

CARLISLE CITY COUNCIL

Report to:- THE CHAIRMAN AND MEMBERS OF THE LICENSING SUB
COMMITTEE

Date of Meeting:- 17th August 2006

Agenda Item No:-

Public	Operational	Delegated Yes	
Responsible Authority Representations	Representations	Included	Attending
Cumbria Constabulary	No	No	No
Cumbria Fire Service	No	No	No
Environmental Protection Services	Yes	Yes	Yes
Planning Services	No	No	No
Social Services	No	No	No
Trading Standards	No	No	No
Health & Safety Executive	No	No	No
Interested Party Representations			
Ms L Crow	Yes	Yes	Yes
Mr & Mrs G McKie	Yes	As L Crow	No
Mr P Baldotto & Mrs M Johnstone	Yes	As L Crow	No

**Title:- CROWN & THISTLE, 53 CHURCH STREET, STANWIX,
CARLISLE
APPLICATION TO VARY A PREMISES LICENCE**

Report of:- HEAD OF LEGAL & DEMOCRATIC SERVICES

Report reference:- LD 52/06

Summary:-

The applicant applies to vary the hours of the current licensable activities on the premises by applying for an additional hour to the terminal hour.. As described in Part A of this report..

Recommendation:-

Members to reach a decision from the options outlined after hearing the evidence.

J A Messenger
Licensing Manager

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:- The Application, written comments from: Environmental Protection Services, letter from persons living in the vicinity, copies of which are attached to this report.

To the Chairman and Members of the Licensing Sub Committee on

A. THE APPLICATION (Appendix 1)

Applicant:

Punch Taverns PLC, Jubilee House, Second Eve, Burton on Trent

Premises:

Crown and Thistle, 53 Church Street, Stanwix, Carlisle (Area plan Appendix 2)

History

In June 2005 the premises had the benefit of trading under a Justices 'on' licence, for many years. Application was made under Schedule 8 Para 2 Licensing Act 2003 for conversion of this licence under the same terms and conditions held. Cumbria Constabulary were the only consultees for conversion and did not make any representations. The application for conversion was, therefore, successful.

At the same time the applicant applied for a variation of the licence to extend the licensable hours from 11pm- midnight. Monday – Wednesday. 11pm – 1am Thursday – Saturday and 1030pm – 1130pm on Sundays. The application was not granted following representations from local residents.

Present Variation application

1. An application for the variation of Premises Licence has now been made under section 34 of the Licensing Act 2003 The operating schedule includes:
2. Relevant licensable activities (which remain the same as the existing licence):
 - Sale by retail of alcohol (Para. M Appendix 1)
 - Provision of regulated entertainment (live and recorded music) (Para's E & F Appendix 1)
3. Hours of licensable activities:
 - Sunday to Saturday 10.00am – midnight

(Present hours are: Sunday – Saturday 1000am – 11pm. New Years Eve: through to start of permitted hours next day)

4. Other times premises proposed to be open: An additional 30 minutes after the above times
5. Designated Premises Supervisor: Ian Thomas Johnson
6. Supply of alcohol is for consumption both on and off the premises.
7. The area for the licensable activities at 2 above includes the 'outside seating' area shown on the premises floor plan (Appendix 3)
8. Additional steps to promote licensing objectives remain the same as current licence (Para. Q Appendix 1))
These have been taken from the Guidance on Sample Conditions Form GD6, which all attendees have a copy of.

General

- 30 minute drinking up time
- Movement of fire appliances, AWP machines etc.
- Abide by licensing policies and codes below

Crime and Disorder

- CD19 No purchase u/18yrs
- CD29 Notify pubwatch disorder

Public Safety.

- PS3 Alterations to premises
- PS6 Escape routes
- PS9 Escape routes – door sign
- PS10 Escape routes – door security
- PS12 Escape routes - door security
- PS14 Fire door
- PS16 Private doors
- PS21 Fire safety - upholstery
- PS22 Fire safety - furnishing
- PS23 Obstruction of exits & signage
- PS29 Access for emergency vehicles
- PS30 First Aid
- PS32 Lighting levels
- PS34 Emergency light controls

Public Nuisance.

- PPN4 Closure of external doors/windows during regulated entertainment
- PPN9 Offensive smells
- PPN11 Storage of waste foods
- PPN13 Collection of litter from premises
- PPN14 Light pollution
- PPN3 Noise/Vibration (added by Sub Comm.4/8/05)
- PPN5 Noise levels (added by Sub Comm.4/8/05)

Protection of Children.

- PCH2 Age restriction
- PCH16 Portman Group Code of Practice

9. Copies of the application were forwarded to responsible authorities. The application was advertised on the premises as well as in local newspapers.

