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CARLISLE CITY COUNCIL

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

Date of Meeting:- 19th September 2005

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	No	No	No
Planning Services	No	No	No
Social Services	No	No	No
Trading Standards	No	No	No
Health & Safety Executive	No	No	No
Interested Party Representations			
The Venerable Dr David Thomson	Yes	Yes	Yes
Mr Ian Burns	Yes	Yes	Yes
Mr James Armstrong	Yes	Yes	Yes
Mr Philip Wilson	Yes	Yes	Yes
Mr Alex K York	Yes	Yes	Yes
Mandy Larkin	Yes	Yes	No
FAT FINGERS, 48 ABBEY STREET, CARLISLE			
APPLICATION TO VARY A PREMISES LICENCE			
Report of:- HEAD OF ENVIRONMENTAL PROTECTION SERVICES			
Report reference:- EP 46/05			

Summary:-

Fat Fingers bar/restaurant is situated at 48 Abbey Street, Carlisle. The applicant has successfully applied to convert his current licence to a Premises Licence and at the same time wishes to vary the hours to allow the sale and supply of alcohol and regulated entertainment in accordance with Part A – The Application.

Representations have been received from Interested Parties.

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: letters 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 19th September 2005

A. THE APPLICATION
(Appendix 1)

Applicant:

Justin Thornberry, 48 Abbey Street, Carlisle

Premises:

Fat Fingers, 48 Abbey Street, Carlisle (Area plan Appendix 2)

Conversion application

The premises have the benefit of trading under a Justices 'on' licence as well as a Sec 68 Restaurant Licence. They do not have a Public Entertainment Licence. Application was made under Schedule 8 Para 2 Licensing Act 2003 for conversion of this licence under the same terms and conditions as currently held. Cumbria Constabulary are the only consultees for conversion and did not make any representations. The application for conversion was, therefore, successful.

Current permitted hours

Sale of alcohol and supper hour certificate (Restaurant Licence)

- Sunday 1200hrs until 2330hrs
- Monday to Saturday 1100hrs until 0000hrs
- New Years Eve Through to the start of permitted hours next day

Variation application

1. An application for the variation of Premises Licence during the transitional period under Schedule 8 Para 7(b) Licensing Act 2003 was also made. The operating schedule includes:

2. Relevant licensable activities:

- Sale by retail of alcohol (Para. M Appendix 1)
- Provision of regulated entertainment (live, recorded music & dancing) (Para's E, F & J. Appendix 1)
- Late Night Refreshment (Para L Appendix 1)

3. Hours of licensable activities:

- Sunday to Thursday 11.00hrs – 00.30hrs
- Friday to Saturday 11.00hrs – 02.00hrs

Christmas Eve, Easter Sunday and all Bank Holidays 0200hrs finish.

4. Designated Premises Supervisor: Justin Thornberry
5. Supply of alcohol is for consumption on the premises.
6. Additional steps to promote licensing objectives (Para. Q Appendix 1))

General

The premises will operate within the Licensing Objectives and Statement of Policy by individuals who have the appropriate personal licences and will ensure that the objectives and Licensing Policy are adhered to. The premises have appropriate security in place. This applies to all four Licensing Objectives. Additional conditions have been proposed by Closethornton Solicitors (Appendix 4).

B. RELEVANT REPRESENTATIONS

Responsible authorities:

None.

Interested parties:

Persons living in the vicinity – (Appendix 3)

Letters have been received signed by a number of residents who live in the Abbey Street area wishing to raise representations 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, and pedestrian traffic. They point out that the area is a residential area.

A meeting was held at the Civic Centre between the applicant and residents making representations on 1st September 2005. Mr Thornberry (the applicant) offered conditions to be imposed on his licence regarding noise issues, door staff and the control of members of the public leaving his premises (Appendix 4). Following the meeting the residents requested that the application be dealt with by Sub Committee.

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 F Watson
Licensing Officer

APP 1

CA01

JCarlisle City Council

Licensing Manager, Civic Centre, Carlisle CA3 8QG

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Email: licensing@carlisle.gov.uk

CARLISLE
CITY-COUNCIL



www.carlisle.gov.uk

(Part A) Application for an existing licence to be converted to a premises licence under the Licensing Act 2003 and (Part B) application to vary the premises licence simultaneously

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 JUSTIN THORNBERRY

apply to convert an existing licence to a premises licence under Schedule 8 to the Licensing Act 2003 for the premises described in Part A1 below

Part A1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
48 ABBEY STREET			
Post town	CARLISLE	Post code	CA3 8TX
Telephone number of premises (if any)	01228 511774		
Non-domestic rateable value of premises	£25,000		

Part A2 - Applicant Details

Please state the capacity in which you are applying to convert your existing licence

