

Licensing Act 2003 Sub-Committee

Monday, 15th November 2021, 6.30 pm
Council Chamber, Town Hall and YouTube

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 **Determination of Application for the Review of a Premises Licence-Applejax, 1 Back Mount Street, Chorley**

(Pages 5 - 52)

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), and Councillors Christine Turner and Jenny Whiffen.

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

7. REPRESENTATIONS FROM RESPONSIBLE AUTHORITIES

8. QUESTIONS TO RESPONSIBLE AUTHORITIES FROM:

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

9. REPRESENTATIONS FROM OTHER PERSONS**10. QUESTIONS TO OTHER PERSONS FROM:**

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

11. REPRESENTATION FROM LICENCE HOLDER**12. QUESTIONS TO LICENCE HOLDER FROM:**

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

13. APPLICANT INVITED TO BRIEFLY SUMMARISE (IF THEY WISH)**14. RESPONSIBLE AUTHORITIES INVITED TO BRIEFLY SUMMARISE (IF THEY WISH)****15. OTHER PERSONS INVITED TO BRIEFLY SUMMARISE (IF THEY WISH)****16. LICENCE HOLDER INVITED TO SUM UP (IF THEY WISH)****17. DECISION MAKING**

All parties retire whilst Sub-Committee makes decision

18. 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	15 th November 2021

Confidential report	Yes	No
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Premises Details

Premises Name:	Applejax Nightclub	Address:	1 Back Mount Street, Chorley, PR7 1EA
Premises Licence Holder:	Mr Craig Leeming	DPS:	Ms Rachel Eastham

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 has been licensed since the coming into force of the Licensing Act in 2005. The premises has undergone a number of variations, transfers and DPS variations since this time.
- 9. The licence was transferred into the current premises licence holder’s name on 18th January 2021, with the most recent licence being granted on 23/07/21, following an application to specify the current DPS. A copy of the current licence appended at Appendix 1.
- 10. The premises itself sits slightly outside of the main town centre, on Back Mount Street. Across Back Mount Street, approximately 5m to the north, is a residential block of flats. Approximately 60m to the east of the premises, across the Farrington Street car park starts a block of residential properties with a significant number of residential properties in the adjacent streets. To the south lies a vacant licensed premises and to the east, across Park Road, lies St Laurence’s Church. A location map of the premises is appended at Appendix 2.

Application for review of a premises licence

- 11. On 21st September 2021, an application for the review of a premises licence was received from Mr Paul Carter, 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.
- 12. 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 17th September 2021 following repeated complaints by many local residents and the installation of noise monitoring equipment at a neighbouring property.

- 13. There were a number of documents provided in support of this application and these are appended as Appendix 3b-e.

Advertisement of the application and relevant representations

- 14. 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.
- 15. In response to this consultation and on 25/09/21, PS 777 Richard Horton, on behalf of the Chief Constable of Lancashire Constabulary, made a representation. This representation is appended Appendix 4 and relates to the Protection of Children from Harm and the Prevention of Public Nuisance objectives.

Implications of report

- 16. 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

- 17. No comments.

Comments of the Monitoring Officer

18. The premises licence holder may appeal to the magistrates’ court within 21 days of notice of the decision against any adverse decision. The responsible authorities who have made representations may also appeal. The effect of the decision is stayed for 21 days and also if an appeal is lodged until the magistrates’ court determines the appeal.

Breach of conditions attached to a premises licence is a criminal offence. Paragraph 11.24 of the section 182 national Guidance states that the licensing authority’s role in a review when considering allegations of crime is not to establish guilt or innocence but to promote the licensing objectives.

Members must consider the Human Rights Act 1998, in particular the right to a fair hearing and protection of property.

Conclusions

19. The decision should be based on the individual merits of the application and the representations. 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.
20. 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.
21. 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	PC1 Letter to PLH 29.07.21
Appendix 3c	PC2 Noise Control Actions- Applejax
Appendix 3d	PC3 Applejax- Further complaints
Appendix 3e	PC4- Transcript of recordings
Appendix 4	Relevant representation- PS 777 Richard Horton

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
Nathan Howson	5661	25 th October 2021

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Premises Licence PLA0281

Part 1 – Premises Details

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

Applejax Night Club
 1 Back Mount Street Chorley PR7 1EA

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- Performance of Live Music
- Performance of Recorded Music
- Performance of Dance
- Entertainment Facilities - Similar Description
- 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	
Performance of Live Music	Monday 19:00 - 02:00	
	Thursday 19:00 - 02:00	
	Friday 19:00 - 06:00	
	Saturday 19:00 - 06:00	
	Sunday 19:00 - 02:00	
	On the Sunday immediately prior to Bank Holiday Monday, on Christmas Eve, Boxing Day and Maundy Thursday the permitted hours shall be 19:00 - 06:00hrs.	
Performance of Recorded Music	Monday 19:00 - 02:00	
	Thursday 19:00 - 02:00	
	Friday 19:00 - 06:00	
	Saturday 19:00 - 06:00	
	Sunday 19:00 - 02:00	
	On the Sunday immediately prior to Bank Holiday Monday, on Christmas Eve, Boxing Day and Maundy Thursday the permitted hours shall be	

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	19:00 - 06:00hrs.
Performance of Dance	<p>Monday 19:00 - 02:00</p> <p>Thursday 19:00 - 02:00</p> <p>Friday 19:00 - 06:00</p> <p>Saturday 19:00 - 06:00</p> <p>Sunday 19:00 - 02:00</p> <p>On the Sunday immediately prior to Bank Holiday Monday, on Christmas Eve, Boxing Day and Maundy Thursday the permitted hours shall be 19:00 - 06:00hrs.</p>
Entertainment Facilities - Similar Description	<p>Monday 19:00 - 02:00</p> <p>Thursday 19:00 - 02:00</p> <p>Friday 19:00 - 06:00</p> <p>Saturday 19:00 - 06:00</p> <p>Sunday 19:00 - 02:00</p> <p>On the Sunday immediately prior to Bank Holiday Monday, on Christmas Eve, Boxing Day and Maundy Thursday the permitted hours shall be 19:00 - 06:00hrs.</p>
The sale by Retail of Alcohol (On and off the premises)	<p>Monday 19:00 - 02:00</p> <p>Thursday 19:00 - 02:00</p> <p>Friday 19:00 - 06:00</p> <p>Saturday 19:00 - 06:00</p> <p>Sunday 19:00 - 02:00</p> <p>On the Sunday immediately prior to Bank Holiday Monday, on Christmas Eve, Boxing Day and Maundy Thursday the permitted hours shall be 19:00 - 06:00hrs.</p>

