

CARLISLE CITY COUNCIL

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

Date of Meeting:- 16th August 2007

Agenda Item No:-

AI

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				
Mrs S Bonford		Yes	Yes	Yes
Mr & Mrs Hedley		Yes	Yes	Yes
Mr & Mrs Kelly		Yes	Yes	Yes
Mr & Mrs Brown		Yes	Yes	Yes
Mr D Graham		Yes	Yes	Yes
Mr & Mrs Przybyla		Yes	Yes	Yes
Mr & Mrs Rohland		Yes	Yes	Yes
Title:-		1 SCOTLAND ROAD, STANWIX, CARLISLE APPLICATION FOR A PREMISES LICENCE		
Report of:-		HEAD OF LEGAL & DEMOCRATIC SERVICES		
Report reference:-		LDS 67/07		

Summary:-

1 Scotland Road is located in Stanwix Carlisle. (See Appendix 2). The applicant is applying for a new Premises Licence to allow the sale and supply of alcohol as well as regulated entertainment in accordance with the Application.

Representations have been received from residents living in the vicinity.

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, 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:

Mr Gordon McGregor, 4 Drumburgh Avenue, Stanwix, Carlisle.

Premises:

(To be named) at 1 Scotland Road, Carlisle (Area plan Appendix 2).

Application

1. The premises at 1 Scotland Road had been a DIY shop until closing recently. An application for a Premises Licence has now been made under section 17 of the Licensing Act 2003. The premises is being converted and refurbished to provide a venue that will operate in the main as a 'café bar' throughout the day and a wine and 'sports bar' during the evening

The operating schedule includes:

2. Relevant licensable activities :

- Sale by retail of alcohol (Para. M Appendix 1)
- Provision of regulated entertainment including: films Para. B, indoor sporting events Para.C, ,live music, Para.E, recorded music Para F, Facilities for making music Para. I, and Late Night Refreshment Para.L All appendix 1.

3. Hours of licensable activities:

Sale by retail of alcohol -

- Sunday to Saturday 0830hrs – 2330hrs
- New Years Eve – to allow the premises to conduct this activity from the start of licensed hours on New Years Day until the end of licensed hours on New Years Day.
- Bank Holidays, Public Holidays, St Georges day, St Patricks day and Burns Night this activity to 0130hrs following day.

Regulated Entertainment –

- Sunday to Saturday 1000hrs – 2330hrs
- New Years Eve – to allow the premises to conduct this activity from the start of licensed hours on New Years Day until the end of licensed hours on New Years Day.
- Bank Holidays, Public Holidays, St Georges day, St Patricks day and Burns Night this activity to 0130hrs following day.

Late Night Refreshment –

- Sunday to Saturday 2300hrs – 2330hrs
- New Years Eve – to allow the premises to conduct this activity from the start of licensed hours on New Years Day until the end of licensed hours on New Years Day.
- Bank Holidays, Public Holidays, St Georges day, St Patricks day and Burns Night this activity to 0130hrs following day.

4. Designated Premises Supervisor: Gordon McGregor
5. Supply of alcohol is for consumption both on and off the premises.
6. The area for the licensable activities at 3 above are indicated on the premises floor plan (Appendix 3)
7. Additional steps to promote licensing objectives are as follows: (Para. Q Appendix 1))

General

The premises will be run in accordance with the Licensing Act 2003, the Health & Safety at Work Act and the Food Safety Act - together with any other appropriate legislation that must be complied with. The intention is to run the premises in accordance with the licensing objectives.

The prevention of crime and disorder

- 1) A tamper proof CCTV system shall be installed at the premises in liaison with and to the satisfaction of the Cumbria Police Licensing and Community Safety Officers and shall be used to record during all hours that a licensable activity takes place on the premises.
- 2) The Premises will apply to become a member of the local Pubwatch scheme.
- 3) There shall be in place for the premises a written admissions policy to prevent the sale or supply of alcohol to persons under 18 years of age. That policy shall require any person who appears to be under the age of 18 years to produce a recognised proof of age card accredited under the Proof of Age Standards Scheme (PASS), a citizen card supported by the Home Office, a photo driving licence, a passport or official HM Forces or EU ID card bearing a photo and date of birth. In addition, Challenge 21 will be adopted as a preventative strategy.
- 4) A notice shall be displayed behind the bar where it can be clearly seen and read and shall indicate that it is unlawful for persons under 18 to purchase alcohol or for any person to purchase alcohol on behalf of a person under 18 years of age.

Public Safety

- 1) There shall be maintained on the premises at all times an adequate and appropriate supply of first aid equipment and materials.
- 2) Emergency Lighting will be tested in accordance with BS 5266 Part 1, 1999 Emergency Lighting. The results of the tests will be recorded in a logbook. A satisfactory NICEIC (or equivalent) inspection report will be available for inspection by the relevant authorities.
- 3) The fire alarm detection system will be tested in accordance with BS 5839 Part 1 2002 Fire Detection and Fire Alarms for buildings. The results of the tests will be recorded in a logbook. A satisfactory inspection report will be available for inspection by the relevant authorities.
- 4) The electrical installation will be inspected and a satisfactory NICEIC (or equivalent) inspection report will be available for inspection by the relevant authorities.
- 5) Any gas boiler, calorifier or other gas appliance will be tested on a regular basis and a satisfactory CORGO (or equivalent) inspection report will be available for inspection by the relevant authorities.
- 6) Any portable electrical equipment, used for the purposes of entertainment, which relies on mains voltage will be used only through the following means of protection:
 - a) each socket outlet circuit shall be protected by a residual current device having a rated residual operating current not exceeding 30 milliamps
 - or
 - b) each individual socket outlet shall be protected by a residual current device having a rated residual operating current not exceeding 30 milliampsThis does not allow a single RCD to be used to protect a group of circuits or the use of a 'plug in' RCD.

The prevention of public nuisance

- 1) All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency and for the purposes of exit and entry.
- 2) Refuse such as bottles shall be disposed of from the premises at a time when it is not likely to cause a disturbance to residents in the vicinity of the premises.
- 3) There will be placed at the main entrance a notice advising customers to keep noise to a minimum when leaving the premises.

The protection of children from harm

This Premises promotes a family friendly atmosphere and will have regard to the admission of children as per the Licensing Act 2003. In addition Challenge 21 will be adopted as a strategy to further prevent sales of alcohol to persons under the age of 21.

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

B. RELEVANT REPRESENTATIONS

Responsible authorities:

None

Interested parties:

Persons living in the vicinity –

Mrs S Bonford	(Appendix 4)
Mr & Mrs Hedley	(Appendix 5)
Mr & Mrs Kelly	(Appendix 6)
Mr & Mrs Brown	(Appendix 7)
Mr D Graham	(Appendix 8)
Mr & Mrs Przybla	(Appendix 9)
Mr & Mrs Rohland	(Appendix 10)

Seven letters have been received from residents including one from Mr Hedley who has also presented a signed petition from 38 residents objecting to the application.