Please tick

- a) An individual or individuals ☒ please complete section (A)
- b) a person other than an individual
- i. as a limited company ☐ please complete section (B)
- ii. as a partnership ☐ please complete section (B)
- iii. as an unincorporated association or ☐ please complete section (B)

- iv. other (for example a statutory corporation) ☐ please complete section (B)
- c) a recognised club ☐ please complete section (B)
- d) a charity ☐ please complete section (B)
- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr X	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname THORNBERRY			First names JUSTIN		
I am 18 years old or over				X Please tick yes	
Current postal address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (IF APPLICABLE)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					

E-mail address (optional)	
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(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In case of a partnership or other joint nature (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part A3 - Operating Schedule

General description of premises (please read guidance note 1)

<p>The premises have operated as a bar/restaurant for approximately the last 8 years under the name of Fat Fingers located in the city centre. The operation is on one level only. The premises are alarmed and come within the local authority CCTV catchment area.</p>
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If 5,000 or more people attend the premises at any one time, please state the number No

What existing licensable activities are authorised by your existing licence(s)?

Provision of regulated entertainment

Please tick Yes

a) plays

☐

- b) films ☐
- c) indoor sporting events ☐
- d) boxing or wrestling entertainment ☐
- e) live music ☐
- f) recorded music ☐
- g) performances of dance ☐
- h) anything of a similar description to that falling within (e), (f) or (g) ☐

Provision of entertainment facilities for:

- i) making music ☐
- j) dancing ☐
- h) entertainment of a similar description to that falling within (i) or (j) ☐

Provision of late night refreshment

x

Sale by retail of alcohol

- a) for consumption on the premises x
- b) for consumption off the premises ☐

lease state who you wish to be specified to be the premises supervisor under the new licence

Name

JUSTIN THORNBERRY

Address

48 ABBEY STREET
CARLISLE
CA3 8TX

Personal Licence number, if known,

Not yet known

State any limitations on the hours during which you are permitted by your licence(s) or any additional authorities to conduct licensable activities, including the sale of alcohol.

The premises operate with a Justices On Licence during normal permitted hours under the Licensing Act 1964 as varied for part of the building with restaurant conditions until midnight.

Describe the conditions subject to which your existing licence(s) has/have been granted (please read guidance note 2):

a) General – all four licensing objectives (b,c,d,e)

The premises are located in Abbey Street Carlisle which is a non residential area. They will operate within the licensing objectives and statement of policy by individuals who have the appropriate personal licences and will ensure that the objectives and licensing policy are adhered to. The premises have appropriate security in place and are covered by the local authority CCTV cameras.

b) The prevention of crime and disorder

As above

c) Public safety

As above

d) The prevention of public nuisance

As above

e) The protection of children from harm

As above

Please tick Yes

Please tick Yes

- I have made or enclosed payment of the fee ☒
- I have enclosed my existing licence(s) or a certified copy of each licence ☒
- I have enclosed a plan of the premises ☒
- I have sent copies of this application to the chief officer of police (please read guidance note 3) ☒
- I have enclosed the consent form completed by the proposed premises supervisor, if relevant ☒
- I have enclosed the consent of the justices' licence holder to my application, if relevant ☐
- 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 A4 – 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	J. Hornsby
Date	25.07.05
Capacity	

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (Please read guidance note 6). 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 7)

Post town		Post code	
Telephone number			
E-mail address (optional)			

IF YOU WISH TO APPLY SIMULTANEOUSLY FOR A VARIATION OF THE PREMISES LICENCE IF IT IS CONVERTED FROM YOUR EXISTING LICENCE(S) UNDER SECTION 34 OR 37 OF THE LICENSING ACT 2003, NOW COMPLETE PART B OF THIS FORM.

IF YOU DO NOT WISH TO APPLY SIMULTANEOUSLY FOR A VARIATION OF THE PREMISES LICENCE IF IT IS CONVERTED FROM YOUR EXISTING LICENCE(S), YOU SHOULD LEAVE PART B BLANK.

PART B - Application to vary a premises licence under the Licensing Act 2003

I/We JUSTIN THORNBERRY

[Insert name of applicant]

being the proposed premises licence holder of an existing licence to be converted under the terms of Schedule 8 to the Licensing Act 2003 apply to vary it under section 34 / section 37 of the Licensing Act 2003 (delete as applicable) for the premises described in Part A above.

Part B1 - Variation

Please tick

Do you want the proposed variation to have effect from the second appointed day?