THE OPENING HOURS OF THE PREMISES

<p>Monday 19:00-02:00</p> <p>Thursday 19:00-02:00</p> <p>Friday 19:00-06:00</p> <p>Saturday 19:00-06:00</p> <p>Sunday 19:00-02:00</p> <p>On the Sunday immediately prior to Bank Holiday Monday, on Christmas Eve, Boxing Day and Maundy Thursday the permitted hours shall be 19:00 - 06:00hrs.</p>	
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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

Mr Craig Leeming

11 Skipton Drive Urmston Manchester M41 8PD
Email address: craig_leeming@hotmail.com
Mobile phone number: 07473955557

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

Rachael Eastham

8 Coniston Road Chorley PR7 2JA

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: PA02696

Issuing Authority: Copeland 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.

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(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).

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

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(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.

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,

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- (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

The premises shall operate and maintain a CCTV system which shall be in use during all times licensable activities are taking place. The system will cover the entrance/exit and internal area of the premises used to supply alcohol. The focus of the cameras will be to enable clear identification of persons on the premises. The system will be capable of time and date recordings and retaining for 28 days. The data controller shall make footage available to the police or authorised person on reasonable request. Signage that CCTV is in operation will be displayed. An incident book will be kept and available for inspection on request.

A policy of refusing to serve customers who appear to be inebriated will continue to be enforced.

The company voluntarily agrees to display when reasonably required by the local authority crime prevention notices.

The company will only engage in drinks promotions where it is satisfied that such promotions do not conflict with the licensing objectives.

On each occasion that the premises opens, there shall be two SIA registered door supervisors on duty from 22:00 hours. Provision of SIA registered door supervisors in addition to this shall be at the discretion of the DPS or manager on the night based on a dynamic risk assessment on numbers expected and numbers in attendance. Door supervisors shall be required to wear an identifiable arm band whilst on duty.

A written drugs policy shall be in place covering:
searches, seizure, recording and secure storage of suspected drugs,
procedures in respect of informing police of any seizures considered of significant size,
procedures in relation to any seizures requiring subsequent collection and disposal by police.

There shall be a method in place to accurately monitor and record the number of customers in the premises when it is open to the public.

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Means of escape are clearly displayed throughout the premises.

A general risk assessment will be conducted on not less than a two-yearly basis.

Entrances, exits (including emergency exits) and aisles will be kept free from obstruction.

There shall be a qualified first aider on site during all times when the premises are open to the public.

A first aid kit will be kept on the premises and fully stocked. The contents of the first aid box will be reviewed regularly. Toughened glassware to be used.

Staff to be aware of the sobriety of the customers, refuse service and ask them to leave the premises when required.

There shall be no entry to the venue for the last 30 minutes of opening.

A written dispersal policy shall be in place setting out plans for an orderly dispersal of customers. Signs asking customers to respect the neighbours and leave the venue quietly.

Open bottles and glasses cannot be removed from the premises. Drinking of alcohol will not be permitted outside the premises.

No bins to be emptied after 9.30pm

No person aged under 18 years shall be permitted in the premises after 22:30 hours

A documented Challenge 25 scheme will be operated at the premises which will be actively promoted and advertised. Any person attempting to purchase alcohol who looks under 25 years of age will be asked to provide photographic identification to prove that they are 18 years of age or over. Failure to provide such identification will result in no sale of alcohol to that person.

The following will be accepted as proof of age -

Proof of age standards scheme card (PASS),

Photo driving licence,

Passport or

HM Forces warrant card.

A documented training scheme shall be introduced for all staff in a position to sell alcohol. As part of the scheme the designated premises supervisor or premises licence holder shall carry out regular age verification training reviews for all staff. The scheme will be made available for inspection by any authorised officer on request.

An incident book and refusals register will be kept and maintained at the premises indicating the date, time and reason for any refusal or any incidents of crime or disorder and will be available for inspection by any authorised officer on request.

