

Breakdown and applicant comments (in blue) on the representations.

Chorley Statement of Licensing Policy

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. It merely states that Chorley would like to encourage more restaurants and seated venues; it does not say that current venues cause a problem. It then goes on to say applications must demonstrate how the licensing objectives are to be promoted. We volunteered extensive conditions in support of the licensing objectives in particular for the prevention of crime and disorder and the protection of children from harm. In addition we have agreed to the additional conditions asked for by the police as these conditions already form part of the operating policies of the venue, this is just a matter of formalising them into conditions.

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. Lost and Applejax currently have a similar closing time, in allowing the additional hours they would be staggered.

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. Later opening actually reduces large numbers of people leaving at the same time; they leave in a more even staggered manner, dribs and drabs rather than all staying until the end of the night. This was the case over Christmas and New Year when the premises opened.

Points made by police

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. Where is the evidence? There is no cumulative impact policy because there are no cumulative impact issues in the Chorley night time economy.

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. The police have now offered 50 days. If they are happy to allow 6am 50 days of the year then clearly they are happy with the management and running of the venue, they have stated this at meetings so why restrict to 50 times a year? Sgt Horton want to draw a line in the sand at 4am, not because Applejax is a problem premises or run badly but he simply does not want any premises opening after 4am. He states 'there will LIKELY be enhanced police presence in Chorley but not WILL'. Sgt Horton has told us that the late shift finishes at 2.30 and nights finish at 7am therefore the same amount of staff are on duty at 4am as at 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. This is very relevant. The White Heart has a 24 hour premises licence, a similar capacity with less restrictive conditions that we have offered and agreed to add. The venue sells alcohol just as Applejax does. Sgt Horton stated during discussions that allowing the White Heart premises licence was a mistake made before he took post and that had he been in post it would not have been allowed. Drawing a line in the sand again....

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. Where is the evidence that this is the case? There is no evidence to substantiate this claim other than positive evidence of a well-run club. Nevertheless we have sought a compromise whereby the days supported by police and offered to Applejax were as follows

The big list of days that 6am closure time will be allowed by police. This has got to be the most bizarre objection I have ever encountered. You can have late licence for half the year but not the rest?

New Years Day

Good Friday

Saturday and Sunday before Easter Monday

Friday, Saturday and Sunday before May Day

Friday, Saturday and Sunday before Spring Bank Holiday

Friday, Saturday and Sunday before August Bank Holiday

Christmas Eve

Christmas Day

Boxing Day

New Years Eve

New Years Day

18 Days

First pay day Saturdays and Fridays for January – December

Last Friday and Saturday before Christmas

26 Days

St Patricks Friday and Saturday

Halloween Friday and Saturday

Valentines Friday and Saturday

6 Days

Total – 50 days

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 :

The applicant disagrees with the incidents as described by the police and the culpability of the venue and the staff. We will elaborate at the hearing.

The premises opened 7 nights over Christmas and New Year with over 3000 people through the doors, it is probably the busiest time of the year yet there are no incidents of note and certainly none where the venue or staff were culpable in causing them. They have also opened since New Year on several weekends with no incidents reported.

Without casting any aspersions on the current management, Police have already told management that they are more than happy with them running the venue. 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. During my time at Chorley as a licensing enforcement officer I contacted the local police licensing officer every Monday to ask if there were any issues over the weekend and with regard to Applejax was never told of any incidents. Mr Verhaege was highly respected in the town, he Chaired pubwatch and sat at the licensing liaison panel on behalf of the licensing trade in Chorley, I am certainly not aware of Applejax ever being a problem premises.

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.

It was decided that we would concentrate on the variation application. Sgt Horton was not aware that the licence had been transferred at the time and even stated in his email that my client was trying to run the premises on TEN's but would allow TEN's for 4am which the venue already has on its premises licence.

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

Let's put this into some sort of perspective, firstly, the application is about choice, the choice to open between those hours stated on a licence not that they will open for the full hours available. 5pm has been requested purely to cover things like Chorley live so that they can open and offer service to Chorley residents at events like these. If we look at other venues the Henry Tate has a 7am – 02:30 licence, potentially opening for 19 ½ hours, and as we have mentioned before the White Heart has a 24 hour licence, most pubs have a similar number of hours available to open.

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. 'likely'

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. There is simply no evidence to support this. If anything, the impact will be lessened by having a more diluted dispersal rather than everyone leaving at the same time, 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.