☒ x

Day Month Year

If not when do you want the variation to take effect from

Please describe briefly the nature of the proposed variation. (Please read guidance note 8)

Mondays, Tuesdays, Wednesdays, Thursdays and Sundays 1100 until 0030

Fridays and Saturdays 1100 until 0200

Sundays 1100 until 0030

Christmas Eve 1100 until 0200

New Years Eve 1100 until 0500

Easter Sunday and all Bank Holidays 1100 until 0200

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

No

Part B2 - Operating Schedule

Please complete those parts of the operating schedule which would be subject to change if this application to vary were successful.

What licensable activities do you now intend to conduct on the premises and/or at what varied times do you intend to conduct them ?

(please see section 1 of the Licensing Act 2003 and Schedule 1 to the Licensing Act 2003)

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) | x |
| f) recorded music (if ticking yes, fill in box F) | x |
| 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) | x |
| 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)

x

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

x

Please complete Part B3 on this form.

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 9)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 10)		
Mon					
Tue					
			State any seasonal variations for performing plays (please read guidance note 11)		
Wed					
Thur					
			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 12)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 9)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 10)		
Mon					
Tue					
			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 11)		
Wed					
Thur					
			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 12)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 10)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 11)
Wed			
			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 12)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 9)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 10)		
Mon					
Tue					
			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 11)		
Wed					
Thur					
			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 12)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 9)	Indoors	x
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 10) Provision of acoustic guitar players to be used in conjunction with recorded music		
Mon	2000	0030			
Tue	2000	0030			
			State any seasonal variations for the performance of live music (please read guidance note 11) Christmas Eve 0200, New Years Eve 0500, Easter Sunday and all Bank Holidays 0200		
Wed	2000	0030			
Thur	2000	0030			
			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 12)		
Fri	2000	0200			
Sat	2000	0200			
Sun	2000	0030			

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 9)	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 10) To be played in conjunction with live music as per Section E during the operating hours at varying times		
Mon	2000	0030			
Tue	2000	0030			
Wed	2000	0030			
Thur	2000	0030	State any seasonal variations for playing recorded music (please read guidance note 11) Christmas Eve 0200, New Years Eve 0500, Easter Sunday and all Bank Holidays 0200		
Fri	2000	0200			
Sat	2000	0200			
Sun	2000	0030			
			Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 12)		

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 9)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 10)		
Tue			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 11)		
Wed			<u>Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 12)		
Thur					
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			<u>Please give a description of the type of entertainment you will be providing</u>	
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 9)	Indoors <input type="checkbox"/>
Mon				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 10)	
Wed				
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 11)	
Fri				
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 12)	
Sun				

Provision of facilities for making music Standard days and timings (please read guidance note 8)			<u>Please give a description of the facilities for making music you will be providing</u>	
			Will the facilities for making music be indoors or outdoors or both – please tick (please read guidance note 9)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 10)	
Tue				
Wed			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 11)	
Thur				
Fri			<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 12)	
Sat				
Sun				

J

Provision of facilities for dancing Standard days and timings (please read guidance note 8)			Will the facilities for dancing be indoors or outdoors or both – please tick (please read guidance note 9)	Indoors	x
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 10) Live and recorded music to be provided during the operating hours as per Sections E and F during which time provision is made for there to be dancing		
Mon	2000	0030			
Tue	2000	0030	State any seasonal variations for providing dancing facilities (please read guidance note 11) Christmas Eve 0200, New Years Eve 0500, Easter Sunday and all Bank Holidays 0200		
Wed	2000	0030			
Thur	2000	0030	Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 12)		
Fri	2000	0200			
Sat	2000	0200			
Sun	2000	0030			

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 8)			<u>Please give a description of the type of entertainment facility you will be providing</u>	
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 9)	Indoors <input type="checkbox"/>
Mon				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 10)	
Wed				
Thur			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 11)	
Fri				
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 12)	
Sun				

L

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 9)	Indoors	x
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 10) Meals are to be provided at the stated times during the operating hours		
Mon	1100	0030			
Tue	1100	0030			
			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 11) Christmas Eve 0200, New Years Eve 0500, Easter Sunday and all Bank Holidays 0200		
Wed	1100	0030			
Thur	1100	0030			
			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 12)		
Fri	1100	0200			
Sat	1100	0200			
Sun	1100	0030			

M

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 13)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 11) Christmas Eve 0200, New Years Eve 0500, Easter Sunday and all Bank Holidays 0200		
Mon	1100	0030			
Tue	1100	0030			
Wed	1100	0030			
Thur	1100	0030			
Fri	1100	0200			
			<u>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</u> (please read guidance note 12)		
Sat	1100	0200			
Sun	1100	0030			

IN ALL CASES PLEASE COMPLETE BOXES N, O, P and Q below

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 14)</p> <p>None</p>

O

Hours premises are open to the public Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 11)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			<u>Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 12)
Sat			
Sun			

P

Please identify any of the conditions, terms or restrictions currently imposed on the converted licence which you believe could be removed as a consequence of the proposed variation you are seeking Restaurant conditions in part only of the premises

Q Please describe any additional steps that you intend to take in order to promote the four licensing objectives if the proposed variation is granted:

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

The premises are located in Abbey Street Carlisle which is a non residential area. They will operate within the licensing objectives and statement of policy by individuals who have the appropriate personal licences and will ensure that the objectives and licensing policy are adhered to. The premises have appropriate security in place and are covered by the local authority CCTV cameras.