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

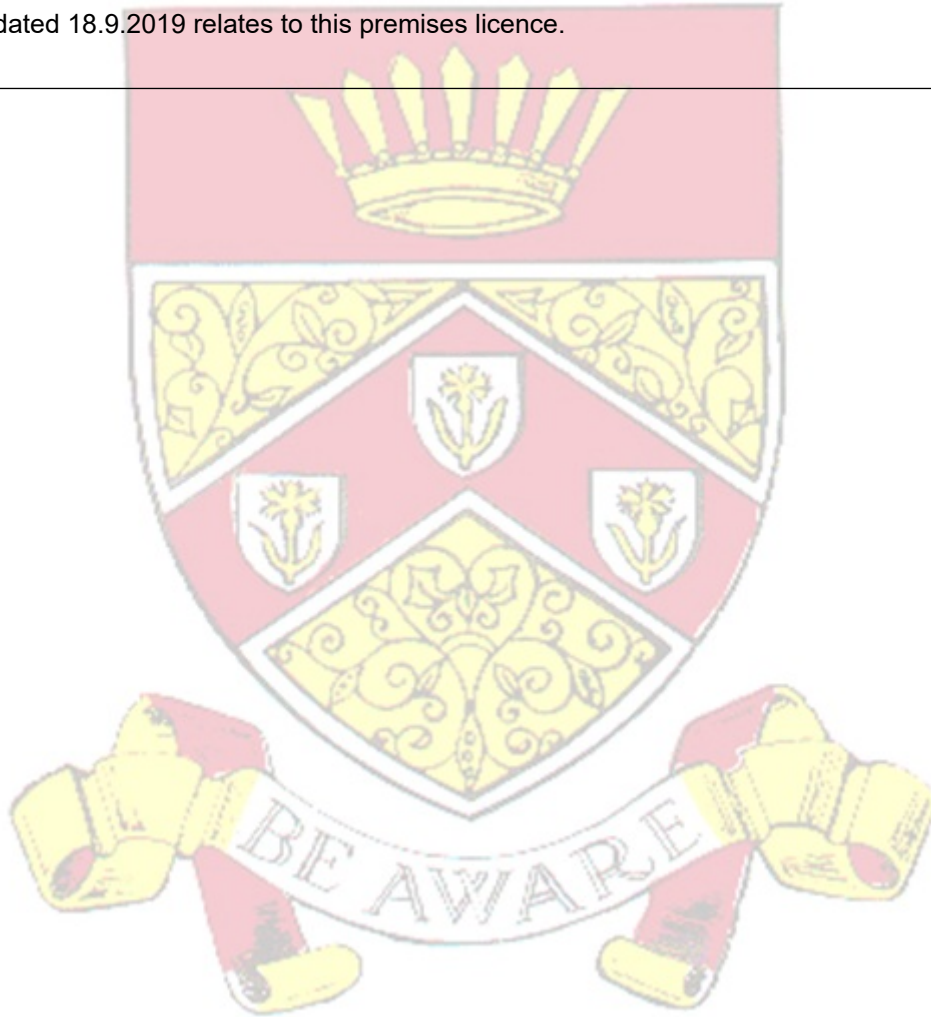
NONE

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ANNEX 4 – PLANS

plan D0001 dated 18.9.2019 relates to this premises licence.



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Summary of Licence

Premises Details

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

Applejax Night Club
 1 Back Mount Street Chorley PR7 1EA

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- Performance of Live Music
- Performance of Recorded Music
- Performance of Dance
- Entertainment Facilities - Similar Desc
- 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	
Performance of Live Music	Monday 19:00 - 02:00	
	Thursday 19:00 - 02:00	
	Friday 19:00 - 06:00	
	Saturday 19:00 - 06:00	
	Sunday 19:00 - 02:00	
	On the Sunday immediately prior to Bank Holiday Monday, on Christmas Eve, Boxing Day and Maundy Thursday the permitted hours shall be 19:00 - 06:00hrs.	
Performance of Recorded Music	Monday 19:00 - 02:00	
	Thursday 19:00 - 02:00	
	Friday 19:00 - 06:00	
	Saturday 19:00 - 06:00	
	Sunday 19:00 - 02:00	
	On the Sunday immediately prior to Bank Holiday Monday, on Christmas	

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	Eve, Boxing Day and Maundy Thursday the permitted hours shall be 19:00 - 06:00hrs.
Performance of Dance	Monday 19:00 - 02:00 Thursday 19:00 - 02:00 Friday 19:00 - 06:00 Saturday 19:00 - 06:00 Sunday 19:00 - 02:00 On the Sunday immediately prior to Bank Holiday Monday, on Christmas Eve, Boxing Day and Maundy Thursday the permitted hours shall be 19:00 - 06:00hrs.
Entertainment Facilities - Similar Description	Monday 19:00 - 02:00 Thursday 19:00 - 02:00 Friday 19:00 - 06:00 Saturday 19:00 - 06:00 Sunday 19:00 - 02:00 On the Sunday immediately prior to Bank Holiday Monday, on Christmas Eve, Boxing Day and Maundy Thursday the permitted hours shall be 19:00 - 06:00hrs.
The sale by Retail of Alcohol (On and off the premises)	Monday 19:00 - 02:00 Thursday 19:00 - 02:00 Friday 19:00 - 06:00 Saturday 19:00 - 06:00 Sunday 19:00 - 02:00 On the Sunday immediately prior to Bank Holiday Monday, on Christmas Eve, Boxing Day and Maundy Thursday the permitted hours shall be 19:00 - 06:00hrs.

THE OPENING HOURS OF THE PREMISES

Monday 19:00-02:00 Thursday 19:00-02:00 Friday 19:00-06:00 Saturday 19:00-06:00 Sunday 19:00-02:00	On the Sunday immediately prior to Bank Holiday Monday, on Christmas Eve, Boxing Day and Maundy Thursday the
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permitted hours shall be 19:00 - 06:00hrs.

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

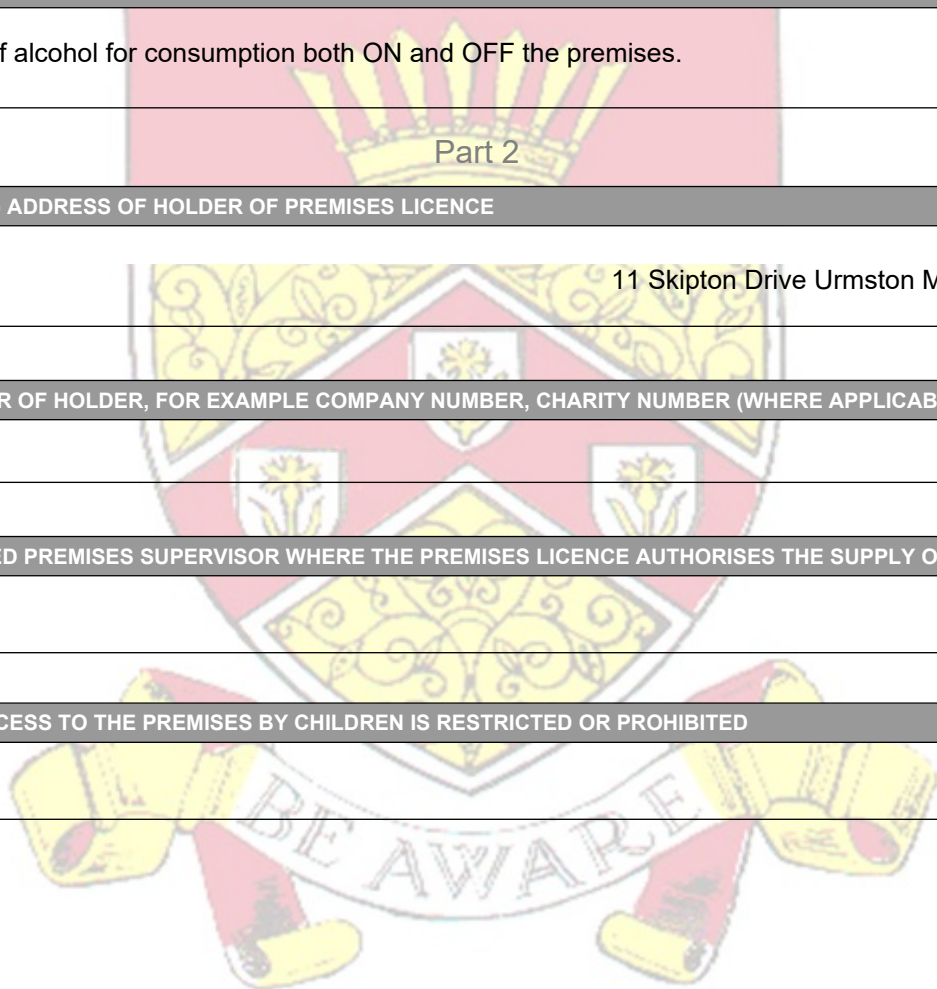
Mr Craig Leeming 11 Skipton Drive Urmston Manchester M41 8PD

