

**CARLISLE CITY COUNCIL**

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

**Date of Meeting:-** 19<sup>th</sup> September 2005

**Agenda Item No:-**

<b>Public</b>		<b>Operational</b>		<b>Delegated Yes</b>	
<b>Responsible Authority Representations</b>		<b>Representations</b>		<b>Included</b>	<b>Attending</b>
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
<b>Interested Party Representations</b>					
Mr and Mrs Keogh		Yes		Yes	Yes
Mrs Love		Yes		Yes	Yes

**Title:-**

**VALLUM HOUSE HOTEL, BURGH ROAD, CARLISLE  
APPLICATION TO VARY A PREMISES LICENCE**

**Report of:-**

**HEAD OF ENVIRONMENTAL PROTECTION SERVICES**

**Report reference:-**

**EP48 /05**

### **Summary:-**

Vallum House Hotel is situated at 73-75 Burgh Road, 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 19<sup>th</sup> September 2005**

**A. THE APPLICATION**  
(Appendix 1)

Applicant:

Martin & Denise Atkinson

Premises:

Vallum House Hotel, 73-75 Burgh Road, 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, I & J. Appendix 1)
- Late Night Refreshment (Para L Appendix 1)

3. Hours of licensable activities:

**SUPPLY OF ALCOHOL**

- |                       |                     |
|-----------------------|---------------------|
| • Monday to Thursday  | 11.00hrs – 00.30hrs |
| • Friday and Saturday | 11.00hrs – 01.00hrs |
| • Sunday              | 11.00hrs- Midnight  |



Boxing Day Terminal hour 0100hrs. New Years Eve 36hr de-regulation to apply.

#### PREMISES OPEN TO PUBLIC

Monday to Thursday	0700hrs – 0100hrs
Friday and Saturday	0700hrs – 0140hrs
Sunday	0700hrs – 0040hrs

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

#### GENERAL

The maximum number of persons allowed in these premises shall be 75 in the Dining Room and 100 in the Bar.

#### CRIME AND DISORDER

- CD18 Written admissions policy regarding supply of alcohol to under 18yrs.
- CD19 Notices displayed regarding under age drinking

#### PUBLIC SAFETY

- PS6 Slip resistant surfaces in escape routes
- PS7 Nosings on all steps maintained
- PS8 All fire doors fitted with approved fasteners
- PS10 All exit doors capable of being opened
- PS11 All exit routes and doors checked
- PS12 Method of opening exit doors displayed
- PS13 Fire doors to be kept clear
- PS14 Fire doors to be signed correctly
- PS18 Furniture not to obstruct exit
- PS19 Closely seated audience, gangways fixed
- PS21 Premises maintained regarding fire retardancy standards
- PS23 No curtains, decorations hanging causing obstruction
- PS24 Control of occupancy limits
- PS25 Fire Action Notices
- PS26 Person nominated to take control in event of fire
- PS27 All outbreaks of fire reported to Fire Service
- PS29 Unobstructed access available
- PS30 First Aid equipment
- PS32 Illumination in the Premises
- PS34 Controls for emergency lighting are protected
- PS35 Emergency Lighting battery maintained
- PS37 No Temporary electrical wiring installed

- PS40 Adequate toilets are provided
- PS52 No persons allowed to sit on the floor of the premises
- PS54 No sitting in gangways or exits
- PS71 Testing of Emergency Lighting
- PS72 Testing of Fire Alarm
- PS73 Inspection of electrics
- PS74 Testing of Gas appliances
- PS75 Inspection of retractable seating
- PS76 Fire fighting equipment
- PS77 Fire Extinguishers
- PS78 Examination of fire fighting equipment
- PS79 Staff to be familiar with equipment
- PS80 All staff instructed regarding equipment
- PS81 Practice fire drills
- PS82 Training to maintained in log book

#### PREVENTION OF PUBLIC NUISANCE

- PPN3 No noise nuisance from premises
- PPN4 All external doors/windows to be closed
- PPN5 Noise levels not to cause nuisance
- PPN6 Assessments of noise
- PPN8 Disposal of refuse
- PPN9 No emission of offensive smells
- PPN11 Storage containers
- PPN12 Waste bins provided
- PPN13 Area kept clear of waste food
- PPN14 Light from the premises does not cause nuisance

#### PROTECTION OF CHILDREN FROM HARM

- Written admission Policy
- Notices displayed where they can be clearly seen
- PCH16 Portman Group Code of Practice

### B. RELEVANT REPRESENTATIONS

#### Responsible authorities:

None.