(SEE APPENDIX 4 FOR ADDITIONAL CONDITIONS)

b) The prevention of crime and disorder

As above

c) Public safety

As above

d) The prevention of public nuisance

As above

e) The protection of children from harm

As above

Part B3 – Premises Supervisor

Full name of proposed designated premises supervisor

JUSTIN THORNBERRY

Address of proposed designated premises supervisor

48 ABBEY STREET
CARLISLE
CA3 8TX

**Personal licence number of proposed designated premises supervisor, if any, and
issuing authority of the personal licence, if applicable**

Not yet known

Please tick Yes

- I enclose the consent form completed by the proposed premises supervisor x
- I will give a copy of Part B3 of this application to the chief officer of police (section 37 of the Licensing Act 2003) x
- I have sent copies of this application to vary (except Part B3) to responsible authorities and others where applicable (section 34 of the Licensing Act 2003) x
- I understand that I must now advertise my application to vary (section 34 of the Licensing Act 2003) x
- I understand that if I do not comply with the above requirements my application will be rejected x

Part B4 – Signatures (please read guidance note 16)

Signature of applicant (the proposed current premises licence holder) or applicant's solicitor or other duly authorised agent. (See guidance note 17) **If signing on behalf of the applicant please state in what capacity.**

Signature	J. Holberry
Date	25.07.05
Capacity	

Where the premises licence is jointly held signature of 2nd applicant (the proposed current premises licence holder) or 2nd applicant's solicitor or other authorised agent. (please read guidance note 18) **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 19)

Post town		Post code	
-----------	--	-----------	--

CA02

Carlisle City Council

Licensing Manager, Civic Centre, Carlisle CA3 8QG

Tel: 01228 817523 Fax: 01228 817023

Email: licensing@carlisle.gov.uk

CARLISLE
CITY COUNCIL



www.carlisle.gov.uk

Form of consent given by the person whom the applicant wishes to be the premises supervisor

I JUSTIN THORNBERRY
(insert first names and surname of prospective premises supervisor)

hereby consent to being named as the premises supervisor in a new licence granted under paragraph 4 of Schedule 8 to the Licensing Act 2003 to

JUSTIN THORNBERRY

[insert full name of applicant]

in respect of the application to convert an existing justices' licence held by the applicant / where the holder of the licence has consented to the application being made by the applicant

[delete as applicable]

for

FAT FINGERS, 48 ABBEY STREET, CARLISLE, CA3 8TX

[insert name and address of existing licensed premises]

if that application is successful.