They raise concern at the potential for noise nuisance during the licensed hours from recorded and live music especially in the rear garden area, drunken behaviour, noisy persons leaving, taxis and private cars collecting people etc.

A meeting was held at the Civic Centre between residents making objections and the applicant Mr McGregor. Unfortunately an agreement was not reached. Mr McGregor has since forwarded a letter to the Licensing Office outlining what he offers in response to the objections (Appendix 11).

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. Paragraph numbers are taken from the policy:

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.

Crime and Disorder Act 1998 – section 17 of that Act imposes a duty on local authorities to exercise their functions with regard to the impact on crime and disorder and the need to do all it reasonably can to prevent crime and disorder in its area.

- 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

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.

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.

- 2.1 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.
- 2.2 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.

Reason

The prime purpose of this policy is to promote the licensing objectives. In furtherance of this aim the policy lists particular matters that the Authority will take into account in considering whether a licensed activity is likely to cause an adverse impact.

The aim of the policy is to achieve a balanced approach to these issues.

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.

4.3.4. 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.

Reason

The prevention of crime and disorder is one of the licensing objectives, which the Authority is under a duty to promote. The Authority recognises that some licensed premises can attract or encourage criminal behaviour, especially disorder problems where customers have consumed alcohol.

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.

Reason

Experience in other areas shows that zoning can lead to additional problems including the movement of people in search of premises opening later and can put greater pressure on town centres than is necessary.

4.5.6. Policy - Location of premises

- 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.

Reason

This part of the policy dealing with opening hours is based on a broad distinction between the approach to be taken in certain predominantly commercial areas like parts of the town centres and the rest of the District.

Any activity involving public entertainment or eating or drinking on the premises has the potential to impact adversely on the surrounding area due to noise, smells, or congestion on the footway. Public nuisance may also be caused by customers being noisy when leaving, leaving litter or taking up on-street car parking space needed by residents. The impact of noise generated by these activities, especially

customers departing either on foot or in cars, is particularly intrusive at night when ambient noise levels are much lower.

Parts of the District are sensitive to the impact of licensable activities because they are either residential or close to residential areas. Many shopping areas are abutted by residential areas, including housing above commercial premises. The impact of traffic and parking related to licensed premises can be considerable. Even where a majority of customers arrive on foot or by public transport, the additional parking demand may be significant, especially where there are already a number of licensed premises. The impact may be felt by local residents in preventing them from parking close to their homes and by increasing the danger from traffic in residential streets.

However, some commercial areas in the District, such as parts of town centres, may be more suitable locations for licensed activities, especially for those that have late opening hours or attract significant numbers of people. In town centres, more customers are likely to travel by public transport and the activities may help bring vitality to the area after normal shopping hours. The ambient noise levels are also likely to be higher in the evening, particularly when compared with predominantly residential areas so that additional noise may be less objectionable.

An entertainment use attracting large numbers of people should be very close to bus routes or taxi ranks, for instance. For the same reasons, the level of public transport accessibility will be an important factor in considering any exception to the normal closing times in any location.

4.5.8. Noise

Policy

- 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 locations 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.

Reason

The prevention of public nuisance is a licensing objective. Noise disturbance can be a public nuisance. The authority is required to promote the licensing objectives. Granting a licence in circumstances where nuisance is likely to be caused will undermine that objective. The Authority recognises that noise from licensed premises can cause great disturbance to people living and working near those premises. The authority recognises that noise can be a nuisance during the day

and at night in both residential and commercial areas and other noise sensitive locations if not properly managed or controlled.

4.5.19. Tables and chairs outside premises including garden areas.

Policy

4.5.20. The Authority recognises that provision of tables and chairs outside premises, either on the highway or on private land, may enhance those premises. It can have the benefit of encouraging a continental-style café culture. However, late at night these same tables and chairs can contribute to noise and disorder problems. This is because they can encourage patrons and passers by to loiter rather than disperse. Licensees should note that in certain areas, byelaws prohibit the consumption of alcohol in public. Before planning to use tables and chairs outside premises (particularly where it is intended that alcohol will be sold) applicants should ensure that they will not contravene any byelaws or orders. Applicants should also ensure that other legislation, for example in relation to highways and planning will not be contravened.

4.5.21. In the event of representations being made, the Authority will carefully consider any application where outdoor tables and chairs are proposed to be provided. In particular, the Authority will assess the premises in the context of their location, the hours during which the premises are to be open, the proposed licensable activities and proposals for control of the tables and chairs outside the hours of operation.

Reason

This policy is designed to strike a fair balance between the needs of those wishing to enjoy refreshment in the open air and the need to prevent safety and nuisance problems.

D. NATIONAL GUIDANCE (Section 182 Licensing Act 2003)

Section 182 of the Licensing Act 2003 states that the Secretary of State must issue guidance to local authorities on the discharge of their functions under this Act. Amended guidance was laid before Parliament on 28 June 2007 and came into force on that date.

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

National guidance regarding Public Nuisance:

1.32 The 2003 Act requires licensing authorities (following receipt of representations) and responsible authorities, through representations, to make judgements about what constitutes public nuisance and what is necessary to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on impacts of the licensable activities at the specific premises on the persons living and working (including doing

business) in the vicinity that are disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

- 1.33 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low level nuisance perhaps affecting a few people living locally as well as major disturbances affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of interested parties (as defined in the 2003 Act) in the vicinity of the licensed premises.
- 1.34 Conditions relating to noise nuisance will normally concern steps necessary to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time in the evening to more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions necessary to promote the prevention of public nuisance should be tailored to the style and characteristics of the specified premises. Licensing authorities should be aware of the need to avoid unnecessary or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 1.35 As with all conditions, it will be clear that conditions relating to noise nuisance may not be necessary in certain circumstances where the provisions of the Environmental Protection Act 1990, the Noise Act 1996, or the Clean Neighbourhoods and Environment Act 2005 adequately protect those living in the vicinity of the premises. But as stated earlier in this Guidance, the approach of licensing authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be necessary.
- 1.36 Where applications have given rise to representations, any necessary and appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late evening or early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise in the immediate vicinity of the premises may also prove necessary to address any disturbance anticipated as customers enter and leave.
- 2.38 In the context of preventing public nuisance, it is again essential that conditions are focused on measures within the direct control of the licence holder or club. Conditions relating to public nuisance caused by the anti-social behaviour of customers once they are beyond the control of the licence holder, club or premises management cannot be justified and will not serve to promote the licensing objectives.
- 2.39 Beyond the vicinity of the premises, these are matters for personal responsibility of individuals under the law. An individual who engages in anti-

social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area and to respect the rights of people living nearby to a peaceful night.

