monday
Saturday before MayDay
Saturday before Spring Bank Holiday
Saturday before August Bank Holiday
Christmas Day
Boxing Day
New Years Eve
9 Days

First pay day Saturdays for January – December
12 Days

St Patricks Saturday
Halloween Saturday
Valentines Saturday
3 Days

Applejax has operated as a nightclub within Chorley for many years. It has been largely dormant since the latter part of 2018. The recent history is that in September 2019 the ownership passed from Mr Peter Verhaege to Myst Leisure Ltd with a new proposed DPS Mr Darren Ofsarnie. Myst Ltd did not trade the club and it became apparent that Myst Ltd. had pulled out of the premises leaving a number of debts. It has subsequently operated via a number of TENs through to 6am during the Christmas and New Year period of 2018 where the applicant was Mr. Asim GULZAR.

10pm 15/12/2018 – 6am 16/12/2018

10pm 21/12/2018 – 6am 27/12/2018

10pm 29/12/2018 – 6am 01/01/2019

These were not objected to by police and followed consultation between the event organisers and Lancashire Police. They fell within the Christmas / New Year period when police resources had already been diverted to work extended hours to police the night time economy throughout Lancashire. They represented an opportunity for the venue to make some revenue after an extended period of closure. It is not unusual for premises to seek extended hours around Christmas and New Year festivities and it is normal for police not to have objections as it is something we prepare for and specially resource with increased number of officers on patrol during the night time. In relation to the extended opening hours TENs for AppleJax over Christmas and the New Year, they did not pass without incident. There were three incidents as follows :

23/12/2018 Early hours Male member of staff Charlie WINYARD assaulted by customer requiring butterfly stitches to eye at hospital.

25/12/2018 04:03 hrs MALE ARRESTED OUTSIDE DRUNK AND DISORDERLY HAVING BEEN EJECTED BY STAFF.

30/12/2018 04:03 hrs Call from AppleJax to police “2 MALES FIGHTING WE HAVE SPLIT THEM UP BUT THEY ARE VERY AGGRESSIVE . NO ONE INJURED . NO WEAPONS . ONE MALE 18 YRS OLD ONE MALE 30 YRS . THEY ARE BOTH REFUSING TO MOVE ON. WE NEED THE POLICE HERE TO ASSIST”

All three are of concern but I note that the call to Police on 30th December 2018 indicated that things had escalated at the premises to the point where they needed police assistance and the incident on 23rd December 2018 indicated that there was sufficient violence at the venue that a member of staff was hospitalised.

Without casting any aspersions on the current management, a review of police systems back to January 2016 shows a steady level of incidents around violence, drugs, drunkenness and nuisance directly associated with Applejax operating until 4am.

On 17th January 2019 the premises licence was transferred to VAL PUBS Ltd which currently has a sole director Mr Asim GULZAR and it is Mr. GULZAR who is currently the DPS.

Further TEN applications seeking to run AppleJax until 6am on various dates in February and March were received .

16/02/19 – 17/02/19 2200-0600 Valentines

23/02/19 – 24/04/19 2200-0600

02/03/19 – 03/03/19 2200-0600 Pay Day Weekend

They were withdrawn after Police objection leaving the club free to run on its original licence until 4am

The current application has the potential to create a premises within Chorley where customers can drink uninterrupted for 13 hours.

The current premises licence PLA0281 contains conditions from 5th December 2018

The current licence conditions refer to opening and sale of alcohol as follows

Sale of alcohol –

Sunday to Wednesday 20:00 - 01:00

Thursday to Saturday 20:00 - 03:30

Bank Holiday Sunday, Christmas Eve, Boxing Day and New Years Eve 20.00 - 03.30

Opening Hours

Sunday to Wednesday 20:00-01:30

Thursday to Saturday 20:00-04:00

Bank Holiday Sunday, Christmas Eve, Boxing Day & New Years Eve 20.00 - 04.00

These were also the hours in the previous licence.

What has already been suggested by the police is a reasonable compromise, allowing Applejax to offer extended hours of drinking on days when there will be a public appetite for it and when there is likely to be sufficient additional police resources available to deal with the inevitable consequences.

The police representation is that extending drinking hours at Applejax until 6am on every Friday and Saturday will have a serious impact on the licencing objectives in terms of crime, disorder, nuisance and public safety whilst their adoption of the police proposal would allow them to serve a customer demand for later drinking in circumstances that will allow for the impact to be managed without an unacceptable impact on the licensing objectives.

Should you have any queries in relation to any of the matters outlined above then please do not hesitate to contact the Licensing Unit.

Yours Sincerely,

PS 777 Richard Horton
Licensing Sergeant