#### Interested parties:

Persons living in the vicinity – (Appendix 3)



Two letters have been received (one including a petition) signed by a number of residents who live in the area of the Hotel 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 the premises. 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 6th September 2005. Mr Atkinson (the applicant) offered conditions to be imposed on his licence regarding noise issues (**See PPN3-PPN8 Conditions relating to Crime and Disorder**). Following the meeting the residents in attendance agreed that the conditions offered by the applicant would suffice but have since decided to carry on with the representation.

### 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.

#### 4.8. 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

(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 Martin & Denise Atkinson

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 Vallum House Hotel 73 - 75 Burgh Road			
Post town	Carlisle	Post code	CA2 7NB

Telephone number of premises (if any)	01228 521860
Non-domestic rateable value of premises	£ 16,500.

**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                 | <input 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 checked="" 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 ☐ 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 <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)					

**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 case of a partnership or other joint nature (other than a body corporate), please give the name and address of each party concerned.

Name Martin and Denise Atkinson
Address 71 Berkeley Grange Carlisle CA2 7PN
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.) Partnership
Telephone number (if any) 01228 532153
E-mail address (optional)

### Part A3 - Operating Schedule

General description of premises (please read guidance note 1)

Hotel with bar and restaurant, nine letting bedrooms and small meeting room.  
Caters for a mix of local people, diners and residents from within the hotel.  
Regularly used for Weddings and Private Parties.  
Large garden areas.

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

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

Provision of regulated entertainment

Please tick Yes

- |   |                                     |
|---|-------------------------------------|
| a) plays  | <input type="checkbox"/>            |
| b) films  | <input type="checkbox"/>            |
| c) indoor sporting events   | <input type="checkbox"/>            |
| d) boxing or wrestling entertainment  | <input type="checkbox"/>            |
| e) live music   | <input type="checkbox"/>            |
| f) recorded music   | <input checked="" type="checkbox"/> |
| g) performances of dance  | <input type="checkbox"/>            |
| h) anything of a similar description to that falling within (e), (f) or (g) | <input type="checkbox"/>            |

Provision of entertainment facilities for:

- |   |                          |
|---|--------------------------|
| i) making music   | <input type="checkbox"/> |
| j) dancing  | <input type="checkbox"/> |
| h) entertainment of a similar description to that falling within (i) or (j) | <input type="checkbox"/> |

Provision of late night refreshment

☒

Sale by retail of alcohol

- |                                     |                                     |
|-------------------------------------|-------------------------------------|
| a) for consumption on the premises  | <input checked="" type="checkbox"/> |
| b) for consumption off the premises | <input checked="" type="checkbox"/> |

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

Name

Martin Atkinson

Address

71 Berkeley Grange  
Carlisle  
CA2 7PN

Personal Licence number, if known,

PA 101 Carlisle City Council 24/6/2005



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.

Standard Justices Full On Licence  
Section 68 Supper Hours Certificate  
Residents of the premises may consume alcohol at any time.  
New Years Eve 36 hour de-regulation applies.

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)**

**b) The prevention of crime and disorder**

**c) Public safety**

d) The prevention of public nuisance

e) The protection of children from harm


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	
Date	27-7-05
Capacity	Partner



For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> 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	Danhausen
Date	22.7.05
Capacity	Partner

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 **Martin and Denise Atkinson**

*[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?

☒

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

Day		Month		Year	

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

To extend the hours relating to the supply of alcohol & Late Night Refreshment.  
To apply for permission to hold Regulated Entertainment as per the previously held Public Entertainment Licence.