B. RELEVANT REPRESENTATIONS

Responsible authorities:

Environmental Protection Services – (Appendix 4)

An Officer from the Environmental Health Department made contact with the applicants solicitors, Ford and Warren, to discuss concerns regarding noise issues and no reply has been forthcoming..

Interested parties:

Persons living in the vicinity – (Appendix 5)

A letter from Lucy Crow a local resident has been received signed by a number of residents who live in Church Street wishing to raise an objection to the proposal to extend the licensing hours at the premises.

They raise concern at the potential for disturbed sleep during the extended hours from recorded and live music, drunken singing, noisy persons leaving, taxis and private cars collecting people etc. They point out that the area is colloquially known as 'Stanwix Village' and is a residential area.

Mr Brian Levoi area manager from Punch Taverns has consulted with Lucy Crow the representative of the residents and no agreement could be reached.

C. LOCAL LICENSING POLICY CONSIDERATIONS

The Licensing Act 2003 requires the Council to publish a Statement of Licensing Policy that sets out the policies the Council will generally apply to

promote the licensing objectives when making decisions on applications made under the Act.

Members should have regard to all relevant information and it is considered that the following sections of the policy, (though not exclusively) have a bearing upon the application:

Introduction

1.2 Carlisle City Council is a licensing authority (the Authority) for the purposes of the Act. The Authority must carry out its licensing functions with a view to promoting the four licensing objectives which are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

1.10. In determining its policy, the Authority considered the provisions of the Act and had particular regard to:

- the licensing objectives;
- the guidance issued by the Secretary of State under section 182 of the Act;
- the representations made following consultation;
- its duties and obligations under other legislation, including:

Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with a Convention right. The Authority will have particular regard to the following relevant provisions of the European Convention on Human Rights:

- Article 6 that in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law;
- Article 8 that everyone has the right to respect for his home and private life;
- and
- Article 1 of the First Protocol that every person is entitled to the peaceful enjoyment of his or her possessions, including, for example, the possession of a licence.

1.19. The Act limits the representations which can be made about licence applications and who can make such representations. Essentially, representations must relate to one or more of the licensing objectives and must be made by a person living or working in the vicinity of the premises or an organisation which represents such persons. Anyone considering making an objection is invited to discuss their objection with licensing officers prior to submitting their representation.

n.b. The term “vicinity” is used within the Licensing Act 2003 on a number of occasions and, in particular, with reference to those “interested parties” who may lodge objections to applications for premises licences and who may

make representations concerning existing premises licences. Section 13(3) defines an “interested party” as being “a person living in the vicinity, a body representing persons living in the vicinity, a person involved in a business in the vicinity or a body representing those persons”.

The Act does not define the term “vicinity”, therefore where the question arises, it is the responsibility of that particular Licensing sub committee considering the application, to determine in each case which person or body is considered to be living in the “vicinity”.

Fundamental Principles

- 2.1 The policy will promote the four licensing objectives contained in the Act, namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. These are the only matters that will be taken into account in determining applications and any conditions imposed must be necessary to achieve these.
- 2.2 Nothing in the Statement of Licensing Policy will undermine the rights of any person to apply under the Act for a variety of permissions and have their application considered on its individual merits as well as against the relevant policy and statutory framework. It does not override the right of any person to make representations on any application or to seek a review of a licence or certificate where they are permitted to do so under the Act.
- 2.3 All licensing applications will be determined on their individual merits following consideration of the proposals in the application and any relevant representations. In general, licences will be granted on the terms applied for, but licences will not normally be granted in terms which conflict with any of the policies in this document, unless an applicant is able to demonstrate that the exceptional circumstances of their application justify a departure from the policy. The Authority will not depart from the policy if any of the licensing objectives will be undermined by a proposal in the application.
- 2.4 Licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the Act. The licensing function cannot be used for the general control of anti social behaviour once consumers are beyond the direct control of the individual, club or business holding the licence, certificate or other authorisation concerned. However the Authority expects holders of a licence, certificate or permission, to make every effort to minimise the impact of their activities and anti social behaviour by their patrons within the immediate vicinity of their premises.

4.2 General Policy

4.2.1. Consideration of the impact of licensable activities

4.2.2. In the event of relevant representations when considering an application for a licence, the authority may take into account the following factors in assessing its likely impact on the licensing objectives in addition to other relevant matters:

- the nature of activities proposed;
- the number of customers likely to attend the premises and the type of customers expected;
- the location of the premises;
- the proposed hours of operation;
- the level of public transport accessibility for customers either arriving or leaving the premises and the likely means of public or private transport that will be used by the customers;
- the physical and accessible nature of the premises;
- the level of likely car parking demand in relation to the use of the premises in comparison with the existing situation and the likely effect on the movement of priority traffic;
- the cumulative impact of licensed premises in an area;
- the scope for mitigating any impact;
- how often the activity is to occur.