National guidance regarding imposing conditions:

10.11 The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it has been satisfied at a hearing of the necessity to impose conditions. It may then only impose conditions that are necessary to promote one or more of the four licensing objectives. Such conditions must also be expressed in unequivocal and unambiguous terms to avoid legal dispute.

National guidance regarding control of areas outside the premises:

13.16 Statements of policies should make clear that:

- licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act, and
- the conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others with relevant authorisations, i.e. the premises and its vicinity.

13.17 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.

13.18 A statement of policy should also make clear that licensing law is not the primary mechanism for the general control of nuisance and anti-social 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:

13.40 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 recommends that statements of policy should recognise that, in some circumstances, flexible licensing hours for the sale of alcohol can help to ensure that the concentrations of customers leaving premises simultaneously are avoided. This can help to reduce the

friction at late night fast food outlets, taxi ranks and other sources of transport which lead to disorder and disturbance.

13.41 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. Providing consumers with greater choice and flexibility is an important consideration, but should always be balanced carefully against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet.

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 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

Application for a premises licence to be granted
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 Gordon Mc Gregor

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Name TBC 1 Scotland Road			
Post town	Carlisle	Post code	CA3 9HR
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£7000	

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input checked="" type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i. as a limited company | <input type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | 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)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒
- I am making the application pursuant to a
 - o statutory function or ☐
 - o a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname McGregor			First names Gordon		
I am 18 years old or over				<input checked="" type="checkbox"/>	Please tick yes
Current postal address if different from premises address		4 Drumburgh Avenue Stanwix			
Post Town	Carlisle			Postcode	CA3 0PD
Daytime contact telephone number			07973 692411		
E-mail address (optional)		gordon.ppm@btconnect.com			

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)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (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 3 Operating Schedule

When do you want the premises licence to start?

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

If you wish the licence to be valid only for a limited period, when do you want it to end?

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

Please give a general description of the premises (please read guidance note1)
 Former DIY store, located in a terrace of buildings which are mostly used for business purposes - takeaways, restaurants, hairdressers and similar. There are also two Public Houses within close proximity. There are a number of residential properties in the area as shown on the enclosed site location plan. the premises are being converted and refurbished to provide a venue that will operate in the main as a 'café bar' through the day and a wine and 'sports' bar in the evening. This variety of activity will be achieved by utilising the separation between the two areas as shown on the enclosed plan.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 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 checked="" type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input checked="" 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 checked="" type="checkbox"/> |

Provision of entertainment facilities:

- | | |
|---|-------------------------------------|
| i) making music (if ticking yes, fill in box I) | <input checked="" 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)

☒

Supply of alcohol (if ticking yes, fill in box M)

☒

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			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 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films 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			
Mon	10.00	23.30	Please give further details here (please read guidance note 3) It is not intended that the premises will be used as a cinema. This consent is required to cover events that may use pre-recorded DVDs or videos as a backdrop to entertainment plus the showing of other previously recorded events such as, but not limited to, sports matches.		
Tue	10.00	23.30			
Wed	10.00	23.30	State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur	10.00	23.30			
Fri	10.00	23.30	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 (please read guidance note 5) New Years Eve - to allow the premises to conduct this activity from the start of licensed hours on New Years Eve until the end of licensed hours on New Years Day. Bank Holidays, Public Holidays, St Georges day, St Patricks day and Burns Night, to conduct this activity to 01.30 the following day.		
Sat	10.00	23.30			
Sun	10.00	23.30			

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3) To allow the hosting of demonstrations by celebrity players or challenge matches that involve the presence of an audience.
Day	Start	Finish	
Mon	10.00	23.30	
Tue	10.00	23.30	State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed	10.00	23.30	
Thur	10.00	23.30	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 (please read guidance note 5) New Years Eve - to allow the premises to conduct this activity from the start of licensed hours on New Years Eve until the end of licensed hours on New Years Day. Bank Holidays, Public Holidays, St Georges day, St Patricks day and Burns Night, to conduct this activity to 01.30 the following day.
Fri	10.00	23.30	
Sat	10.00	23.30	
Sun	10.00	23.30	

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur					
Fri			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 (please read guidance note 5)		
Sat					
Sun					

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)		
Mon	10.00	23.30			
Tue	10.00	23.30			
			State any seasonal variations for the performance of live music (please read guidance note 4)		
Wed	10.00	23.30			
Thur	10.00	23.30			
			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) New Years Eve - to allow the premises to conduct this activity from the start of licensed hours on New Years Eve until the end of licensed hours on New Years Day. Bank Holidays, Public Holidays, St Georges day, St Patricks day and Burns Night, to conduct this activity to 01.30 the following day.		
Fri	10.00	23.30			
Sat	10.00	23.30			
Sun	10.00	23.30			

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)	
Mon	10.00	23.30		
Tue	10.00	23.30	State any seasonal variations for the playing of recorded music (please read guidance note 4)	
Wed	10.00	23.30		
Thur	10.00	23.30		
Fri	10.00	23.30	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) New Years Eve - to allow the premises to conduct this activity from the start of licensed hours on New Years Eve until the end of licensed hours on New Years Day. Bank Holidays, Public Holidays, St Georges day, St Patricks day and Burns Night, to conduct this activity to 01.30 the following day.	
Sat	10.00	23.30		
Sun	10.00	23.30		

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		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 3)			
Mon						
Tue						
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)			
Thur.						
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)			
Sat						
Sun						

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment you will be providing</u> This consent has been applied for in the event that a performer, such as, but not limited to, a comedian, drag artist or similar may be allowed to perform.		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	10.00	23.30		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	10.00	23.30	<u>Please give further details here</u> (please read guidance note 3)		
Wed	10.00	23.30			
Thur	10.00	23.30	<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri	10.00	23.30			
Sat	10.00	23.30	<u>Non standard timings. Where you intend to use the premises for the entertainment of a 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 5) New Years Eve - to allow the premises to conduct this activity from the start of licensed hours on New Years Eve until the end of licensed hours on New Years Day. Bank Holidays, Public Holidays, St Georges day, St Patricks day and Burns Night, to conduct this activity to 01.30 the following day.		
Sun	10.00	23.30			

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u> To allow the use of musical instruments by performers and electrical music making equipment by other performers - e.g. disco.	
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)	
Day	Start	Finish	Indoors	<input checked="" type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Mon	10.00	23.30	<u>Please give further details here</u> (please read guidance note 3)	
Tue	10.00	23.30		
Wed	10.00	23.30	<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)	
Thur	10.00	23.30		
Fri	10.00	23.30	<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5) New Years Eve - to allow the premises to conduct this activity from the start of licensed hours on New Years Eve until the end of licensed hours on New Years Day. Bank Holidays, Public Holidays, St Georges day, St Patricks day and Burns Night, to conduct this activity to 01.30 the following day.	
Sat	10.00	23.30		
Sun	10.00	23.30		