Signed

J Thornberry

Dated

25.07.05

Notes for Guidance

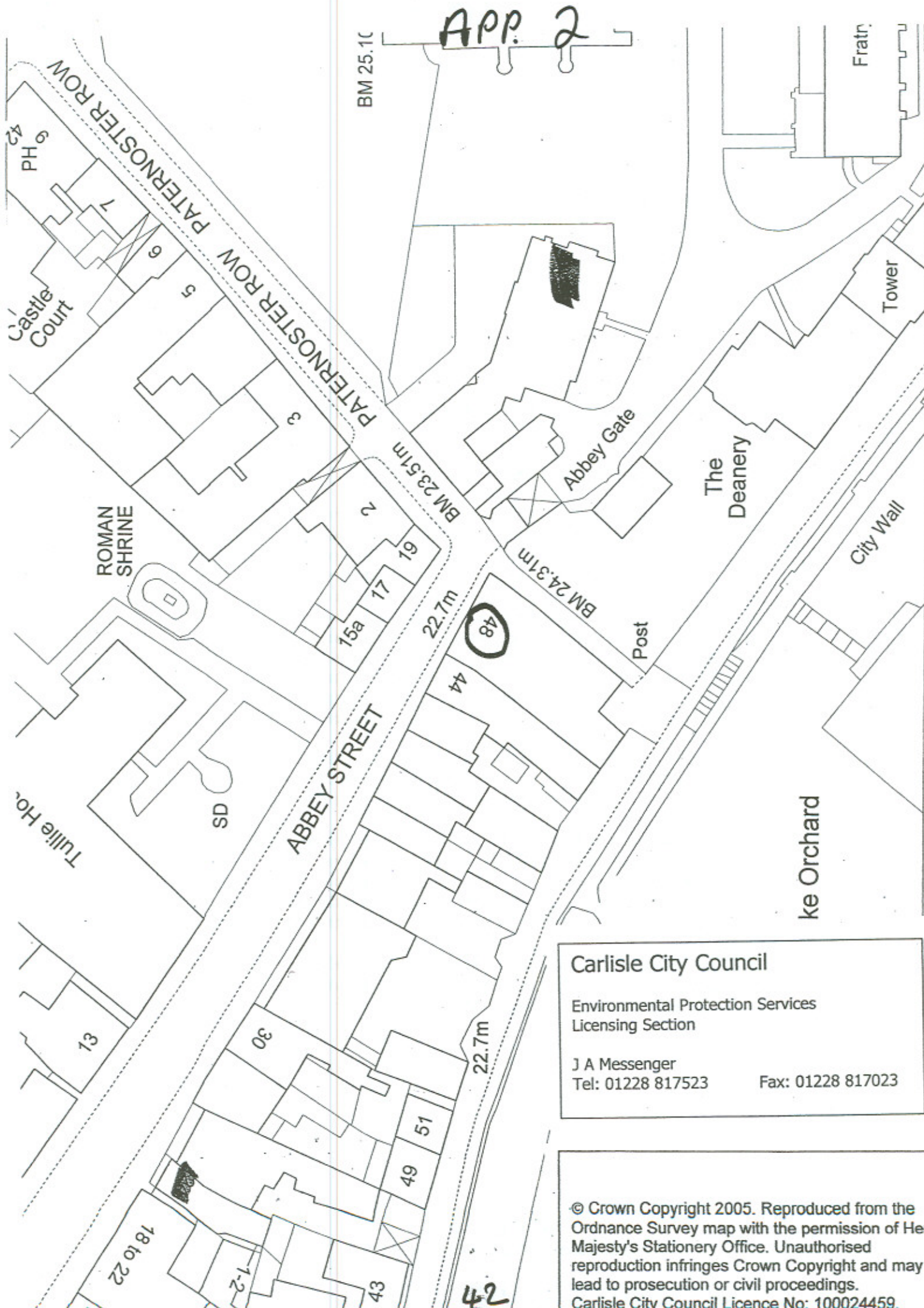
PART A

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which would be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you provide a place for consumption of these off-supplies you must include a description of where the place is and its proximity to the premises.
2. Where the conditions to which your existing licence(s) is granted do not relate solely to any one of the four licensing objectives, please describe such conditions in the general box.
3. The law requires you to send a mandatory copy of this application to the chief officer of police for that area at the same time as sending to the relevant licensing authority.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
7. This is the address we shall use to correspond with you about this application.

PART B

This application cannot be used to vary the licence to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act.

8. Please give timings in 24 hour clock and only give details for days of the week when you intend the premises to be used for the activity.
9. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
10. Please state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
11. For example (but not exclusively), where the activity will occur on additional days during the summer.
12. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
13. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
14. Please give information about anything to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gambling machines.
15. Please list here steps you will take to promote all four licensing objectives together.
16. The application form must be signed.
17. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
18. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
19. This is the address which we shall use to correspond with you about this application.



Carlisle City Council
Environmental Protection Services
Licensing Section
J A Messenger
Tel: 01228 817523 Fax: 01228 817023

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APP 3

666

The Archdeacon of Carlisle
The Venerable Dr David Thomson
2 The Abbey, Carlisle CA3 8TZ

20 August 2005

The Licensing Office
Environmental Protection Services
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG

Dear Sirs,

Application by Fat Fingers, 48 Abbey St Carlisle, for Liquor and Entertainment Licence extension

I wish to object most strongly to this proposed extension of hours.

1. **Public nuisance** The noise made by the music and guests is very loud, and the premises are close to the corner of our own house in which our bedroom is located. The bass tones of the music carry easily into our house and are loud enough to be disturbing especially if we open a window. The premises are even closer to the rooms of our head verger, who is required to rise early as part of his duties and who is already prevented from retiring at his preferred time of the evening by the existing closing times. Guests leaving the premises obviously continue to talk loudly, and sometimes enter the closed burial ground, and have been seen climbing over the railings/wall that connect that our garden and the Abbey grounds. Further, this area of the city is zoned for religious and heritage use not nightlife, and represents an unacceptable planning creep which will make it hard to prevent the further extension of clubs into the Abbey Street area.
2. **Public safety** Unsurprisingly, those leaving the licensed premises are not always entirely sober, and especially after extended hours and in the early hours of the morning it does not always feel safe to walk towards our house from the Abbey Street direction.
3. **Crime and disorder** We have recent experience of burglary and theft associated with occupants of premises near Fat Fingers (R v. A J Rodgers T20040185/10/11), and while in no way implying a direct connection with the licensed premises, we would not wish to encourage an environment at the east end of Abbey Street in which crime could thrive. There is sadly an obvious link between crime/disorder and alcohol consumption.
4. **Children** I wish simply to bring to your attention that three of the Cathedral Canons, myself included, now have children at home with them. The Abbey Grounds are a family residential area, amongst many other things.