4.2.3. In considering any application where premises are already licensed, or have in the past been licensed for any of the licensable activities (under this or previous legislation), the Authority will take into account any evidence from a responsible authority or interested party of demonstrable adverse impact from the activity in the past. If adverse impact has been caused, consider whether appropriate measures have been proposed or put into effect by the applicant to mitigate that adverse impact. The authority will also consider any changes of circumstances, or evidence that the premises have been well run since the past problems occurred.

4.3. Prevention of Crime and Disorder

4.3.1 General Policy

The Authority's starting point is to seek a reduction in crime and disorder throughout the District, consistent with its statutory duty under section 17 of the Crime and Disorder Act 1998.

Licences may be granted if applicants can demonstrate that a positive reduction in crime and disorder will result, or that it will not increase, as a result of the application being granted.

4.3.2. In the event of Police representations, the Authority will generally not grant a licence where it is likely that the premises will be used for unlawful purposes, or where it is considered that the use of the premises is likely to cause an increase in crime and disorder in the area. Where necessary and/or appropriate, and in relation to the type of premises and licensable activity being carried out, applicants are expected to consider the impact of their proposals on crime and disorder, both within and in the vicinity of the premises and to propose practical steps in their operating

schedule to prevent crime and disorder. Such steps could include:

- use of CCTV inside and outside the premises;
- use of metal detection or other search equipment or procedures;
- crime and disorder risk assessment in relation to the proposed activities;
- measures to prevent the use or supply of illegal drugs;
- ensuring that all staff are appropriately trained;
- determine the safe occupancy capacity for the premises by carrying out a fire safety assessment;
- employment of sufficient security staff controlling admission and patrolling the interior and exterior of the premises (such staff will be required to be licensed by the Security Industry Authority). The Authority recognises that there is a greater need for security staff in some premises than in others. For example there will be a greater need for security staff in a town centre nightclub than in a village pub;
- participation in Pub Watch or other relevant schemes;
- agreed protocols with police and other organisations and a commitment to cooperate and provide evidence to the police if required;
- ensuring that measures are in place to disperse customers over an extended period and to ensure customers leave the venue in an orderly fashion and without bottles or glasses.

It is recognised that some premises will require minimum measures to promote the licensing objectives.

4.3.4. Carlisle and Eden Crime and Disorder Reduction Partnership

Where appropriate, applicants will be expected to have regard to the information published by the Carlisle and Eden Crime and Disorder Reduction Partnership and consider the impact of their proposals on the issues identified as being of particular concern in the area for example:

- violent crime;
- fear of crime;
- road safety;
- anti-social behaviour.

Applicants will be expected to propose steps to reduce the risks of such crimes increasing as a result of the licensable activities proposed.

4.5 Prevention of Public Nuisance

4.5.1 General policy on Licensing Hours

- 4.5.2. The Authority recognises that fixed and artificially early closing times can lead to peaks of disorder and disturbance on the streets when large numbers of people leave licensed premises at the same time. Longer licensing hours, particularly relating to the sale of alcohol, may therefore be a factor in reducing disorder at late

night food outlets, taxi ranks and other sources of transport in areas where there have already been incidents of disorder and disturbance.

- 4.5.3. The Authority will not seek to introduce any form of 'zoning' in relation to licensing hours. Zoning is defined as the setting of fixed trading hours within a designated area. All residents living in the vicinity of licensed premises have equal rights to make representations concerning applications for, and reviews of, premises licences, including hours of trading and to have those representations given equal weight regardless of where they live.
- 4.5.5. In general, the Authority will deal with the issue of licensing hours on the individual merits of each application. However, in the event of relevant representations, when issuing a licence stricter conditions are likely to be imposed with regard to noise control in the case of premises that are situated in predominantly residential and other noise sensitive locations.
- 4.5.7. The Authority will assess the potential impact of the premises against the characteristics of the area in which they are situated. For example, in the event of representation being made there would be close scrutiny of applications for a closing time of later than 11pm in respect of premises situated in quiet residential or other noise sensitive locations with low background noise. Greater flexibility on closing times would be considered where for example, applicants could demonstrate that:
- there is a high level of accessibility to public transport services;
 - there is an appropriate amount of car parking, readily accessible to the premises, and in places where vehicle movement will not cause demonstrable adverse impact to local residents;
 - the operating schedule indicates that the applicant is taking appropriate steps to comply with the licensing objective of preventing public nuisance;
 - the licensable activities would not be likely to cause adverse impact especially on local residents, or that, if there is a potential to cause adverse impact, appropriate measures are to be put in place to prevent or minimise that impact.
- 4.5.9. In the event of representations, the Authority will not normally grant a premises licence in terms which are, in its opinion, likely to result in increased noise disturbance to people living or working in the vicinity.
- 4.5.10. In particular, the Authority will give careful consideration to an application for a licence, for premises situated in a predominantly residential or other noise sensitive location where the proposed hours of operation would be likely to result in unreasonable noise disturbance between the hours of 11pm and 7am.
- 4.5.11. The Authority expects the applicant to assess the likely sources of noise disturbance that could arise due to the proposed use consider the existing noise

context of the area and propose practical steps to prevent noise disturbance or minimise its effects.