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

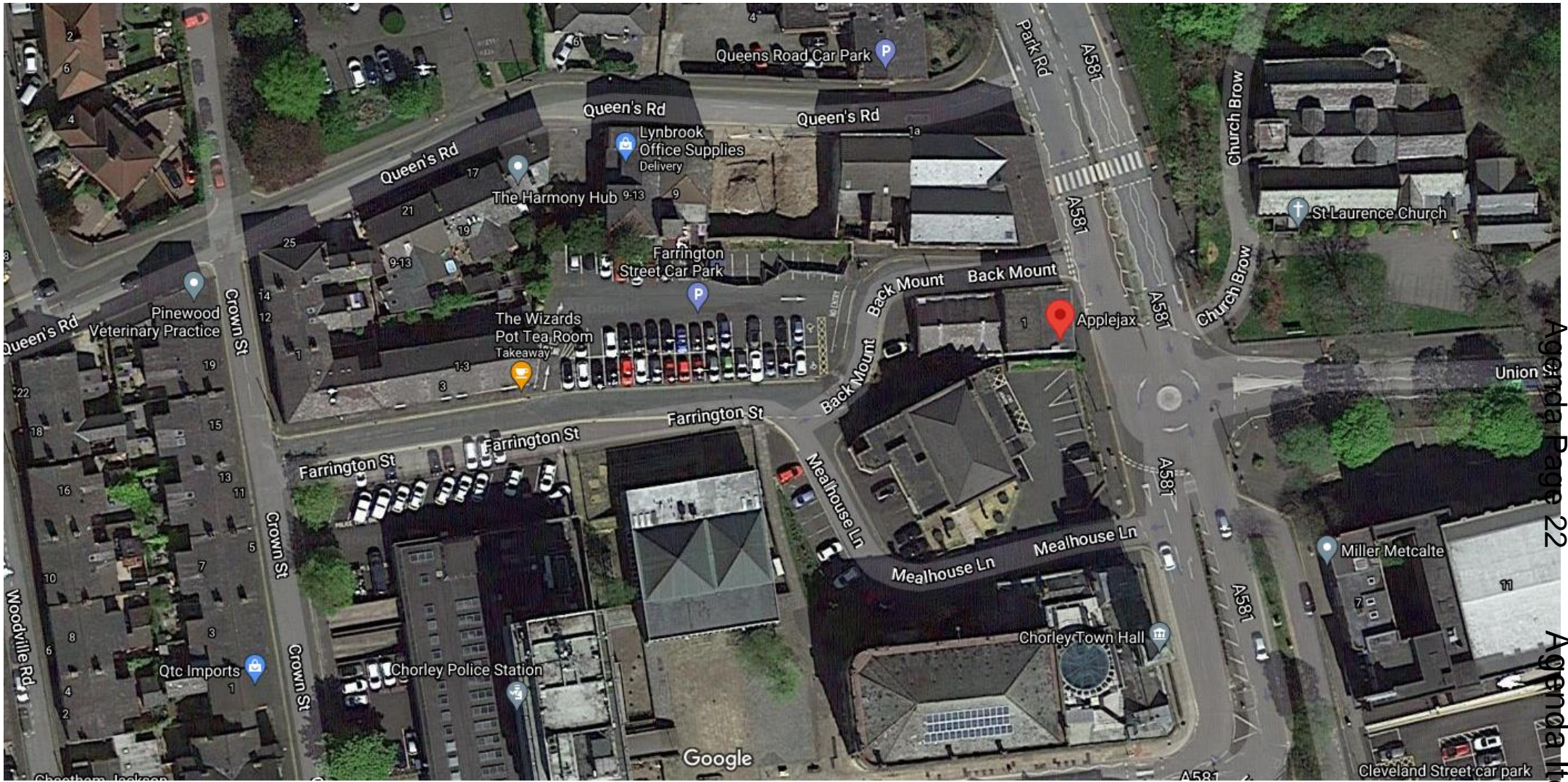
Rachael Eastham

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



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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 Mr Paul Carter,
 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 description	
Applejax Night Club 1 Back Mount Street	
Post town Chorley	Post code (if known) PR7 1EA

Name of premises licence holder or club holding club premises certificate (if known)
Mr Craig Leeming

Number of premises licence or club premises certificate (if known)
PLA0281

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 Mr Paul Carter 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 515738
E-mail address (optional) paul.carter@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 17th September 2021 following repeated complaints by many local residents and the installation of noise monitoring equipment at a neighbouring property.

Please provide as much information as possible to support the application

The Environmental Health Department first received several complaints by local residents (11 in total and some being approx. 135m away) regarding noise from Applejax over the weekend starting Friday 23rd July. The complainants stated that they had been kept up by the excessively loud music throughout every night until at least 5am and that it was still going on at 5.30am on Monday morning.

On Tuesday 27th July, I visited the premises with Tracy Brzozowski- Customer Service Manager (Enforcement) to discuss the complaints with the PLH Mr Craig Leeming. We requested to also speak to the DPS but they were unavailable. We attempted to look at the CCTV from the previous weekend and had to operate the system ourselves as the PLH was unfamiliar with it. It was made very clear that he must take more responsibility in managing the noise from the premises and in particular that all doors should be kept shut when it is open and that a responsible person should regularly patrol the boundary of neighbouring properties to assess the noise levels throughout each evening. We went through all the conditions attached to the licence and we both strongly advised the PLH to seek some assistance from either a licensing consultant or an experienced PLH. I wrote to the PLH confirming the issues raised during the meeting on 29th July (copy attached as PC/1).