Yours sincerely,



Tel: 01228 523026

Fax: 01228 594899
archdeacon.north@carlisle-diocese.org.uk

Mobile: 07771 864550

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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	We have recent experience of burglary and theft answered with occupants of premises on Abbey St. (R v. Rodgers T20040185/10/11) and while in no way implying a particular connection with the licensed premises, we would not wish to encourage an environment at the east end of Abbey Street in which crime could thrive, and alcohol use and crime are known to be linked.
Public safety	Those who leave licensed premises are not always entirely sober(!) and there is a proven link between alcohol consumption and disorder. We does not always feel safe under existing licensing arrangements to be on Abbey St or Paternoster Row late at night.
Prevention of public nuisance	The noise made by the music and guests is very loud, and the premises are close to the corner of our house where our bedroom is located. The bass tones of music especially carry easily into our house and are disturbing, especially if a window is open. Guests leaving the premises continue to make noise, disturbing our daughter's bedroom, and they sometimes enter the burial ground and climb into the Abbey grounds and our garden. This area of the city is zoned for religious/heritage use + extension of night life use is an unacceptable planning creep.
Protection of children from harm	Three of the Cathedral Canons, myself included, have resident children - the authority should note that the Abbey is a family residential area among other things and deserves appropriate protection.
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.	

APP 3

M LARKIN
24 ABBEY ST
CARLISLE CA3 8TA
20/8/05

Re: extended Hours "Fats"

Dear Sir

I am writing to voice my concerns over the Proposed extension to the licencing hours of the premises known as "Fats" at 48 ABBEY ST.

AT the present moment in time the noise & music emanating from the premises can be heard at my home which is approx 100 yards away. It can be heard over both conversation & television programme, it sounds as if somebody is in a car outside of my house with their CD player on full blast, this as you may understand is quite irritating to say the least.

The noise lately has not just been confined to weekends, it now extends into the week, whilst the noise level is annoying it is just about acceptable (may I suggest that they keep their windows & doors closed as this reduces the ~~the~~ noise considerably) but if their hours were to be extended as suggested the levels of noise into the ⁴⁵ night would become

unacceptable as it would then affect my quality of life by disturbing my sleep even more than it does now. I have a stressful, busy job which includes a lot of work outside of the "normal" working pattern, this includes emergency on call cover, & working late into the night at unexpected times and call-outs in the early hours of the morning, & therefore I need to know that when I go to bed that I will be able to get an unbroken night's sleep. Until recently this has been the case, but a raise in noise level has been noted lately and the thoughts of that happening later into the night worry me, when I bought my house I accepted that there were 3 pubs in the vicinity but did not expect that one of these pubs would turn virtually into a night club, may I at this point state that I am not complaining about the customers just about the noise level & the occasional access problem.

Caused by vehicles parking on the ~~Corner~~^{Corner}
by the Cathedral gate, & on the pavement
on the opposite side.

I am not complaining because
I don't want these premises "~~was~~ my backyard" because
I do actually frequent the bar through out the
year but I am very concerned about the noise
level as a resident and for the customers as
my friends & I have had to leave the bar because
we found it impossible to hold a conversation without
shouting at each other, I do hope that an acceptable
compromise can be reached that suits everybody concerned.

yours sincerely
Mandy Labin

App 3

5A The Abbey, Carlisle, Cumbria, CA3 8TZ

TISB/RS

August 3rd, 2005

RECEIVED

06 AUG 2005

The Licensing Manager,
Environmental Protection Services,
Carlisle City Council,
Civic Centre,
Carlisle,
CA3 8QG.

Dear Sir/Madam,

Re: Fat Fingers, 48 Abbey Street, Carlisle

I wish to object to the application for an extension to their licence for the sale of alcohol and entertainment. The property that I live in backs on to West Walls and there have been a number of occasions when it has been subject to vandalism and nuisance. I have reported the more severe incidents to the Police which happen in the late evening and early hours of the morning. They are as follows:-

Window tapping
Thumping on the windows
Breakage of seven windows
Stones being thrown at windows
Fireworks being pushed into air vents
The distant thump of music
Noisy people shouting and arguing

Whilst these incidents may not be directly associated with Fat Fingers, an extension to their licence will most likely be an extension to crime and disorder and public nuisance.

Yours faithfully,



T I S Burns

From: The Chapter of Carlisle Cathedral
Re: Fat Fingers, 48 Abbey Street, Carlisle, CA3 8TX.