4.5.12. Potential sources of noise include:

- sound leakage from the licensed premises (from entertainment provided, customers on the premises, mechanical equipment etc);
- customers and staff arriving and leaving the premises (including car doors slamming);
- excessive noise from outside entertainment.

4.5.13. Practical steps could include:

- keeping doors and windows closed whilst entertainment is provided;
- installing soundproofing measures to the premises (specialist double glazing, acoustic hoods over extractor fan outlets etc);
- reducing sound levels inside the premises (inclusion of a sound limitation device in the sound system);
- ensuring that queues are directed to form leading away from residential premises;
- ensuring that sufficient door security staff manage queuing and leaving customers to minimise noise;
- erecting prominent notices at exits requesting customers to leave quietly;
- reducing the volume of music entertainment towards the end of the evening;
- giving free lollipops to customers leaving the premises;
- ensuring that sufficient transport is nearby to enable customers leaving the premises to disperse quickly;
- banning from the premises customers known to cause noise disturbance regularly on leaving the premises;
- ensuring that customers are encouraged to leave the premises (including any car park or forecourt) swiftly;
- ensuring the volume of outdoor entertainment does not cause noise disturbance;
- providing police supervision at closing times.

4.5.14. The Authority may impose conditions to ensure that appropriate steps are taken to minimise noise disturbance.

4.5.15. Live music, dancing and theatre

4.5.16. The Authority recognises the need to encourage and promote live music, dance and theatre for the wider cultural benefit of the economy and community, particularly for children and young people.

4.5.17. When considering applications for such events and the imposition of conditions on licences or certificates, the Authority will carefully balance the cultural needs with the necessity of promoting the licensing objectives.

- 4.5.18. Consideration will be given to the particular characteristics of any event, including the type, scale and duration of the proposed entertainment, especially where limited disturbance only may be caused.
- 4.5.22. 4.5.22 In the event of representations, licences for premises, in particular for the provision of late night refreshment for consumption off the premises, will not normally be granted where nuisance is likely to be caused by way of litter/food refuse being deposited on streets surrounding the premises and such nuisance is expected, due to the nature of the premises and likely customers, to exceed the level of nuisance caused by similar premises open during the day (for which no licence is required). In their operating schedule, applicants are expected to propose practical steps to reduce the likelihood of such problems arising, which could include:
- provision of litter bins on/in vicinity of premises;
 - litter patrols in the area after the premises close (these could be organised in partnership with other premises or the local authority for example).
- 4.5.23 Conditions may be imposed seeking to limit the nuisance caused by litter
- 4.5.24 In the event of relevant representations, conditions may be imposed seeking to limit the nuisance caused by litter

4.8. Consideration of applications and the imposition of conditions

- 4.8.1. On granting a licence, the Authority may only impose conditions that are:
- required by law, and/or
 - necessary for the promotion of the licensing objectives and
 - proportionate
- 4.8.2 If no relevant representations are received, a licence will be granted on the terms sought, subject only to such conditions as are consistent with the operating schedule and which comply with the above paragraph and any relevant statutory conditions.
- 4.8.3. In deciding what conditions to impose, the Authority shall have regard to the operating schedule, together with the provisions of this policy statement, the law, government guidance and any relevant representations made. Where there is any ambiguity or uncertainty in the meaning of any part of the application, the application shall be interpreted in such a way as shall best promote the licensing objectives.
- 4.8.4. Where relevant representations are received, the Authority will consider those representations together with any representations of the applicant, having regard to the provisions of this policy, the law and government guidance. Where relevant representations have been made, the Authority will not normally grant a licence in terms which conflict with this policy statement. In particular it may:
- reject the application – if to do so is necessary to promote the licensing objectives and none of the following actions is reasonably practicable;

- grant the licence but exclude from its scope one or more of the licensable activities applied for in order to ensure that the licence complies with this policy and promotes the licensing objectives;
- grant the licence but modify such of the conditions imposed as is necessary to ensure compliance with this policy and to promote the licensing objectives;
- grant the licence but refuse to specify a particular person in the licence as the designated premises supervisor if to name that person would undermine the promotion of the licensing objectives;
- approve different parts of the premises for different activities.

4.8.5 The Authority will not impose conditions that duplicate other areas of regulation. For example, conditions will not be imposed which simply duplicate planning conditions or conditions attached to a fire certificate.