We continued to receive noise complaints over the following weekends and in particular we received lots of complaints about the excessive noise levels from music and the sound of the person shouting on the microphone on Friday 6th August. The complainants all stated that the music went on until around 5am and then they have to deal with lots of drunken patrons singing and shouting in the streets.

I visited the premises again on 11th August with Nathan Howson- Enforcement Team Leader (Licensing) and met Craig Leeming (PLH) and Chris Candler (Manager). We requested to also speak to the DPS but they were on holiday.

We discussed the further noise complaints and carried out a test of the noise at a typical volume and then went into the car park to see what it was like. We first tested with the upstairs fire exit doors open and it was very clearly audible. We then shut the doors and although it was a bit quieter, the bass and music could still clearly be heard. On their own admission they have purchased a new entertainment system which is very capable of being played at levels that will cause disturbance to local residents at quite a distance away.

It was agreed:

- all the doors (save from the front door when being used to enter / leave) will be closed while the premises is open;
- management will patrol the perimeter on regular occasions throughout any music being played and this will be recorded;
- Chris will look at putting signs on the DJ booth for guest DJs warning them to control the music and secure a limiting block on the system to stop anyone turning it up higher;
- they will apply the same controls to the mic used by the DJ.

I followed the meeting up with an email to everyone who attended (copy attached PC/2).

We then received lots of further angry complaints following the events of the bank holiday weekend. In particular Friday 27th was that bad that a complainant who is a local police officer went round at 5.30am to speak to the DPS. The email describing the scene was quite damning and highlighted that there were lots of people outside and in the street shouting and one man with his top off gesticulating with his arms for a fight. There was no control at all by the door staff, the rear doors were open and people were drinking outside. There were also complaints again about the Saturday night, although they said it wasn't as bad as the previous night, one complainant had to move his son from his bedroom as he couldn't sleep.

I sent the management team another email to update them along with a further letter in accordance with the ongoing noise investigation procedure (copy attached PC/3). I have received no response at all regarding this letter.

I installed the Council's noise monitoring equipment in a property on Queens Road Chorley on 7th September and removed it on 14th. There is a transcript of the recordings made attached as PC/4. As you will see, the Saturday night was particularly bad and I could clearly hear the music, bass and microphone used by the DJ all throughout the night until the recordings stopped at 5.23am.

As a result, I was satisfied that a statutory nuisance existed and was likely to recur, so I was duty bound to serve an abatement notice to require the owner of the company to resolve the nuisance and he was given 7 days to do so. At the time of preparing this statement, I have not had any response at all anyone at the premises.

I have received further very angry complaints from local residents on Monday 20th September claiming that the noise was extremely loud throughout Friday night and was still going on at 5.20am. They then report that there were lots of people singing and shouting in the streets until around 6am.

Some of the complainants have lived there for many years and have never been disturbed by any issues relating to Applejax. Some are professional people who are having to work after having no sleep at all throughout the night and several have young children who they claim are being disturbed.

It is clear to me that the premises is not being managed adequately and that the current conditions relating to public nuisance are not robust enough to prevent regular and excessive disturbances to local residents. I have visited the premises twice giving the management team advice on what is required to control the noise and continually offered further assistance if required which has not been requested.

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

P.Carter

Date

21st 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)	

Date: 29 July 2021
Our Ref: 21/01750/NI
Doc Type: RSCORR
Please ask for: Mr Paul Carter

Civic Offices
Union Street
Chorley
PR7 1AL

Mr Craig Leeming
Applejax Night Club
1 Back Mount Street
Chorley
PR7 1EA

Dear Mr Craig Leeming

**ENVIRONMENTAL PROTECTION ACT 1990 SECTION 79
ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
APPLEJAX NIGHTCLUB, 1 BACK MOUNT STREET, CHORLEY**

I am writing further to a visit made to the above premises on Tuesday 27th July accompanied by a colleague from Chorley Council Licensing. The visit was made following multiple complaints of noise nuisance throughout the previous weekend and until the early hours on each day.

The above legislation places a duty on the Council to investigate all such complaints to determine whether a statutory nuisance exists or if there is evidence of anti-social behaviour of a persistent nature that causes alarm, harassment or distress.

We discussed at length about your responsibilities to manage the noise from amplified music at the premises and that you should regularly patrol outside nearby noise sensitive properties to assess noise breakout.

You should categorically ensure that the rear doors are kept closed at all times when regulated entertainment is on and ensure that you make any artists / DJs aware that they must control the noise to a reasonable level so as to not cause disturbance to local residents.

I currently have 11 complainants monitoring this situation and making records of any further disturbance. If you require any further advice then please do not hesitate to contact me on 01257 515738 or paul.cater@chorley.gov.uk



For your convenience, I have attached some information that explains how the Council investigates nuisance and anti-social behaviour complaints. This is the same information that has been sent to the complainant. Please read this guidance carefully and contact the Council if you require any further assistance.

Yours sincerely

Chorley Council
cc. Tracy Brzozowski- Licensing- Chorley Council
Linda Robson- Chorley Police Licensing



21/01750/NI

 01257 515151
 chorley.gov.uk

How we investigate

Nuisance and Anti-Social Behaviour

What is a statutory nuisance?

There are different types of nuisance defined in law, including public nuisance and private nuisance. The council has powers under the Environmental Protection Act 1990 to take action with regard to the most severe, which are statutory nuisances.

A statutory nuisance is something that significantly interferes with the complainant's life. Noise is the most obvious of these sorts of nuisance. For a noise to constitute a statutory nuisance it needs to be shown that the noise is not just audible or annoying, but that it is unreasonable and preventing the ordinary person from continuing their normal activities.

Other things can also be a nuisance, such as odour or fumes from a commercial kitchen, or accumulations of rotting waste at a property.

Whatever the complaint, the investigation is the same. The assessment is basically an independent test of reasonableness, both in regard to the action causing the complaint and the reaction of the complainant.

The officer's job is to determine whether the activity that is causing the complaint is reasonable to the average person. This impact assessment is based on the type of nuisance, intensity, duration, frequency of occurrence, times of day and what would be a realistic expectation of reasonable behaviour in that locality.

What is Anti-Social Behaviour?

Anti-Social behaviour is a broad term that can include problems of noise and nuisance but can also extend to harassment and causing feelings of fear and intimidation. Where someone feels that they are a victim of Anti-Social behaviour this will often be considered across a number of agencies, such as the police, housing associations, private landlords and the Council to ensure that the behaviour is addressed, and the appropriate tools used improve the circumstances.