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment 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) To be able to offer hot food or drink during the hours that alcohol is for sale as a sensible measure towards promoting responsible consumption of alcohol. Due to the high number of existing take away outlets in the area, the need to offer food until later, or to take away, has been considered unnecessary.		
Mon	23.00	23.30			
Tue	23.00	23.30			
Wed	23.00	23.30			
Thur	23.00	23.30	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Fri	23.00	23.30			
Sat	23.00	23.30	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 (please read guidance note 5) New Years Eve - to allow the premises to conduct this activity from the start of licensed hours on New Years Eve until the end of licensed hours on New Years Day. Bank Holidays, Public Holidays, St Georges day, St Patricks day and Burns Night, to conduct this activity to 01.30 the following day.		
Sun	23.00	23.30			

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) N.B. The garden area will be used for the consumption of alcohol in the main but it will also be the case that table service may be offered to people using the garden area at times. The use of the garden area will be restricted to no later than 21.00 and a notice at the exit to the garden will be displayed for customer information.		
Mon	08.30	23.30			
Tue	08.30	23.30			
Wed	08.30	23.30			
Thur	08.30	23.30			
Fri	08.30	23.30			
Sat	08.30	23.30			
Sun	08.30	23.30	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) New Years Eve - to allow the premises to conduct this activity from the start of licensed hours on New Years Eve until the end of licensed hours on New Years Day. Bank Holidays, Public Holidays, St Georges day, St Patricks day and Burns Night, to conduct this activity to 01.30 the following day.		

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name Gordon McGregor	
Address 4 Drumburgh Avenue Stanwix Carlisle	
Postcode	CA3 0PD
Personal Licence number (if known) PA709	
Issuing licensing authority (if known) Carlisle City Council	

d) The prevention of public nuisance

- 1) All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency and for the purposes of exit and entry.
- 2) Refuse such as bottles shall be disposed of from the premises at a time when it is not likely to cause a disturbance to residents in the vicinity of the premises.
- 3) There will be placed at the main entrance a notice advising customers to keep noise to a minimum when leaving the Premises.

e) The protection of children from harm

This Premises promotes a family friendly atmosphere and will have regard to the admission of children as per the Licensing Act 2003. In addition Challenge 21 will be adopted as a strategy to further prevent sales of alcohol to persons under the age of 21.

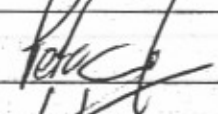
Please tick yes

- I have made or enclosed payment of the fee ☒
- I have enclosed the plan of the premises ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable ☒
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable ☐
- I understand that I must now advertise my application ☒
- 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 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	13/6/07
Capacity	Authorised Representative

For joint applications signature of 2nd applicant 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 postal address for correspondence associated with this application (please read guidance note 13)

Peter Fulton
The Salutation Inn
High Hesket

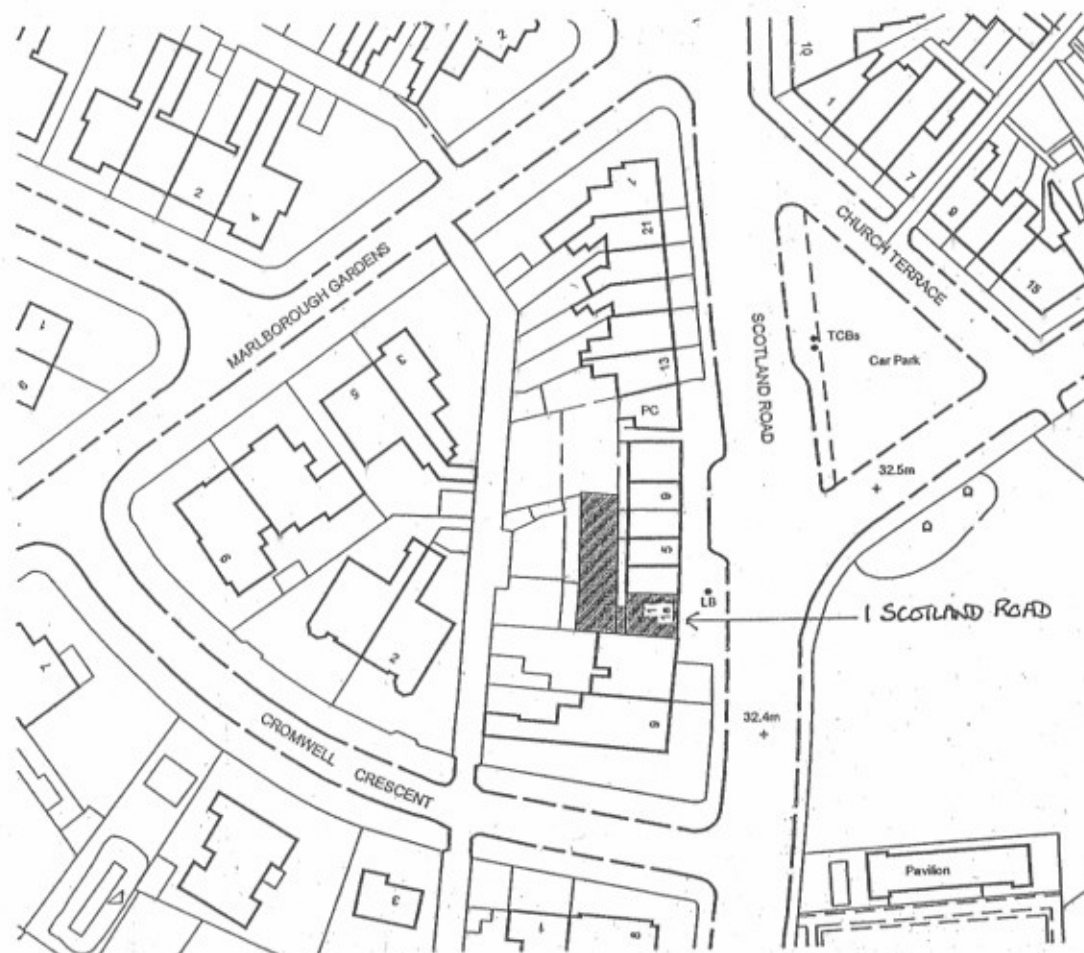
Post town	Carlisle	Post code	CA4 0HS
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Telephone number (if any)	07789 001882
----------------------------------	--------------

If you would prefer us to correspond with you by e-mail your e-mail address (optional)
peterfulton@abvtraining.co.uk

Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the 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.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. 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.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.