4.8.6. However, there may be occasions when conditions will be imposed which the Authority considers necessary for the promotion of the licensing objectives and which overlap with other areas of regulation, when for example the conditions on the fire certificate or planning permission do not adequately deal with those matters.

4.8.7. In general, any conditions imposed will be drawn from a pool of conditions.

4.8.8. Provided the licensing objectives are not undermined and the proposal does not conflict with the other statements in this policy, licences will be granted so that premises will be able to open to provide licensable activities between such times as the applicant sets out in his application.

4.8.8. When deciding what conditions to impose, the Authority will have regard to the particular requirements of people with disabilities and will, so far as possible, seek to ensure that none of the conditions imposed on licences will have the effect of excluding such persons access to licensed premises.

D. NATIONAL GUIDANCE (Section 182 Licensing Act 2003)

Members should have regard to all relevant information and it is considered that the following guidance, (though not exclusively) have a bearing upon the application:

National guidance regarding control of areas outside the premises is as follows:

3.11 Statements of policies should make clear that licensing is about regulating the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act, and that the conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others in possession of relevant authorisations. Accordingly, these matters will centre on the premises being used for licensable activities and the vicinity of those premises. Whether or not incidents can be regarded as being “in the vicinity” of licensed premises is a question of fact and will depend on the particular circumstances of the case. In cases of dispute, the question will ultimately be decided by the courts. But statements of licensing policy should make it clear that in addressing this matter, the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of public living, working or engaged in normal activity in the area

concerned. A statement of policy should also make clear that licensing law is not the primary mechanism for the general control of nuisance and antisocial behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in town and city centres.

National guidance regarding licensing hours is as follows:

3.29 With regard to licensing hours, the statement of policy should generally emphasise the consideration which will be given to the individual merits of an application. The Government strongly recommends that statements of policy should recognise that longer licensing hours with regard to the sale of alcohol are important to ensure that the concentrations of customers leaving premises simultaneously are avoided. This is necessary to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which lead to disorder and disturbance. The Government also wants to ensure that licensing hours should not inhibit the development of thriving and safe evening and night-time local economies which are important for investment and employment locally and attractive to domestic and international tourists without compromising the ability to resource local services associated with the night-time economy. Providing consumers with greater choice and flexibility is an important consideration.

National guidance regarding non-duplication of other regimes is as follows:

3.51 *[Policy should indicate]*

that planning, building control and licensing regimes will be properly separated to avoid duplication and inefficiency. Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. Licensing applications should not be a re-run of the planning application and should not cut across decisions taken by the local authority planning committee or following appeals against decisions taken by that committee. Similarly, the granting by the licensing committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control where appropriate.

E. OBSERVATIONS

Pursuant to the Licensing Act 2003, the Committee is obliged to determine this application with a view to promoting the licensing objectives which are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

In making its decision, the Committee is also obliged to have regard to Guidance issued under section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy.

The Committee must also have regard to the representations made and the evidence given before them.

F. OPTIONS

The Committee may take such of the following steps as it considers necessary for the promotion of the licensing objectives:

As a guide members may:

1. Grant the variation application as requested.
2. Modify the conditions of the licence, by altering or omitting or adding to them.
3. Reject the whole or part of the application.

When considering their decision, members should refer to paragraph 4.8.4 of the Council's statement of Licensing Policy with regard to the options they should consider.

The Committee is reminded that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

In order to assist members and applicants and to achieve consistency, sample conditions for premise licences and club premises certificates have been prepared which may be utilised (Guidance GD6)

Prepared by J A Messenger
Licensing Manager

APP 1

Application to vary a premises licence 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/We Punch Taverns PLC

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number PL151

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Crown & Thistle 53 Church Street Stanwix			
Post town	Carlisle	Post code	CA3 9DS
Telephone number at premises (if any)		01228 532965	
Non-domestic rateable value of premises		£ 13,600	

Part 2 – Applicant details

Daytime contact telephone number	01283 501600		
E-mail address (optional)			
Current postal address if different from premises address	Jubilee House Second Avenue		
Post Town	Burton upon Trent	Postcode	DE14 2WF

Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

☒

If not do you want the variation to take effect from

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

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

An additional hour every evening, to be for all current licensable activities on the premises licence, and opening hours.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick yes

- | | |
|--|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of entertainment facilities:

- | | |
|--|--------------------------|
| i) making music (if ticking yes, fill in box I) | <input type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box L)

☐

Sale by retail of alcohol (if ticking yes, fill in box M)