Where the Issues related to harassment or criminal activity then this should be reported to the Police, who will then liaise with any other appropriate authority.

Neighbour Disputes

It is not for the Council or the Police to become involved in neighbour disputes, such as arguments over boundaries and parking. Where it is clear to the authorities that the matter relates to a dispute between neighbours then both parties will be provided with some advice, but the authorities may withdraw from the investigation in such circumstances.

What the council needs from the complainant

Where possible we would encourage you to talk to your neighbour to discuss your concerns before pursuing a formal complaint. However, we appreciate that in some circumstances this may not be possible.

It can be a criminal offence to cause a statutory nuisance or anti-social behaviour, therefore when the council carries out an investigation we operate in a similar way to the police. We must gather enough evidence to take action against someone, otherwise the case would collapse.

The most important witness in the case is the complainant, and they will be expected to complete an evidence log. This is a formal witness statement, which can later be used in court, but also provides details to the officers on how to direct the investigation, so that the best use of officer time is achieved. This evidence log must be precise, specific and accurate. A lack of evidence in the monitoring record may result in the officer deciding that there is insufficient evidence to continue the investigation.

If the evidence log supports further action by the council, then the details of the log will be used to direct the investigation. The officer may arrange a visit, or for noise complaints arrange for noise monitoring equipment to be fitted in the complainant's premises.

The council's enforcement policy

Any action taken by the council must to be in line with the enforcement policy. This states that formal action should be the last

option, and the council should seek to resolve issues informally and assist in trying to reach a solution. At this stage, it may be appropriate to disclose the identity of the complainant to allow the premises or person responsible to ensure that any action they take reduces the impact at the right location.

The Role of Mediation

In some cases the Council or the Police will recommend the use of mediation to resolve issues rather than the progression of a formal investigation and potential enforcement action, mediation is provided by a professional service and does not necessarily require all parties to be present in the same room. We have had very encouraging results from mediation and this tool has been used to good effect to change behaviour and build better relationships, which has resulted in an improved quality of life and positive outcomes for participants.

What the person allegedly causing the issue should do

The person who has had a complaint made against them is encouraged to contact the council to discuss the issue. The Environmental Health Officers will often provide guidance and advice on practical solutions once the officer has taken an objective view of what the problem might be.

If the officer is satisfied that a nuisance is likely to arise from a business premises, the business may be advised to employ a consultant to assist them as this is often a very effective way of solving the issue quickly and permanently, particularly for noise and odour problems.

Defences against formal action

For complaints relating to commercial and industrial premises, the officer may mention something called a 'best practicable means defence'. This is where the company is doing all they realistically can to prevent them impacting on others, but a nuisance persists. This may be due to an inherently noisy activity, such as pile driving on a construction site, or they are operating a process that must run 24 hours a day.

When the officer carries out the investigation, this type of defence against formal action will be given consideration by the officer and the legal team. If there is a very strong 'best practicable means defence', it may not be in the public interest for the council to pursue formal action for that particular case.

What formal action means

Where a statutory nuisance is determined the first formal action would be the service of an abatement notice. The nuisance must have been witnessed by the officer for them to serve a notice and there must be enough evidence to ensure that the officer can defend an appeal against the notice. The notice will require the person responsible for the nuisance to reduce the impact so that the nuisance no longer exists.

This will not necessarily stop the activity altogether; the requirement of the law is to abate the nuisance and bring the impact down to a reasonable level as determined by the officer.

Where the evidence supports the existence of Anti-Social Behaviour the initial stage would be the issue of a Community Protection Warning, which may require the stopping of some activities but also require additional actions to be taken by the person responsible.

Failure to change their behaviour will result in the service of a Community Protection Notice, as a second stage to the process. This may require wider and more detailed action by the perpetrator.

If the premises or person does not comply with either type of notice, the officer will need the complainant to collect further evidence. The officer will then need to witness the breach of the notice, to determine whether an offence has been committed.

This can sometimes take time to establish and gather sufficient evidence to satisfy the legal team that a prosecution in the Magistrate's Court is appropriate. In some cases, the breach of a Community Protection Notice may be dealt with by the issue of a Fixed Penalty/ Fine, but the need for evidence to support this action is equivalent to that needed by the courts.

If the council decides to take the case to court, all the evidence the complainant has collected will be used and the complainant may be expected to appear in court as a witness.

Helpful Examples

Unlikely to be a nuisance or ASB	More likely to be a nuisance or ASB	Action that may be taken if problem identified
A dog barking several times a day for short periods when people approach the property	A dog howling most of the day because it is left alone	The dog's owner may be asked to try leaving a radio on for the dog, asking someone to walk the dog or take the dog to another location during the day so that it is not left alone
Music from a premises that finishes before midnight and only happens once at a weekend	Music that happens 3-4 times a week after midnight, regularly preventing neighbours from sleeping	Music from a pub may be controlled by a noise-limiting device and hours may be limited. Music systems from residential premises may be confiscated
Occasional odours, noise and flies from muck spreading to land	Persistent odours and flies from poultry houses and large agricultural slurry storage units	Bedding for animals may be treated with chemicals to reduce odour and flies breeding, muck spread to land may be required to be ploughed in, storage facilities may be relocated
One off bonfire in a domestic garden which is under control, burning clean dry material and the smoke is not entering other people's properties.	More regular garden bonfires that are left unattended and on windy or days with nice weather when people have windows open / washing out. Materials being burnt that cause dark smoke.	The person responsible for the fire will be informed and a decision will be made whether to serve an abatement notice in order to prevent further occurrences of the nuisance.
Occasional odour from commercial kitchen extraction where appropriate filtration and cleaning schedules exist	Continuous strong odour from commercial kitchen extraction	Increase in flue height and improvements to filtration system to reduce odour emitted and improve dispersal of fumes
Overgrown garden	Accumulation of waste, excessive amounts of dog excrement	Removal of waste and a requirement to maintain the area
Noise from a construction site, but complying with guidance restricting times and noise levels	Noise from construction before 7am or after 7pm and throughout the weekend	Noise levels and times are restricted. However, some activities will be exempt from time restrictions, such as operations on railway lines

Nathan Howson

From: Paul Carter
Sent: 12 August 2021 09:03
To: craig leeming; candydj@hotmail.co.uk
Cc: Nathan Howson
Subject: Noise Control Actions- Applejax (PC/2)
Attachments: Map Applejax.PDF

Importance: High

Hi Craig / Chris,

I write following the meeting at Applejax yesterday to discuss further noise complaints received regarding loud amplified music from the premises causing a statutory nuisance.