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

--



## Part 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)   | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F)   | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G)  | <input type="checkbox"/>            |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/>            |

### Provision of entertainment facilities:

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

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

☒

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

☒

Please complete Part B3 on this form

A

<b>Plays</b> Standard days and timings (please read guidance note 8)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 9)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 10)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 11)		
Thur					
Fri			<u>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</u> (please read guidance note 12)		
Sat					
Sun					



# B

<b>Films</b> Standard days and timings (please read guidance note 8)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 9)</b>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 10)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 11)		
Thur					
Fri			<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)		
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			
Thur			
Fri			<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)
Sat			
Sun			



**D**

<b>Boxing or wrestling entertainment</b> Standard days and timings (please read guidance note 8)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 9)</b>		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 10)			
Mon						
Tue						
			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 11)			
Wed						
Thur						
			<b><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></b> (please read guidance note 12)			
Fri						
Sat						
Sun						

E

<b>Live music</b> Standard days and timings (please read guidance note 8)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 9)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 10) Live acts both acoustic and amplified.		
Mon	11.00	01.00			
Tue	11.00	01.00			
			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 11)		
Wed	11.00	01.00			
Thur	11.00	01.00			
			<b>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</b> (please read guidance note 12) New Years Eve 36 hour de-regulation to apply		
Fri	11.00	01.00			
Sat	11.00	01.00			
Sun	11.00	24.00			



F

<b>Recorded music</b> Standard days and timings (please read guidance note 8)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 9)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 10) Occasional discos		
Mon	11.00	01.00			
Tue	11.00	01.00			
			<b><u>State any seasonal variations for playing recorded music</u></b> (please read guidance note 11)		
Wed	11.00	01.00			
Thur	11.00	01.00			
			<b><u>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</u></b> (please read guidance note 12) New Years Eve 36 hour de-regulation to apply		
Fri	11.00	01.00			
Sat	11.00	01.00			
Sun	11.00	24.00			

# G

<b>Performances of dance</b> Standard days and timings (please read guidance note 8)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 9)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 10)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 11)		
Thur					
Fri			<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)		
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				

<b>Provision of facilities for making music</b> Standard days and timings (please read guidance note 8)			<b><u>Please give a description of the facilities for making music you will be providing</u></b> Disco and karaoke equipment			
			<b>Will the facilities for making music be indoors or outdoors or both – please tick</b> (please read guidance note 9)		Indoors	<input checked="" type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 10)			
Mon	11.00	01.00				
Tue	11.00	01.00				
			<b><u>State any seasonal variations for the provision of facilities for making music</u></b> (please read guidance note 11)			
Wed	11.00	01.00				
Thur	11.00	01.00				
			<b><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></b> (please read guidance note 12) New Years Eve 36 hour de-regulation to apply			
Fri	11.00	01.00				
Sat	11.00	01.00				
Sun	11.00	24.00				



J

<b>Provision of facilities for dancing</b> Standard days and timings (please read guidance note 8)			<b>Will the facilities for dancing be indoors or outdoors or both – please tick (please read guidance note 9)</b>	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 10)		
Mon	11.00	01.00			
Tue	11.00	01.00			
			<b>State any seasonal variations for providing dancing facilities</b> (please read guidance note 11)		
Wed	11.00	01.00			
Thur	11.00	01.00			
			<b>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</b> (please read guidance note 12) New Years Eve 36 hour de-regulation to apply		
Fri	11.00	01.00			
Sat	11.00	01.00			
Sun	11.00	24.00			

K

<b>Provision of facilities for entertainment of a similar description to that falling within i or j</b> Standard days and timings (please read guidance note 8)			<b><u>Please give a description of the type of entertainment facility you will be providing</u></b>	
Day	Start	Finish	<b><u>Will the entertainment facility be indoors or outdoors or both – please tick</u></b> (please read guidance note 9)	Indoors <input type="checkbox"/>
Mon				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 10)	
Wed				
Thur			<b><u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u></b> (please read guidance note 11)	
Fri				
Sat			<b><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></b> (please read guidance note 12)	
Sun				