☒

In all cases complete boxes N, O and P

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) As per existing premises licence		
Mon	10:00	00:00			
Tue	10:00	00:00			
			State any seasonal variations for the performance of live music (please read guidance note 4)		
Wed	10:00	00:00			
Thur	10:00	00:00			
			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5) As per existing premises licence		
Fri	10:00	00:00			
Sat	10:00	00:00			
Sun	10:00	00:00			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) As per existing premises licence		
Mon	10:00	00:00			
Tue	10:00	00:00			
Wed	10:00	00:00			
			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	10:00	00:00			
Fri	10:00	00:00			
			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5) As per existing premises licence		
Sat	10:00	00:00			
Sun	10:00	00:00			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	10:00	00:00			
Tue	10:00	00:00			
Wed	10:00	00:00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) As per existing premises licence		
Thur	10:00	00:00			
Fri	10:00	00:00			
Sat	10:00	00:00			
Sun	10:00	00:00			

N

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)</p> <p>AWP machine</p> <p>Cigarette machine</p>
--

O

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

As per existing premises licence

b) The prevention of crime and disorder

As per existing premises licence

c) Public safety

As per existing premises licence

d) The prevention of public nuisance

As per existing premises licence

e) The protection of children from harm

As per existing premises licence

Q

objectives if the proposed variation is granted:

a) General - all four licensing objectives (b,c,d,e) (please read guidance note 15)

Following an assessment of the premises and its surrounding area the following is proposed:

30 minute "drinking up" time will allow appropriate dispersal, use of lavatories etc

In order to further the licensing objectives the licensee reserves the right to move the fire appliances, AWP machines, cigarette machines and or any other similar objects temporarily in a fixed location which may impact on the ability of individuals on the premises to use exits or escape routes without impediment.

I will abide by the licencing policies of the council as per the codes below.

b) The prevention of crime and disorder

cd19 cd29

c) Public safety

ps3 ps6 ps8 ps9 ps10 ps12 ps14 ps16 ps21 ps22 ps23 ps29 ps30 ps32 ps34

d) The prevention of public nuisance

ppn4 ppn9 ppn11 ppn13 ppn14

e) The protection of children from harm

pch2 pch16

Please tick yes

- I have made or enclosed payment of the fee ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable ☒
- I understand that I must now advertise my application ☒
- I have enclosed the premises licence or relevant part of it or explanation ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	<i>Ford & Warren</i>
Date	26/06/06
Capacity	Solicitors to applicant

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Ford & Warren Solicitors
Westgate Point
Westgate

Post town	Leeds	Post code	LS1 2AX
Telephone number (if any)	01132436601		
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