I understand you have a brand new entertainment system for playing music at the premises and that its easily capable of being operated at a level which can cause significant disturbance to local residents. I showed you a map of the neighbours that have complained, some being approx. 135m away. I attach a map of the area as requested.

All of the doors must be kept shut while the premises is open, save for the main entrance side door which is used for patrons arriving / leaving and going outside for a cigarette.

You have committed carrying out regular patrols around the perimeter of the premises when music is being played to assess the level of noise output and make any adjustments necessary. All of your guest DJs should be made aware that there are noise sensitive properties surrounding the premises and that they will be required to limit the volume throughout their performance. It was agreed that you would look to place a limiting device on the control decks so that the required levels of output cannot be achieved and put signs within the DJ booth to state that the limits must not be exceeded.

Several of the complainants stated that when Chris was performing on the previous Friday night, the volume of the mic was far too loud and his voice could clearly be heard until 5am. You should look to set the required limit on the mic as well as the system.

From the discussions, it was clear that you understood what is required to ensure the premises operates without causing a nuisance to nearby residents. The actions as agreed and above should be implemented immediately and enforced every time the premises is open.

If we can give you any further advice regarding noise control, then please do not hesitate to contact me. As explained during the second meeting regarding noise control, should we receive further complaints I will be minded to request a review of the premises licence to ensure the licensing objectives are met.

Regards Paul

Paul Carter
Public Protection Officer

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Date: 7 September 2021
Our Ref: 21/01750/NI
Doc Type: RSCORR
Please ask for: Mr Paul Carter

Civic Offices
Union Street
Chorley
PR7 1AL

Mr Craig Leeming
Applejax Night Club
1 Back Mount Street
Chorley
PR7 1EA

Dear Mr Craig Leeming

**ENVIRONMENTAL PROTECTION ACT 1990 SECTION 80
FURTHER NOISE COMPLAINTS**

I wrote to you previously to inform you that I had received a complaint about noise disturbance from your property. The allegation was that the disturbance was caused by loud amplified music and the microphone used by the DJ. The latest disturbances were on Friday 3rd September 2021 which I have received four complaints about the volume and that the disturbances went on until 3am.

I will be investigating this complaint further. This may include either visits from an Officer so that evidence can be collected and observations made, or the installation of noise recording equipment into the complainant's property. If a statutory nuisance is established, then the Council will be minded to serve an abatement notice and request a review of the premises licence.

If you wish to contact me to discuss the matter or to request further advice about noise controls then please do not hesitate to do so.

Yours sincerely

Chorley Council



21/01750/NI

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Recorder Transcript

Installed at: Queens Road, Chorley
 Date: 7th September 2021- 14th September 2021
 Noise from: Applejax Night Club, 1 Back Mount Street, Chorley

DATE	TIME	COMMENTS
SATURDAY 11 TH SEPT	02.08	Introductory music then bass beat
	02.33	Bass beat of music. Can hear people outside
	02.32	Bass beat and some kind of alarm outside
	02.35	As above
	02.46	As above. Complainant can be heard getting frustrated and yawning
	02.56	Bass beat clear from the start, musical interlude then bass kicks in again
	Saturday night	
	23.56	Clearly louder than Friday night. Person on the mic shouting to the crowd. Bass beat in background
	23.30	No music at start as MC talking / cheering on the crowd. Bass beat starts after that.
	23.35	Clearly hear the MC and bass beat in background
	23.38	As above
	23.49	As above
	23.56	Police car, as above
	SUNDAY 12 TH SEPT	00.02
00.05		MC at the start then bass beat later on
00.11		Fast bass beat and MC
00.14		As above to the end
00.18		Introductory music + MC the bass kicks in to the end
00.21		MC shouting "hands in the air" + Bass beat
00.24		Seems a bit louder. MC + music + bass beat
00.27		As above- clearly hear all elements
00.30		As above. MC shouting on the mic "Whoop there it is" Complainant heard to be getting frustrated.
00.33		As above.
00.36		Music is a bit faster- hard dance music.
00.39		Lots of MC from the start then music and then bass kicks in.
00.42		Lots of MC- as above. Then just music and MC
00.46		Fast bass beat + MC very clear
00.49		Music clearly hear lady singing + bass best and MC
00.52		As above, can hear the words the lady is singing. MC Later on
00.55		MC shouting at the start + music + Bass kicks in. Complainant yawning.
00.59		As above, MC + music stops then bass beat kicks in. Complainant heard to be getting frustrated.
01.02		Same song continuing from above. Music stops MC shouts "Yo yo yo yo.. How's everyone feeling!" then crowd cheers. MC shouts "**** off- How's everyone feeling?" event louder cheer from crowd. Music starts up again bass beat and MC Complainant states "come on this is insane"
01.05		Loud bass beat + music + MC
01.08	As above	
02.23	Continued as above- clear MC + music + bass beat	
03.15	Clear bass beat + music	

	03.24	MC shouts "Wow" x4 music building up then bass beat and clear MC. Can clearly heard the words of the song. "Running through my veins, driving me insane"
	05.15	Clear bass beat and music.
	05.23	As above till the end.

Witness Statement

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Richard Ian Charles Horton**

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Age if under 18 **>18** (*if over 18 insert "over 18"*). Occupation **Licensing Sergeant**

This statement (consisting of **2** page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false or do not believe to be true.

Dated the **25th** day of **September 2021**

Tick if witness evidence is visually recorded
(supply witness details on rear)

Signature

I am the above named person and I am employed as a the Licensing Sergeant for South Division of the Lancashire Constabulary, stationed at Preston.

This is my statement making representations on behalf of Lancashire Constabulary in respect of a proposed review of the premises licence for Applejax Nightclub on Back Mount Street, Chorley.