L

<b>Late night refreshment</b> Standard days and timings (please read guidance note 8)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 9)</b>	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	23.00	01.00	<b>Please give further details here</b> (please read guidance note 10) Premises currently hold Supper Hours Certificate. permission sought to extend this premission as in columns to the left.		
Tue	23.00	01.00			
Wed	23.00	01.00	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 11)		
Thur	23.00	01.00			
Fri	23.00	01.00	<b>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</b> (please read guidance note 12) New Years Eve 36 hour de-regulation to apply		
Sat	23.00	01.00			
Sun	23.00	24.00			



# 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 type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 11)		
Mon	11.00	00.30			
Tue	11.00	00.30			
Wed	11.00	00.30			
Thur	11.00	00.30	<b>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</b> (please read guidance note 12) Boxing Day 01.00 New Years Eve 36 Hour de-regulation to apply		
Fri	11.00	01.00			
Sat	11.00	01.00			
Sun	11.00	24.00			

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

# N

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)

None.



O

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 11)
Day	Start	Finish	
Mon	07.00	01.00	
Tue	07.00	01.00	
Wed	07.00	01.00	
Thur	07.00	01.00	
Fri	07.00	01.40	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 (please read guidance note 12) Boxing Day 01.40 and New Years Eve to close one hour after the supply of alcohol ceases.
Sat	07.00	01.40	
Sun	07.00	00.40	

P

<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</p>
--

**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)**

Please see attached list

**b) The prevention of crime and disorder**

Please see attached list

**c) Public safety**

Please see attached list

**d) The prevention of public nuisance**

Please see attached list

**e) The protection of children from harm**

Please see attached list



**Part B3 – Premises Supervisor**

**Full name of proposed designated premises supervisor**

Martin Atkinson

**Address of proposed designated premises supervisor**

71 Berkeley Grange

Carlisle

CA2 7PN

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

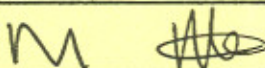
PA 101 Carlisle City Council 24/6/2005

Please tick Yes

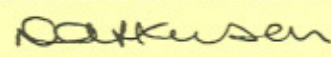
- I enclose the consent form completed by the proposed premises supervisor ☒
- I will give a copy of Part B3 of this application to the chief officer of police (section 37 of the Licensing Act 2003) ☒
- I have sent copies of this application to vary (except Part B3) to responsible authorities and others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

**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	
Date	22 7-05
Capacity	

Where the premises licence is jointly held signature of 2<sup>nd</sup> applicant (the proposed current premises licence holder) or 2<sup>nd</sup> 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	22.7.05
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 19)

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



## Conditions for the Vallum House Hotel Premises Licence



In line with other North West Local Authorities, Carlisle City Council has prepared sample conditions that may be used in respect of individual premises in order to promote the four licensing objectives. The conditions are of course not appropriate to all premises.

Our thanks and acknowledgment to Wigan MBC who have promoted and prepared the majority of this document which can be used as a guide by responsible authorities and applicants accordingly.

The document is a "live" document and it is anticipated that changes, alterations and additions will be made as needed.

The sample conditions have been listed under the appropriate licensing objective. However, some conditions may relate to one or more of those objectives.

This is not a definitive list of sample conditions and it may be that other conditions are required for individual premises and applicants may offer any conditions they consider will be appropriate to promote the licensing objectives in the particular circumstances of their individual case.

Readers are recommended to refer to the guidance issued under Section 182 of the Licensing Act 2003, Annexes D, E, F, G, H, and J and the publications listed there that may assist you, and to Carlisle City Council's Licensing Policy Document.

### General

***Please note that conditions attached to licences and certificates should not duplicate existing legislation.***

The sample conditions have been prefixed to identify the licensing objective that they seek to address. However, some conditions may apply to one or more of those objectives.

The prefixes are:

CD	Crime and Disorder
PS	Public Safety
PPN	Prevention of public nuisance
PCH	Protection of children from harm



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## Sample Conditions Relating to the Prevention of Crime and Disorder

### Capacity Limits

**CD17**

The maximum number of persons allowed in these premises shall be 75 in the Dining Room & 100 in the bar.

### Proof of Age Schemes

**CD18** 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 photo and date of birth.

**CD19**

A notice or notices shall be displayed behind the bar where they 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.