Notes for Guidance

APP 2



Scale: 1:1,250 Date: 6/06/2005

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CARLISLE
CITY COUNCIL

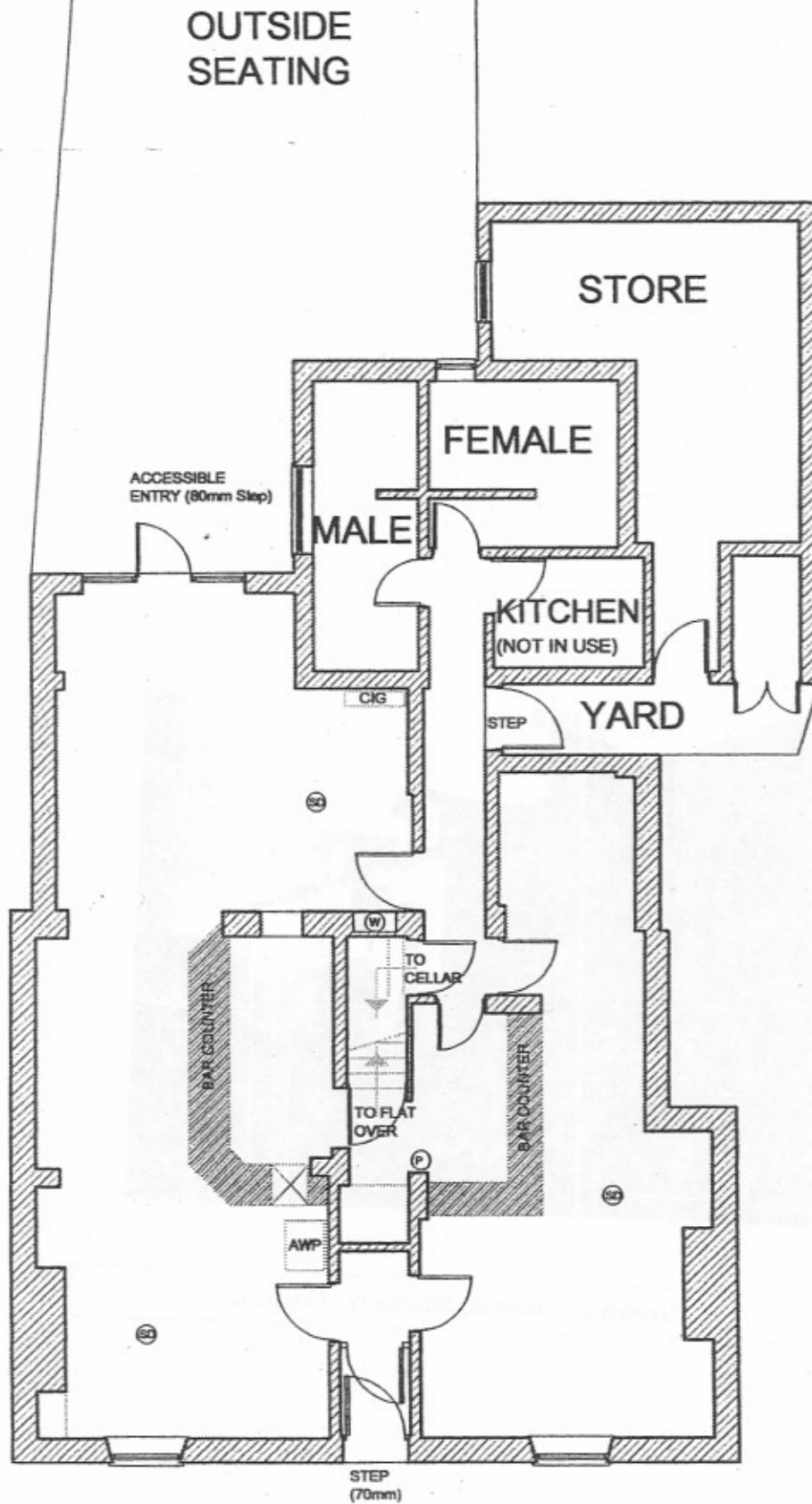


www.carlisle.gov.uk

Civic Centre
Rickergate
Carlisle
CA3 8QG



Crown & Thistle, Stanwix, Carlisle



EXISTING GROUND FLOOR PLAN

Carlisle City Council
Community Services
Food Health & Safety Team

INTERNAL MEMORANDUM

From:	Principal Environmental Health Officer	Please ask for:	Stuart Strange
To:	Licensing Section	Extension:	7338
FAO:	Jim Messenger	E-mail:	Stuart Strange
		Your ref:	
		Our ref:	3/002/7/SS/LM 26 July 2006

**RE: APPLICATION FOR A VARIATION TO A PREMISES LICENCE
THE CROWN & THISTLE, 53 CHURCH STREET, STANWIX, CARLISLE**

I write with regard to the above application.

The applicant has made an application to vary the existing hours. This seeks to extend the hours of operation at the premises up to 00.30 hours.

As the public house directly adjoins residential premises it is considered that there is the potential for these premises to suffer noise nuisance. Because of this a letter was sent to the applicants solicitor recommending that a further condition be adopted so that the licence holder conducts regular assessments of noise from the premises. I have enclosed a further copy of the letter. The letter was sent to the solicitors on 30 July 2006 and copied to the Licensing Section. To date no reply has been received.



S Strange
Environmental Health Officer

Environmental Protection Services

Civic Centre, Carlisle, CA3 8QG • Telephone (01228) 817000
• Fax (01228) 817346 • Typetalk 18001 01228 817000

Ford and Warren, Solicitors
Westgate Point
Westgate
Leeds
LS1 2AX

Please ask for: Stuart Strange
Direct Line: 01228 817338
E-mail: FoodandSafety@carlisle.gov.uk
Your ref: PMC/26977/202626
Our ref: 3/002/7/SS/JR

30 June 2006

Dear Sirs

Licensing Act 2003 – Application for a variation to a premise licence
Re: The Crown and Thistle, 53 Church Street, Stanwix, Carlisle CA3 9DS

I write with regard to the above application which seeks to extend the hours of operation at the above premises.

Given that the public house directly adjoins neighbouring residential premises, it is recommended that if the variation proceeds then the applicant should adopt the following condition in addition to the existing conditions:-

The licence holder or his representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record shall be made of those assessments in a log book kept for that purpose and shall include, the time and date of the checks, the person making them and the results including any remedial action.

If activities at the premises cause undue disturbance to occupiers of surrounding properties then this Division will take appropriate steps to remedy the problem. This may include seeking a review of the premises licence.

If you have any queries regarding this matter please contact myself or Ms R E Harland,
Principal Environmental Health Officer at this Division.

Yours faithfully

SA

S Strange

Environmental Health Officer

Cc Mr J Messenger, Licensing Manager, Licensing Section, Carlisle City Council, Civic
Centre, Carlisle



INVESTOR IN PEOPLE

APP 5

Representation made in respect of an application for, or variation to a Premises Licence or Club Premises Certificate by Interested Party.

I (insert name of person making representation whether as an individual or on behalf of a group)

Lucy Crow

make representations in respect of an application or variation to a; (tick as appropriate)

Premises Licence	<input checked="" type="checkbox"/>
Club Premises Certificate	<input type="checkbox"/>

Section 1 – Premises or club premises details

Name, address and postcode of premises or club premises in respect of which you are making representations.