Notes :

Revision :

Hyde Harrington
PROPERTY CONSULTANT

Atlantic House, Parkhouse, Carlisle, Cumbria, CA
Telephone: 01228 595600 - Fax: 01228 59552
e-mail: carlisle@hydeharrington.co.uk
Website: www.hydeharrington.co.uk

Project title:

**1 Scotland Road
Carlisle**

Drawing title:

Location Plan

Drawing No : 70368/01

Scale :
1:1250

Date :
09/05/07

Drawn by
GR

All critical dimensions to be confirmed on site

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Notes :

B	Omit extensions from plan	20/06/07	CT
A	Amendment to proposed extension area & shelter	21/05/07	GR

Revision :

Hyde Harrington
PROPERTY CONSULTANTS

Atlantic House, Parkhouse, Carlisle, Cumbria, CA3 0LJ
Telephone: 01228 595600 - Fax: 01228 595525
e-mail: carlisle@hydeharrington.co.uk
Website: www.hydeharrington.co.uk

Project title:
**1 Scotland Road
Carlisle**

Drawing title:
Block Site Plan

Drawing No : 70368/02/B

Scale :	Date :	Drawn by :
1:200	09/05/07	GR

All critical dimensions to be confirmed on site
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APP4

265 9, Eden Moun'
Cuthole.CA3 9LY,
27.6.2007

Dear Sir,

I am writing in very strong opposition to Mr. McGregg receiving a licence to sell alcoholic beverages, & to play music or television sets in the premises of no. 1 Scotland Road.

I consider the above practice to be totally alien for this area.

As I have mentioned before, there are plenty outlets for alcohol in this area - of say 250 yards - & more already.

When the Tannoy Brown had such a licence I could feel & hear the beat of the music in my upstairs bedrooms!

The owners of houses in this area - Eden Mount, Cromwell Crescent, Marlborough Gardens & Carlton Gardens - pay Rates for living in a Residential area. I think that the majority of people living in this area will wish it to remain as such.

It is also a Conservation Area, & as such the Planning Department must see to it that no adverse plans are passed.

Yours faithfully,

(Ths.) Sheila M. Bomford

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	There will be the opportunity for people under the influence of alcohol to peester or cause injury to passers by.
Public safety	Traffic in the back lane for delivery of goods. Traffic parking illegally on neighbouring roads.
Prevention of public nuisance	People will be outside the building at the front & back for smoking purposes. The noise associated with this will be unacceptable - private dwellings.
Protection of children from harm	We do not wish to have any further temptations for young people to indulge in binge drinking. There are plenty there already.

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.

Representation & objections continued.

When part of this property was previously run as a Restaurant, under age drinking quietly became established. Eventually it was closed down, & the two "owners" jailed, after a Police action - supported by local residents.

I was personally intimidated by large gangs of youths outside my house - & on one occasion had to ring the Police because I was too frightened to pass such a gang to get into my house.

I have already mentioned the noise nuisance being able to feel the beat of the music concerned actually when in my bed, as well as being kept awake by the actual noise.

This is ~~not~~ a residential area with some shops - we wish to keep it that way.

RECEIVED

28 JUN 2007

3 Marlborough Gardens
Stanwix
Carlisle
CA3 9NW28th June 2007

To the Licensing Manager.

Re: 1 Scotland Road
Carlisle

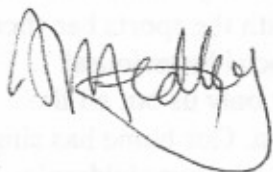
I wish to register my objections to the application for license for the above premises. We consider that if the licence was to be granted it will be detrimental to our daily lives and the immediate area. We consider this on a number of points.

- Public nuisance. The café/ sports bar is sited within a few metres from our home. All of our living and bedrooms overlook the site and particularly the outdoor smoking area and garden. This, we envisage will create much noise and disturbance to us throughout the day and late into the night, as with the new smoking laws the area will be used heavily all year round. Our garden is adjacent to this area, with a lane to separate, and the use of the area will make our garden unusable especially during the summer. An outside area with table and chairs can contribute to noise and disorder problems as they encourage the patrons to loiter outside rather than in. As more alcohol is consumed, people tend to get noisier and rowdier and the noise will carry over, the impact of such is particularly intrusive at night when ambient noise levels are much lower. We are concerned over the use of foul language that may be heard by our children whilst playing in the garden. With the doors opening into the outside area the music will escape continuously. We are disturbed from the Crown pub, which is 75 metres away from music and entertainment, and we will be virtually on top of the café bar. We believe that the café bar will appeal to young men, with the sports bar theme, and it is a well acknowledged fact that this mix creates anti social behavioural problems, see Botchergate on weekends. This will affect not only us but all the surrounding properties as it is a heavily built up residential area. Our home has single glazed original sash windows and the noise created will travel into our children's bedrooms. They cannot be disturbed night after night. We are aware that the application is also for music, singing, playing recorded sound, showing of films and live performers. This is far away from the initial plans for a classy, quiet café bar; these plans are for a public house establishment. The definition of a café is 'a small restaurant selling light meals and drinks' quoted from Oxford English Dictionary. The impact of parking related to the bar is another issue and we consider this will be a considerable problem. Even if some arrive by foot, the premises are to hold up to 120 people and some will arrive by car. This excludes 16 staff that will be more likely to use their own cars and will not be able to use the car park through the day as it has a 3

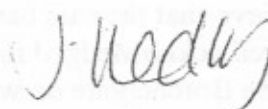
hour restriction. There are only 26 public spaces in the car park opposite the bar and this area is always full with residential parking permit holders and to customers of the Crown pub, Stanwix Tandoori, No 10 restaurant, Almonds Bistro and B&B customers. As it stands at the moment we have very bad parking issues and we do not have parking permits to park elsewhere, we frequently have customers of these existing establishments parking, then leaving the cars overnight or for longer, until they collect them whenever convenient for them. Marlborough Gardens and Cromwell Crescent are unadopted roads and the residents are liable for the upkeep of these roads. There is right of way only on these roads.

- Public Safety. With the majority of the seating and standing area situated to the rear of the premises, any fire will cause all patrons to escape to the rear lane. Fire appliances may struggle to get access down this lane due to existing parking problems.
- Prevention of crime and disorder. The plans for serving alcohol is for, we believe 08.30 - 23.30 hours, with the premises not shutting until midnight. We consider that this is far too excessive and will create drunken behaviour at all times of the night and day. Due to the closeness of our home we are concerned that there will be increased crime and anti social behaviour in our surrounding area. Although this is a new venture with the many fast food premises nearby this is a recipe for loitering and this at closing time can cause lots of problems with disorder and anti social behaviour. The police are already stretched to the limit and the prospect of increased damage to properties and vehicles due to wanton vandalism is not one that we are looking forward.