## Sample Conditions Relating to Public Safety

### Escape Routes

#### PS 4 & 5 Spare

**PS6** All exits and escape routes to those exits (including external escape routes) from the premises shall be provided with slip resistant even surfaces and shall be maintained in good repair, correct working order and kept free from all obstructions when the public are on the premises. External escape routes shall also be kept free from ice and snow.

**PS7** The nosings on all steps and landings shall be maintained so that they are clearly visible by painting them in contrasting colours or other similar means.

**PS8** All doors or gates both inside and outside the premises which are on an escape route shall be fitted only with approved fasteners and shall at all times be properly maintained, free from obstruction and be capable of being opened easily and fully so that they do not restrict the public leaving the premises and shall open in the direction of the escape route.

**PS10** All exit doors and gates from premises or enclosure(s) surrounding it shall be capable of being opened by any person without the use of a key, card, code or other similar means and be kept free from all fastening devices when the premises are open to the public.

#### PS11

All exit routes and doors on such routes shall be checked on every occasion before the premises is used for purposes of a licensable activity and at regular occasions when the premises are open to the public to ensure that they are free from defect, obstruction, trip hazards and surfaces are not slippery. A record of such inspections, any defects discovered and the remedial action taken shall be made in writing in a logbook kept for that purpose. That logbook shall be made available for inspection on demand to an Authorised Officer of the Council, a Fire Officer or a Police Constable.

#### PS12

The method of opening any exit door or gate from the premises or enclosure(s) surrounding it shall be clearly displayed immediately above or below the fastening in white block lettering on a green background in letters not less than 50 mm high.

#### PS13

Where any automatic self-closing fire-resisting doors activated by a fire alarm or fire detection system are fitted within the premises they shall not be prevented from closing by any device and shall be marked to both sides of the doors so that they are clearly visible and positioned at or about eye level with the words "AUTOMATIC FIRE DOOR KEEP CLEAR" in block letters not less than 50mm high when the premises are open to the public.



**PS14**

Where a fire-resisting door is fitted within the premises and that door is required to be kept closed at all times then the door shall be clearly marked on both sides with a sign bearing the words "FIRE DOOR KEEP CLOSED" in block letters not less than 50mm high and clearly visible when the premises are open to the public.

**PS18** The furniture or seating in premises shall be arranged so that it does not obstruct any exit, route to any exit or to any facility within the premises.

**PS19**

Where seats are arranged for a closely seated audience, the seating and gangways shall be fixed and arranged to allow free unobstructed access to exits, routes to exits and the facilities provided in the premises.

Note: Reference for seating arrangements can be found in:

1) "Guide to Fire Precautions in Existing Places of Entertainment and Like Premises" ISBN 0-11-340907-9 and 2) "Code of Practice for Places of Assembly" ) BS5588 Part 6 1991 (available from the Stationery Office and all good book sellers).

**Curtains, Hangings, Decorations, Upholstery, Carpets, Walls and Ceilings****PS21**

The premises shall be maintained so that the following fire retardancy standards are complied with:

- (i) All repairs or refurbishment of existing seating or upholstery shall include the removal of untreated polyurethane foam and its replacement by fillings which conform to the Furniture and Furnishings (Safety) Regulations 1988 (as amended).
- (ii) Carpets – B.S.4790 low radius of spread.
- (iii) Walls and Ceilings – Circulation areas, Building Regulations. Class O General Areas, B.S.476 Class1.

**PS23** No curtain, hanging or any other decoration shall be positioned so as to obstruct any exit, sign or fire fighting equipment. Curtains covering doorways should be divided down the middle and so hung that the lower edge of the curtain does not touch the floor. They should not obstruct notices, exit signs, fire fighting equipment etc.