Applejax is the only operating purpose-built nightclub in Chorley. It has opening hours as follows

Sunday - Monday – Tuesday 1900 hrs – 0200 hrs

Friday – Saturday 1900 hrs to 0600 hrs

As such it is one of the venues that I pay particular attention to as it has potential to make a large adverse impact on the Licensing Objectives if not run responsibly. It has been in operation for many years but in recent years it has mostly been closed with sporadic short-term openings under various new premises licence holders. They have invariably struggled to attract sufficient customer numbers to make the venue financially viable. During the Covid lockdown there were leaks and the internal fabric of the building sustained a lot of water damage.

Around 12th January 2021 an application was passed to my department by Chorley Borough Council seeking to transfer the premises licence for Applejax to Mr. Craig Stephen LEEMING born 26/02/1976.

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The transfer went through but there was little else heard about the premises until July 2021 when Mr. Leeming decided to re-open the venue to the public. In the interim period it seems that Mr. Leeming had done some building work to try and bring the venue back into usable condition inside.

On 29th July 2021 an application was received to appoint Rachael Eastham to the post of Designated Premises Supervisor for the venue. On 2nd August 2021 I met with Rachael Eastham and went through the licence conditions for the venue with her and left her with a full printed copy. She told me that the music was likely to be drum and bass in an attempt to develop a distinctive and loyal customer base.

On 3rd August 2021 I received ungraded intelligence that there was cocaine dealing going on inside AppleJax with deals being done in the toilets. I contacted Mr. Leeming by phone and set out the potential issues at his venue. He replied by email acknowledging that there might be issues and suggesting that police swear out warrants on people's home addresses.

Since AppleJax has re-opened I have the following police logs recorded in relation to the venue which show an adverse impact on the Licensing Objectives, in particular Nuisance

24/07/2021 22:32 hrs LC-20210724-1929 Caller calling reporting very loud noise from the club

26/07/2021 05:31 hrs LC-20210726-0232 Caller calling reporting very loud noise booming from the club

26/07/2021 05:32 hrs LC-20210726-0230 Calling regarding loud music from the venue. The duty Sergeant at Chorley Police Station reported that he could hear the music from the venue inside the police station. Police officers attending found that the club had closed to the public but the music was still being played at very loud volumes by the owner and staff.

01/08/2021 02:41 hrs LC-20210801- 0237 Report of a fight between 2 groups outside the club.

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07/08/2021 05:30 hrs LC-20210807-0652 complaint of noise from the club into the early hours

07/08/2021 LC-20210807- 0594 Caller wants to complain about noise from the venue. He has tried to speak to the venue about the noise and been told “The party won’t stop”

07/08/2021 02:29 hrs LC-20210807-0215 door staff call police for assistance dealing with violent male who is arrested by police for Drunk and Disorderly.

On 19th August 2021 I met with Craig Leeming at the venue. I spoke to him about getting better and more regular door staff and controlling noise from his drum and bass events. I told him that in my opinion as Licensing Sergeant, the regular noise complaints about Applejax would lead to an inevitable licence review if he did not control the volume properly. He told me that attendances were steadily declining.

On 24th and 25th September 2021 on learning that Chorley Borough Council had applied for a review of the premises licence a number of observations were carried out by officers from Lancashire Constabulary including myself.

On 24/09/21 at 2200 hrs I parked on the carpark behind AppleJax in an unmarked car. Loud drum and bass music started at 2200 hrs on the dot. It was loud enough that I could hear it in my car with the windows wound up. After about 10 minutes I drove past the venue entry and saw that the main doors were wide open with the door staff engaged in conversation with a small group smoking outside.

I returned to the same car park at 00:04. The music was fast ,bass heavy with heavily amplified shouted vocals and the music was still clearly audible in my car with the windows up. Again I drove past the venue entry and the main doors were wide open with the door staff engaged in conversation with a small group smoking outside.

At 01:20 hrs 25/09/2021 PC’s Tickle, Stanworth and Abbott conducted a walk through of the venue and found 89 customers and 6 door staff.. The music was very loud. PC Tickle reports .

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“I spoke with a member of staff who presented a sound limiter. He was claiming that the DJ for the event was removing the limiter and turning the sound up. He said he was trying to put the limiter back in place.”

This was indicative to me that the venue had lost control of the music volume at that stage despite being under licence review. I would expect any responsibly run venue to have done everything in their power not to cause further noise nuisance instead of which they were using a DJ who deliberately circumvented noise control measures.

At 03:09 hrs 25/09/2021 police attended a call to Applejax that a father had arrived at the venue to remove his 16 year old son. Officers attending were Inspector Smith, PC Halit, PC Shuttleworth and PC Chapple. The 16 year old was in the venue and had used a picture of somebody else's passport on his phone as ID rather than an original passport document. This failure to check to actual documents had resulted in a child being admitted to the venue. Police overheard a member of door staff telling the child that he would be admitted next week.

This is a clear breach of two licence conditions

No person aged under 18 years shall be permitted in the premises after 22:30 hours

A documented Challenge 25 scheme will be operated at the premises which will be actively promoted and advertised. Any person attempting to purchase alcohol who looks under 25 years of age will be asked to provide photographic identification to prove that they are 18 years of age or over. Failure to provide such identification will result in no sale of alcohol to that person. The following will be accepted as proof of age - Proof of age standards scheme card (PASS), photo driving licence, passport or HM Forces warrant card.

Whilst police were at the venue they noticed a number of female customers leaving via the fire doors, carrying drinks, The door staff took no action. This is a further breach of licence conditions witnessed by police.

Open bottles and glasses cannot be removed from the premises.

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Drinking of alcohol will not be permitted outside

In conclusion I would say that the evidence available to me as Licensing Officer shows that

1. The venue is regularly operating causing a nuisance to local residents by playing extremely loud music throughout their hours of operation . Warnings from Council and Police Officers have had no noticeable effect on the noise levels.
2. The DPS and PLH have no effective control over operations at the club with DJ's apparently removing noise limiting equipment to play music at anti-social volumes.
3. The venue is not operating the Challenge 25 scheme effectively resulting in a 16 year old child being removed from the club having gained entry on a picture of fake ID.
4. The venue is not controlling entry and exit to the venue so that drinking outside is happening and customers are leaving with open bottles and glasses.

There is clear evidence that since Craig Leeming became the premises licence holder and Rachael Eastham became DPS, the venue has had a constant adverse impact on the Licensing Objectives.

Signature

Signature witnessed by

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