Licensing Act 2003 (Guidance Document GD20)

Section 3 – Information and details of the representation

Note: The following are examples currently experienced by the Cathedral. The representations are not necessarily related to Fat Fingers, but an extension to their Licence is very likely to increase what is already an unpleasant experience from late night entertainment, drinking and some people's antics.

Prevention of Crime and Disorder

Any extension to the Licence will exacerbate the following:-

- Damage to Cathedral property along West Walls – windows broken and graffiti.

Public Safety

Refer to comments under Prevention of Public Nuisance.

- Cathedral staff have to clear up the mess which can be hazardous with regard to disease and unknown substances used in syringes.
- The Cathedral grounds are a public thoroughfare.

Prevention of Public Nuisance

The Abbey Grounds are home to the Dean of Carlisle and four Residentiary Canons and their families, four employees and their families and seven tenants and their families.

Any extension to the Licence will exacerbate the following:-

- The Cathedral Gatehouse entrance is used as a place to urinate and vomit.
- Cathedral bollards are removed and discarded.
- The doors to Fat Fingers are often open and music can be heard in the street.
- Rowdy behaviour i.e. shouting, swearing and arguing.
- Loud music and likely vibration from the repetitive thump of the bass beat.
- Bottles and stones thrown at windows.
- Windows tapped and thumped as people pass by.
- Excrement, syringes, condoms, drinks cans and bottles have all been found within the grounds.

Protection of Children from Harm

Refer to comments above.

APS

James Armstrong

2A The Abbey Carlisle Cumbria CA3 8TZ

Home 01228 547653 Work 01228 535169 jas.armstrong@virgin.net

RECEIVED

18 AUG 2005

16-08-05

The Licensing Manager
Environmental Protection Service
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG

Ref: Fat Fingers, Abbey Street, Carlisle

Dear Sir

I would like to oppose the request of Mr Justin Thornberry of Fat Fingers on Abbey Street for an extension to his license to provide music to his patrons up to 0030 weekdays and 0200 weekends and bank holidays.

At present music is played until 2306 on average each night often so loud that it vibrates the windows in my home. I have recently installed secondary glazing in the room which is closest to Fat Fingers as well as the living room which is further away in order to make life more comfortable but even this is not enough to exclude the noise. As a result of this I cannot go to bed until it stop's.

I have to get up for work at 0600 each day including weekends and bank holidays so I am concerned that if the Licence is granted I will get no sleep at all.

I have lived at this address for 15 years so I am well used to noise in the environment in which I live but having that level of sound until the applied for times in a residential area I feel is unacceptable.

Yours faithfully



James Armstrong

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	THE LEVEL OF NOISE (MUSIC) THAT IS EMITTED FROM THE PREMISES AT PRESENT IS UNBEARABLE, PREVENTING MY HOUSEHOLD FROM SLEEPING BEFORE 2306 APPROX WHEN IT IS SWITCHED OFF. AN EXTENSION OF LICENCE TO ALLOW MUSIC LATER, WILL PREVENT SLEEP AND BE DETRIMENTAL TO OUR HEALTH.
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.	

RECEIVED
25 AUG 2005

Blackwood Road
Lillyhall Industrial Estate
Workington
CA14 2JW

T 01900 604704
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stagecoachbus.com

Traveline 0870 6082608



10 The Abbey
Cathedral Close
Carlisle
CA3 8TZ.

22nd August 2005.

Dear Sir,

As a resident of the Cathedral Grounds it has been brought to my attention that Fat Fingers public house 48 Abbey Street Carlisle has applied to extend their Liquor and Entertainment's licence to the early hours of the morning.

It was with dismay that I received this information as having windows that face West Walls that are presently knocked on, hammered on, kicked on and spat on most weekends by drunken youths, add to that the shouting and even at times the use of our yard/garden area as a short cut to and from West Walls, I can only see, should this application be granted, this behaviour that disrupts our otherwise peaceful surroundings becoming more and more frequent.

We also are on some occasions disturbed by the volume of music coming from Club XS and no doubt the behaviour of some of its occupants, it is with this in mind that I write to object to the application from Fat Fingers and ask you to take the residents of Cathedral Close into consideration when reaching your decision.

Yours Sincerely.

Philip J Wilson

82

A K York

RECEIVED

25 AUG 2005

25th August 2005

The Licensing Office
Environmental Protection Services
Carlisle City Council
Civic Centre
Carlisle

Dear Sir / Madam,

**Re: Application for extension of Liquor and Entertainment Licence by Fat Fingers
of 48 Abbey Street, Carlisle**

I wish to lodge an objection to this application with very good reason. I live in the Cathedral Gatehouse immediately adjoining Fats. The existing amount of noise pollution is already appalling and is seriously degrading my quality of life and seriously affecting my own business.