<b>Control of Occupancy Limits</b>
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<b>PS24</b>
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<p>At all times when the premises are used for the purpose of the licence, the licence holder, a club official, manager or designated premises supervisor who is responsible for the management of the premises shall at all times be aware of the number of persons on the premises and shall if requested to do so give that information to an Authorised Officer of the Council, a Fire Officer or a Police Constable. (See also CD17)</p>
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<b>Fire Action Notices</b>
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<p><b>PS25</b> Printed notices shall be prominently displayed in the premises detailing the essential steps that must be taken if a fire is discovered or the fire alarm goes off or other emergency arises and how to call the Fire Service.</p>
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<b>Outbreaks of Fire</b>
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<b>PS26</b>
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<p>A person who is nominated for the purpose of taking control in the event of a fire, fire alarm, emergency or event which may effect the safety of persons attending the premises shall be on and in charge of the premises at all times when any licensable activity is being provided.</p>
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<p>That person shall be responsible for calling the Fire Service in the event of any fire and that person shall also be responsible for meeting the Fire Service and advising them of the location of the fire.</p>
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<b>PS27</b>
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<p>Any outbreak of fire of any kind shall be reported to the Fire Service immediately and a written record shall be made in a logbook kept for that purpose.</p>
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<b>Access for Emergency Vehicles</b>
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<b>PS29</b>
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<p>Clear and unobstructed access shall be available to the premises for use by the emergency services and emergency service vehicles at all times.</p>
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**First Aid**

**PS30** There shall be maintained on the premises at all times an adequate and appropriate supply of first aid equipment and materials.

**Lighting**

**PS32** When the public, members or guests are present, the lighting levels in all parts of the premises shall be capable of providing sufficient illumination for the public, members or guests to leave the premises safely and there shall be at least one person who is nominated to switch on the house lights in an emergency situation. (Note where the premises are a theatre or cinema, a complete or substantially complete blackout may be permitted for production reasons provided that the exit signs shall be kept lit at all times).

**PS34**

The controls for the emergency lighting shall be protected from unauthorised use and accidental operation and the system designed so that the emergency lighting cannot be altered.

**PS35**

Every battery which is used to power an emergency light or exit sign shall be maintained in a fully charged condition at all times.

**Temporary Electrical Installations****PS37**

No temporary electrical wiring or distribution system shall be installed in the premises unless, the installation is carried out by a suitably qualified and competent person. The premises licence holder or Club Premises Certificate holder shall obtain a certificate from that person that the installation is fit for purpose and complies with British Standard 7671 and where applicable, British Standard 7909. A copy of that certificate shall be produced by the Premises Licence Holder or the Club Premises Certificate Holder if requested to do so by an Authorised officer of the Council or an Officer of the Cumbria Fire and Rescue Service.

**PS38**

Where any temporary electrical wiring or distribution system has been installed in any premises by a person who is not competent to do so, the premises licence holder or Club Premises Certificate holder installation shall have the installation inspected and certified in writing by a suitably qualified and competent person that it is fit for purpose and complies with British Standard 7671 and where applicable, British Standard 7909. A copy of that certificate shall be produced by the Premises Licence Holder or the Club Premises Certificate Holder if requested to do so by an Authorised officer of the Council or an Officer of the Cumbria Fire and Rescue Service.



### Sanitary Accommodation

**PS40** The premises shall be provided with adequate and accessible lavatory accommodation which shall at all times when the premises are in use be kept clean, ventilated, disinfected and supplied with hot and cold water, soap, toilet tissue, hand drying and sanitary towel disposal facilities as appropriate.

### Sitting and Standing in Gangways etc.

**PS52**

No person shall sit on any floor within the premises. (*Exceptions to this requirement may be written into the condition*).

**PS54**

In no circumstances shall any person be allowed to:

- (a) sit in any gangway
- (b) stand or sit in front of any exit; or
- (c) stand or sit on any staircase including any landing

### Periodic Tests and Safety Certificates

**PS71** 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 provided annually to the Licensing Authority.

**PS72** The fire alarm detection system will be tested in accordance with BS 5839 Part 1 2002 Fire Detection and Fire Alarm Systems for buildings. The results of the tests will be recorded in a log book. A satisfactory inspection report will be provided annually\* to the Licensing Authority.

**PS73** The electrical installation will be inspected and a satisfactory NICEIC (or equivalent) inspection report will be provided triannually\* to the Licensing Authority.