In conclusion, we strongly object to the plans for the type of establishment that it is in fact turning out to be. This would be better suited to the city centre, perhaps Botchergate area, not a residential conservation area. There is a numerous amount of licensed premises which are all within a few hundred metres of the proposed site which will suit people from all walks of life.



Mr A Hedley



Mrs J Hedley

RECEIVED

- 3 JUL 2007

.....276.....

3 Marlborough Gardens
Stanwix
Carlisle
CA3 9NW
2nd July 2007

Dear Sir/madam,

Please find enclosed the following petition against the proposed Licence application for No 1 Scotland Road, Carlisle. I also enclose a block plan highlighting the properties who have signed the petition. Please note this petition has been signed by persons most affected by this proposed sports bar.

Yours sincerely



Mr A Hedley

Petition against license application
for No 1 Scotland Road

Name	Address	Signature
A HEDLEY	3 Marlborough Gardens	A Hedley
Jane Hedley	3 Marlborough Gardens Carlisle	J. Hedley
J. F. BROWN	5 Marlborough Gardens	J. Brown
M M BROWN	5 Marlborough Gardens, Carlisle	M M Brown
D. H. ROBINSON	6, MARLBOROUGH Gdns CARLISLE	D. Robinson
M. ROBINSON	"	M. Robinson
Shawn Robinson	"	S. Robinson
M. HENDERSON	8 MARLBOROUGH Gdns, CARLISLE	M Henderson
G C HENDERSON	"	G C Henderson

Petition against license application
for No 1 Scotland Road

Name	Address	Signature
R.H. CHAPMAN	Flat 1 6 Cromwell Crescent.	R.H. Chapman
ALISON ROHLAND	4 Cromwell Cres.	
M. HASAN	5 CROMWELL CR	M. Hasan
S PARK	2 Cromwell Crescent	SPark
J. Braddock	8 Eden Mount Stanwix.	J. Braddock.
ANNE KELLY	7 Eden Mount	A Kelly.
V STRICKLAND	6 EDEN MOUNT	V Strickland
S.H. BOMFORD	9 Eden Mount	Shelia B. Bomford
	12 Scotland Rd	

Petition against license application
for No 1 Scotland Road

Name	Address	Signature
IAN BROWN	2 MARLBOROUGH GARDENS	I. Brown
JULIE BROWN.	2 MARLBOROUGH GARDENS	Julie Brown.
ALEX	4 DEVONSHIRE TERRACE CASINB.	Alex
SHAWN COLLINS	75 SCOTLAND ROAD	Shawn Collins
ALAN BELL	150 MILBURN STREET	A Bell
Rebecca Hill	9 Garden street Edentown	Rebecca Hill
Gemma Brown	23 Scotland Rd	Gemma Brown
Will ELLIOTT	23 Scotland RD	Will Elliott
Esther Langley	23 Scotland Road	E. Langley

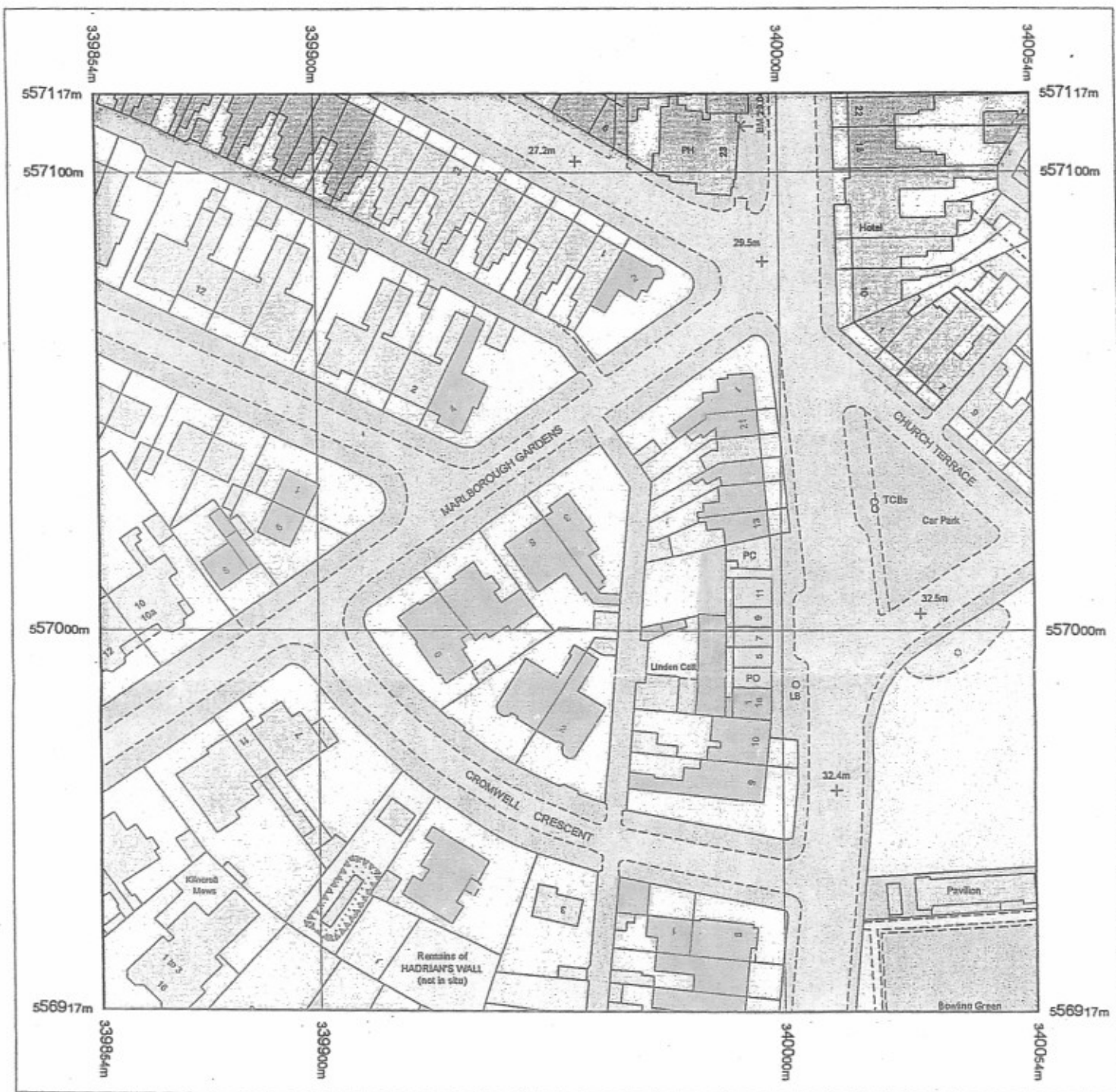
Petition against license application
for No 1 Scotland Road