Crown and Thistle
53 Church St
Stanwix
Carlisle

Post town <u>Carlisle</u>	Post code (if known) <u>CA3</u>
------------------------------	------------------------------------

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

Section 2 – Details of person/body making representations

I am;

(Tick as appropriate)

- (a) an interested party being a person living in the vicinity of the premises ☐
- (b) a body representing persons living in the vicinity of the premises ☒
- (c) an interested party being a person involved in business in the vicinity of the premises ☐
- (d) a body representing persons involved in business in the vicinity of the premises ☐

If you are an individual applicant complete **Part A** then go to section 3.

If you are a body representing an interested party complete **Part B** then go to section 3.

Part A - DETAILS OF INDIVIDUAL APPLICANT (tick as appropriate)

Mr.		Mrs.		Miss		Ms		Other	
-----	--	------	--	------	--	----	--	-------	--

Surname		First Name	
---------	--	------------	--

I am 18 years old or older	
----------------------------	--

Current address

 Postcode
--

Daytime contact telephone number	
E-mail address	

Part B - DETAILS OF OTHER APPLICANT SUCH AS A BODY REPRESENTING RESIDENTS OR BUSINESSES IN THE VICINITY OF THE PREMISES

Name of the Body	Neighbours of Crown + Thistle.
------------------	--------------------------------

Surname of person representing the body	CROW	First Name of person representing the body	Lucy
---	------	--	------

Address of body

51 Church St Stanwix Carlisle Postcode CA3 9DS

Daytime contact telephone number	01228 546115
E-mail address	crow_lucy@hotmail.com

Section 3 - Information and details of the representation.

Please note that your representations must be relevant to one of the four licensing objectives and must relate only to the variation of the existing licence. Any objections to the terms and conditions of the current licences held by the applicant, should have been made when they were renewed by the Courts or Local Authority.

This representation relates to the following licensing objective(s). Detail the evidence supporting your representation or the reason for your representation against the appropriate objective (use separate sheet if necessary).

Prevention of crime and disorder	
Public safety	
Prevention of public nuisance	Extension of the pub's licensing hours could result in unacceptable noise nuisance, as detailed in the attached letter.
Protection of children from harm	
Please provide as much information as possible to support your representation. Note that if you have not disclosed some information, you may not be able to introduce it at the hearing unless all the other parties consent.	

Section 4

Have you made any representations in respect of these premises before? (Tick as appropriate) <input checked="" type="checkbox"/>	Yes	No
Date that you made representations		

* Mr Baldotto, Ms. Johnstone and Mr. and Mrs. McKie have made previous representations together with previous occupants of no. 51.

I understand that the Licensing Authority is obliged to give notice of a hearing to all parties to the hearing and this must include a copy of this representation. All representations are treated as a public document. (You must tick this box)	Yes ✓
I agree to attend any hearing before either the Licensing Sub-Committee or Magistrates Court to give evidence in support of my representation.	Yes <input checked="" type="checkbox"/>

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION OR REPRESENTATION.

Section 6 - Signature

Signature of person making representation or a solicitor or other duly authorised agent. If signing on behalf of a body representing a person living or carrying on a business in the vicinity of the premises, please ensure that you have the right to sign a representation on their behalf and state the capacity in which you are signing. A signed authority from them may be appropriate.

Signature *Milly Crow*

Date: *25/07/06*

Capacity: *As representative of the pub's neighbours.*

As the residents of nos. 49, 51 and 55 Church Street, and therefore the immediate neighbours of the Crown & Thistle, we wish to register our objections to the proposed lengthening of the licensing hours. In a residential area we feel that later hours would be inappropriate.

Noise from the pub can be heard in the neighbouring properties, especially that of the jukebox, and particularly at no. 51 including in the living room and bedrooms. Noise outside affects all the neighbours and includes shouting, singing, engine noise and doors slamming from taxis and patrons' vehicles.

Some music until 11pm and patrons leaving by 11.30 pm is acceptable and allows nearby residents to get to sleep at a reasonable hour. However we feel it is unacceptable to be kept awake until 12.30 am, as could happen if the proposed extension is granted. The more people have had to drink, the less inhibited and louder they tend to be and an extra hour's drinking would exacerbate this.

Also of concern is the fact that there appears to be fairly frequent breaches of the pub's current licensing hours. Recently this has included the jukebox playing until 1 am on a Saturday night and drunken singing inside the pub until 12.30 am on a Thursday night, among others. We worry that if the licensing hours are extended and then flouted, noise would continue even later.

Signed

P. Baldotto

M. G. Row

M. Johnstone

J. McKie

G. McKie