**PS74** Any gas boiler, calorifier or other gas appliance will be tested on a regular basis and a satisfactory CORGI (or equivalent) inspection report will be provided triannually\* to the Licensing Authority.

**PS75** Where retractable seating is installed, this will be regularly inspected and a satisfactory inspection report will be provided annually\* to the Licensing Authority.

n.b Ceilings – see PS61

Temporary Electrical Installations – see PS36

\* or state recommended period



**Fire Fighting Equipment and Procedures**

**PS76** Fire fighting equipment shall be provided throughout the premises at suitable locations and be appropriate to the risk to comply with BS 5306 Part 8, Selection and Installation of Portable Fire Extinguishers.

**PS77** The extinguishers shall be hung on a wall bracket with the handle or carrying device approximately 1.1 metres from the floor.

**PS78** Firefighting equipment shall be examined regularly by the manufacturer or other competent person and maintained and tested in accordance with BS 5306 Part 3, 2000.

**PS79**

All members of staff will be familiar with the operation of the firefighting equipment.

**PS80**

All staff shall be instructed and trained to ensure that they understand the fire precaution measures in the building and the procedure and action to be taken in the event of fire.

**PS81**

Practice fire drills shall be carried out at least once per year or at such additional times as required to train new staff. A competent person will conduct the drills by operating the fire alarm so that staff can rehearse their specific task or duties.

**PS 82**

All training and instruction shall be recorded in a log book.



## Sample Conditions Relating to the Prevention of Public Nuisance

### Noise and Vibration

**PPN3** No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the premises.

**PPN4** All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency.

**PPN5** The noise level from the premises whilst being used for public entertainments purposes, shall not cause nuisance to noise sensitive dwellings in the vicinity.

#### **PPN6**

The licence holder or his representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents.

**PPN8** 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.

### Offensive Smells

**PPN9** There shall be no emission from the premises of any offensive smells, which are likely to cause a nuisance.

### Waste Materials

**PPN11** There shall be provided at the premises containers for the storage and disposal of waste foods and other refuse from the premises. Those containers shall be constructed, maintained and located so that access to them by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.

#### **PPN12**

Where the premises provide food to the public for consumption on or off the premises there shall be provided at or near the exits, sufficient waste bins to enable the disposal of waste food, food containers, wrappings etc.

#### **PPN13**

Where the premises provide food for consumption off the premises, the public area immediately surrounding the premises shall be cleared of waste food, food containers, wrapping etc. at the



end of trading on each day. Such refuse shall be placed in a container designed for the storage and disposal of refuse and waste foods which shall be constructed, maintained and located so that access to it by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.

#### Light Pollution

**PPN14** No light from or on the premises and any other light under the control of the premises shall be provided where that light causes a nuisance to any nearby premises.



## Sample Conditions Relating to the Protection of Children from Harm

### The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks

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 photo and date of birth.

A notice or notices shall be displayed behind the bar where they 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.

#### PCH16

The Premises licence holder and the designated premises supervisor shall at all times comply with the Portman Group Code of Practice and with the requirements or recommendations of any Portman Group Retailer Alert Bulletin.



APP 2



**Carlisle City Council**

Environmental Protection Services  
Licensing Section

J A Messenger  
Tel: 01228 817523

Fax: 01228 817023

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App 3

RECEIVED

22 AUG 2005

76 BURGH ROAD  
CARLISLE  
CA2 7NB

DEAR SIR,

REF: VALLUM HOUSE HOTEL BURGH ROAD CARLISLE CA2 7NB.

WE STRONGLY OBJECT TO LONGER DRINKING HOURS ALSO LIVE AND RECORDED MUSIC SINGING AND DANCING.

ON NUMEROUS OCCASIONS WE HAVE HAD TO CALL THE POLICE ABOUT LOUD MUSIC, ALSO COMPLAINED TO THE ENVIRONMENT DEPARTMENT. ON ONE OCCASION WHEN WE CALLED THE POLICE ABOUT THE LOUD MUSIC, LICENSEE MARTIN ATKINSON CAME TO OUR HOUSE AND NEARLY KNOCKED THE DOOR FROM ITS FRAME, GAVE ME A LOT OF VERBAL ABUSE WE HAD TO CALL THE POLICE AGAIN.