Name	Address	Signature
L. Aitken	1 Marlborough Gardens	L. AITKEN
J. Graham	15a Eastland Road	JGL
C.M. PRZYBYLO	CROMWELL CRES	Przybylo
P. PRZYBYLA	1, CROMWELL CRES	P. Przybyla
L.M. DODDS	7 Marlborough Carisbrooke	LM DODDS
Maureen Dodds	"	Maureen Dodds
P. Honeyman	4 Marlborough Lane	P. Honeyman
J. Hain	13 SCOTLAND CARISBROOKE	J. Hain
P. McNeill	10 EDEN MOUNT	P. McNeill

Petition against license application
for No 1 Scotland Road

Name	Address	Signature
I. CHAPPERTON	21. SCOTLAND ROAD CA3 9112	I. Chapperton
M. Wood	1 Carlton Road Carlisle	M. Wood

Handwritten mark



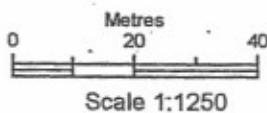
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The representation of a road, track or path is no evidence of a right of way.

The representation of features as lines is no evidence of a property boundary.



Supplied by: **Outlet User**
Serial number: 00003300
Centre coordinates: 339954 557017

Further information can be found on the OS Sitemap Information leaflet or the Ordnance Survey web site:
www.ordnancesurvey.co.uk

shaded sports bar
green sports bar
existing shop premises

App 6

5

LEGAL & DEMOCRATIC SERVICES	
FILE	7 Eden Mount
	Stanwix
lic	CARLISLE
PASSED TO	CA3 9LZ
ANSWERED	26.6.2007
MAIL LOG	

Licensing Section,
Legal & Democratic Services,
Carlisle City Council,
Civic Centre,
Carlisle
CA3 8QG

RECEIVED

4 JUL 2007

271

Dear Sir or Madam,

Licensing Application for Proposed Bar at 1 Scotland Road, Stanwix

I am writing to register my opposition to the proposal for licensed premises to operate at 1 Scotland Road, (the former Houseproud DIY Shop).

My concerns are for the nuisance that this would cause to the people living in the vicinity. Customers coming and going to the bar are inevitably going to cause some levels of noise. This may be at the level of quiet conversations, the opening and closing of car doors, the starting up of car engines. These are all perfectly normal levels of sound from everyday activities. However, it starts to become a nuisance when people in neighbouring properties are trying to sleep. This is a residential area, and local people are not currently subjected to these disturbances. When customers who leave the premises are merry, or even more significantly under the influence of alcohol, the noise levels are likely to be higher, and the nuisance correspondingly higher. The fact that licensing hours are proposed to extend into the small hours means that local residents are likely to suffer from disturbed sleep due to noise.

The noise of customers coming and going will not be the only problem with noise. Customers are to be offered the facility of a 'beer garden', to allow smokers to congregate outside the bar at the rear of the premises. This will impose a noise level on those residents immediately adjacent to the bar, which will cause a real inconvenience and nuisance. It will be within feet of their homes. The flat above the bar will be particularly vulnerable, as will those homes on Marlborough Gardens, which back onto the bar. This is a quiet residential area, and the residents are rightly keen to protect this quality. There is also the concern that there could be disorder connected with drunken behaviour.

Parking is another issue. Although there is a car park over the four lane Scotland Road, there are problems with this. The car park is not very large, and already serves residents in Church Terrace, The Angus Hotel, local businesses and residents in this part of Stanwix. People are reluctant to cross the busy main road. I suspect that customers would end up parking on the roads adjacent to the bar. These roads are Cromwell Crescent, Marlborough Gardens, even the back lanes behind the premises.

These roads are privately maintained, and not adopted by the council. They are not in a very good condition, and additional wear and tear will cause issues of safety and maintenance. Who will be expected to solve this, and pay for it?

I would ask you to consider this application in the light of these genuine concerns of residents. I feel that the proposals should be turned down.

Yours faithfully,



Mrs Anne Kelly



Mr Gerard Kelly

App 7

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- 3 JUL 2007

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MARLBOROUGH HOUSE
Bed & Breakfast

CARLISLE LICENSING

1-6-07

We strongly object for a Licence to sell alcohol and Live Music venue at N°1 Scotland Road, the former DIY shop for the following reasons

- 1/ The inevitable noise that will generate from the Sports bar during Football matches as stated by N°1 Bed & Breakfast on Ectenberg Street who have already stated in a letter to the Planning Department.
 - 2/ The increase in vehicles parked on Marlborough Gardens and Cromwell Crescent, which is a Private Road!
 - 3/ The inevitable loud Foul Mouth Language resulting from Football Matches when Smokers use the rear and front gathered together drinking alcohol!
 - 4/ The extra noise from Live Music being played in close proximity to Private Residents living very close and right next door to the property.
- We would also like to point out having owned the property next door, the former Post Office there is a covenant in place prohibiting the sale of alcohol from the shops including DIY shops.

2 Marlborough Gardens
Stanwix
Carlisle CA3 9NW

Tel.: 01228 512174 • Mob.: 07714 091538

DTD

52

6, There is already six outlets licensed to sell alcohol in Starwix already We do not need another bar so close to Private Residents Property.

signed J. O. Brown
Julie Brown.

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- 5 JUL 2007

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PASSED TO	
ANSWERED	
MAIL LOG	

App8

6

15a Scotland Road
Stanwix
CARLISLE
Cumbria CA3 9HR

Tel: 01228 597363

4th of July, 2007

Application No: 005790: Bar, 1, Scotland Road

Dear Sir

I wish to register my vehement objection to the above Licensing Application.

The proposed premises are some 30 yards from my home; I am therefore a person living in the *immediate* vicinity.

I wish to object under all four Licensing Objectives:

1. Prevention of Crime and Disorder

The proposed bar aims to cater mainly for a young, male clientele as it intends to have a sports-bar ambience and show live sporting events. The ingredients of alcohol, testosterone and sport are a recipe for rowdiness, violence and damage to property.

2. Prevention of Public Nuisance

As stated above, the heady mix of alcohol, young men and competitive sporting events would doubtless generate a great deal of noise that would therefore constitute a public nuisance.

3. *Public Safety*

In addition to the above points, a new leisure business in the area would also increase the need for parking; parking in the area is already at a premium. A greater volume of traffic would lead to a greater probability of road traffic accidents.

4. *Prevention of Harm to Children*

Planning proposals include a smoking area at the back of the building; this location backs onto a residential area, many inhabited by families with children. Children often play in the area behind the proposed site; exposure to behaviour associated with young men and excess alcohol would be very harmful indeed.

To conclude, it would be the height of folly to grant a licence for a bar in this quiet, residential area; Stanwix already has a surfeit of licensed premises (The Crown, The Crown and Thistle, Almond's Bistro, Number 10, The Cumbria Park Hotel and The Stanwix Tandoori Restaurant) and we definitely do not need another, particularly on this site.