Here are examples of the noise pollution and other nuisance behaviour which I'm already suffering greatly from:

- Loud dance music. Fats is not a quiet establishment and the proprietor pushes the volume as high as he can get away with. As my house is a Grade One Listed Building situated immediately adjacent to Fats, double glazing is not an option. The single glazed windows give little or no reduction to the noise level.
- People leaving Fats and waiting for taxis in the archway (immediately below my house), often shouting and banging the large gateway door (sometimes trying to climb on top of or over it). These noises travel right up into my house.
- People urinating against my house, especially in the archway whilst waiting for taxis. They have even urinated against my front door.
- People vomiting in the archway beneath my house (it was particularly disgusting recently).
- People banging the concrete bollard, especially those waiting for taxis late at night. Banging a great lump of concrete under my house makes considerable and highly annoying noise. Furthermore it may be causing some vibration damage to the Grade One Listed Building.

Prior Slee House, Paternoster Row, Carlisle,
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A K York

- Fats' burglar alarm going off at around 2am to 3am most days for most of the past year. This only stopped recently as the proprietor is no doubt on his best behaviour (for a while that is).
- Fats taking delivery several times a week: barrels being banged around and Pioneer vans with their noisy refrigeration units. This may sound minor, but they park immediately below my window and stay for quite some time and make no effort to keep noise levels down.
- Additional and excessive noise pollution I'm already putting up with that is not directly attributable to Fats includes:
- Joy riding in the Town Dike car park, usually from 8pm, often to 2am or 3am in the morning, almost every day. They're into sounding their horns a lot, again often at 2am to 3am. I've phoned the police repeatedly and they've done nothing about it. I've since gone down to ask them, politely but assertively to stop doing it. It's reduced a bit, but it's still happening.
- Train noise pollution and especially train horns often throughout the day

And all the while, I'm trying to expand my own business which requires immense concentration and a decent night's sleep. My company is at the forefront of digital media - a rapidly expanding industry - with clients ranging from the BBC to Abbey National, Colchester Borough Council, Manchester United, the NHS, etc. You don't have to take my word for it. You can discuss this with Alan Smithson of Business Link North West (telephone 0870 757 1177). They're very excited about my business and the likelihood of expansion and recruitment of staff. There's great potential and the biggest risk is that I can't work when my sleep is being wrecked and there's such a ludicrous amount of noise pollution throughout almost the entire day, especially the evening due to Fats, and often night due to trains and joy riders. As some recent examples of nighttime noise pollution:

24th August

- 0:55am train horns
- 1:05am train horns
- 1:20am train horns

25th August

- 1:30am train horns

Most nights

- Between midnight and 2:00am most nights, more than 50% of freight trains screech to a halt, usually to wait for a matter of seconds before making a racket getting started again.

If this license is granted, it will severely impact on my business as well as my quality of life (which is bad enough as it is). Should this occur, I will very seriously but

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A K York

reluctantly consider moving my business elsewhere. One option available to me is to transfer my business to the Ruhr valley region of Germany.

Thank you for your time and consideration,

Yours faithfully,



Alex K York
Managing Director
2 to the Power of N Limited

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SS

APP.4 - 9 AUG 2005

close-thornton

SOLICITORS

References: Ours: CRW/THO122/1
Yours: 6 003 4 MM JR
Please ask for: Chris Wiper
Direct Telephone: 01325 376915
E-mail: chris.wiper@close-thornton.co.uk

Environmental Protection Services
Carlisle City Council
Civic Centre
CARLISLE
CA3 8QG

8 August 2005

Dear Sirs

Licensing Act 2003
Our Clients: Fat Fingers, 48 Abbey Street, Carlisle

We thank you for your letter of the 4th August in connection with the above matter.

We confirm our client will comply with the standard conditions PPN4 to PPN8 and that the following can therefore be added to Section Q9(d) of the application form:

- 1 Whilst entertainment is being provided all internal doors will be closed and shutters may be closed to ensure that there is no noise nuisance.
- 2 From 8.00 p.m. until closure our client will employ a minimum of 2 doormen.
- 3 Regular assessments of noise levels will be made and entered into a log book.
- 4 Notices will be displayed at all exit points requesting customers to exit the premises quietly. Once entertainment has been concluded the DJ will make an announcement in similar terms. All staff and doormen will request customers to be quiet and orderly.
- 5 Doormen and staff will ensure that no bottles are taken off the premises at any time.

We trust that this is sufficient for your purposes.

We confirm that a copy of this has been forwarded to the police.

Yours faithfully
CLOSE THORNTON

CW/AM

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+ Member of the Law Society's
Children Panel
* Member of the Law Society's
Personal Injury Panel and
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