Yours faithfully,

David Graham

App 9

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1 JUL 2007

7

1 Cromwell Crescent
Stanwix
Carlisle
CA3 9NN
09 July 2007

Head of Licensing Department
Carlisle City Council

To Whom It May Concern:

Objection to licence application for No1 Scotland Road, Stanwix.

I would like to strongly object to the licence application for No1 Scotland Road. We feel that it is a significant change of use, as it will have a cover of up to 120 customers with the probability of generating excessive noise, disruption and pollution. We feel that such a development would have a major negative impact on our lives and the area we have lived in for many years.

1. Right to quiet enjoyment of our property.

The delivery vehicles already turn on our forecourt, disturbing us at unsociable hours. We feel that there would be a substantial increase in noise, litter, swearing and anti-social behaviour.

Also the noise from delivery and collection of barrels at the rear of the property at unsociable hours will have a significant impact on the quiet residential area.

2. Crime and Disorder.

We are concerned over reports in the local newspaper that the intention is to create a sports bar and feel that this could cause an increase in crime in the area due to the type of customers who tend to frequent these establishments.

3. Lack of parking.

We think that the addition of a bar with such a large cover and no provision for parking is unacceptable and will contribute to creating a public nuisance. There is insufficient suitable parking in the area for the existing businesses. The parking in Church Terrace is used mainly by residents and the businesses in Scotland Road are unable to get parking permits for their staff. People are therefore already being forced to park on our private road. As well as the issue with customers parking, there will also be an issue regarding parking for staff. There is no parking in Scotland Road and there is already a problem with parking in Marlborough Gardens. The staff from the other businesses in Scotland Road already park in front of our house and late night traffic when they finish their shifts already disturbs the area. The addition of this business would dramatically increase this problem.

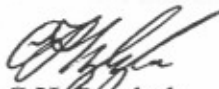
The possible use of the rear for parking would lead to constant traffic on the rear lane which is essentially an access lane for residents only. There will also be a constant stream of taxis which will have to wait somewhere.

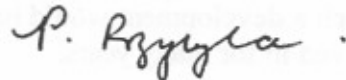
4. No need for another licensed establishment

There are already two pubs, No10 restaurant, Stanwix Tandoori and the Cumbria Park Hotel as well as Almonds cafe, two Chinese takeaways and a fish and chip shop. There is no need for another establishment serving food and/or alcohol.

Once again we would like to strongly object to this application and we hope that you will give serious consideration to the points that we have raised.

Yours sincerely


C.H. Przybyla



P. Przybyla

4 Cromwell Crescent
Stanwix
Carlisle
CA3 9NN
09 July 2007

Head of Licensing Department
Carlisle City Council

LEGAL & DEMOCRATIC SERVICES	
FILE	
10 JUL 2007	
PASSED TO	
ANSWERED	
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RECEIVED

10 JUL 2007

306

To Whom It May Concern:

Objection to licence application for No1 Scotland Road, Stanwix.

I would like to strongly object to the licence application for No1 Scotland Road. We feel that the excessive noise, disruption and pollution from such a large business, would have a major negative impact on ours and our children's daily lives.

1. Prevention of crime and disorder.

We are concerned over reports in the local newspaper that the intention is to create a sports bar. We are concerned about the type of clientele this business would attract. We feel that we would need to supervise our children in our own gardens which would significantly impact on their development and lifestyles. It would also restrict our freedom to enjoy the peaceful environment that we became part of when we bought into the conservation area and its stringent controls.

2. Prevention of public nuisance

Our garden backs onto the access lane directly opposite the rear of the proposed site. This is the main garden our children play in. Because of the smoking ban we believe that this area will be well used all year round. There is already noise from the pub in Scotland Road and this is further away. We feel that there would be a substantial increase in noise, litter, swearing and anti-social behaviour in what is essentially a quiet residential area. Also the noise from delivery and collection of barrels at the rear of the property at unsociable hours will have a significant impact on the quiet residential area. The possible use of the rear for parking would lead to constant traffic on the rear lane which is essentially an access lane for residents only. Customers are not residents. There will also be a constant stream of taxis which will have to wait somewhere.

3. Lack of parking.

I think that the addition of a bar with such a large cover and no provision for parking is unacceptable and would disrupt the neighbourhood. There is insufficient suitable parking in the area for the existing businesses. The parking in Church Terrace is used mainly by residents. There is no parking in Scotland Road and there is already a problem with parking in Marlborough Gardens. The staff from the other businesses in Scotland Road already park in front of our houses and late night traffic when they finish their shifts already disturbs the area. The addition of this business would dramatically increase this problem.

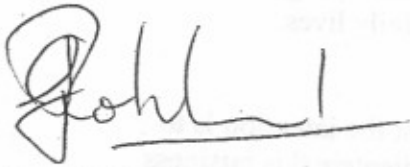
4. No need for another licensed premises

The area already has sufficient licensed restaurants and pubs. A more suitable area for such a business would be in the development on Rickergate which I am sure will amply provide for any need for further entertainment in this area.


Once again we would like to strongly object to this application as we feel that the establishment of this business would dramatically affect the lives of the families and children who live and play in the area.

We hope that you will give serious consideration to the points that we have raised.

Yours sincerely



Gary Rohland



Alison Rohland

App 11



Ground Floor - Atlantic House
Fletcher Way
Parkhouse Business Park
Carlisle

Cumbria CA3 0LJ
Tel: 01228 527921
Fax: 01228 529836

Jim Messenger
Licensing Manager

20th July 2007

Re: 1 Scotland Road, Carlisle

Dear Jim

Following the meeting yesterday with Michael Neatis (Environmental Health Officer) and some of the objectors to the proposed Premises licence and following objections made through the planning process, I can now confirm the following:

New Premises plans (Copy handed in yesterday). These show the garden area and the proposed designated smoking area now removed from the scheme. It also removes the proposed extension and the use of the first floor. This will reduce the overall scheme of the proposed internal seating area by over 50%. It will also remove all external areas of potential use. These changes are made to eliminate any & all objections received even though I firmly believe those objections to be mainly irrelevant and in some cases vexatious. Also I would like to point out, that there have been no representations made to the proposed application by the Police, Environmental Health etc.

Following some objections raised yesterday I would like to offer a condition that there is no Juke Box to be allowed within the premises. Despite the lack of one in the first place.

I would also like to make clear to the committee that it is my intention for the following activities to take place between the following: Monday to Friday 9.00am - 5.00pm

Deliveries, Bottling up & the Removal of waste.

Many thanks

A handwritten signature in dark ink, appearing to read 'G. McGregor'.

Gordon McGregor
Personal licence holder.