THIS IS A RESIDENTIAL AREA AND WE DO NOT WANT LONGER DRINKING HOURS AND LOUD MUSIC.

WE ARE ALREADY INCONVENIENT WITH SLAMMING CAR DOORS LOUD VOICES CAR'S PARKING OUTSIDE ON THE ROAD BECAUSE THERE IS NOT ENOUGH PARKING SPACES AT THE HOTEL.

WE HAVE ENCLOSED A FEW CLOSE NEIGHBOURS COMMENTS ALSO PHOTO'S OF DAYTIME GOINGS ON.

YOURS FAITHFULLY

Margaret Keogh (MRS) MARGARET KEOGH  
MR. J. H. KEOGH HARRY KEOGH



# PETITION AGAINST VALLUM HOTEL WANTING LONGER DRINKING HOURS, ALONG WITH LIVE AND RECORDED MUSIC SINGING AND DANCING.

NAME ADDRESS 72, BURGIA ROAD  
MR & MRS W. NICHOLSON CARLISLE CA2 7NB

COMMENTS: ALTHOUGH VALLUM HOTEL IS LONG ESTABLISHED WE FEEL THAT LONGER HOURS, WHICH INCLUDES LUDICROUS MUSIC IS NOT CLEMENTINE & RESIDENTIAL AREA. THEIR CAR PARK EVEN AT PRESENT CANNOT ACCOMMODATE 5 CUSTOMERS WHICH MEANS WIDESTRAN STREET PARKING & DOORS BANGING & VOICES LATE AT NIGHT/EARLY MORNING.

NAME ADDRESS 70 BURGIA ROAD  
HURSTINE BARTON & BRIAN HAUGHTON CARLISLE CA2 7NB

COMMENTS:- Hotel/Restaurant does not need a late license & residents. Sunday Lunchtime Parking bad enough. Vallum Car park not big enough to cope at the moment. No locals use Hotel/Restaurant. Residential area, mainly retired residents, Late license will mean more traffic, more noise, behavioural problems.

NAME ADDRESS

- SAVAGE 87 BURGIA ROAD

COMMENTS RESIDENTIAL AREA VERY BUSY ALL TIMES.

NAME ADDRESS  
MIRIAM 86 BURGIA ROAD, CARLISLE

COMMENTS

Hotel should be able to provide license for residents only & this should not be necessary for extended hours. Concern about noise levels & disturbance in this residential area.



# PETITION AGAINST VALLUM HOTEL WANTING LONGER DRINKING HOURS ALONG WITH LIVE AND RECORDED MUSIC SINGING AND DANCING.

NAME

ADDRESS

N. ECCLESTON

68. BURGH ROAD CARLISLE

COMMENTS

Burgh Road, being a residential area, should not be in continuance to local residents with unwanted music and other noises after 12.00 a.m. on any night of the week.

NAME

ADDRESS

S. JAMIESON

64 BURGH ROAD

COMMENTS

Burgh Road is a residential area and I have a baby and a toddler. It is not appropriate for a hotel/pub in such proximity to residential housing to open extended hours.

NAME

ADDRESS

G ARCHIBALD

C ARCHIBALD

82 BURGH RD

COMMENTS

I feel 12.0 is long enough to stay open any longer will be against the people of Burgh Rd which is a residential area

NAME

ADDRESS

Jim McODGALL

71 BURGH ROAD

COMMENTS

CARRISLE

I feel that the area being residential that normal licensing hours is enough I live close to the hotel and would be affected by late noise.

*[Signature]*



# PETITION AGAINST VALLUM HOTEL WANTING LONGER DRINKING HOURS ALONG WITH LIVE AND RECORDED MUSIC SINGING AND DANCING.

NAME MRS E LOVE ADDRESS 78 BURGH ROAD  
CARLISLE CA2 7NB

## COMMENTS

I object to the application of a licence being granted to the licensees of Vallum House Hotel.

The Hotel is situated on a main busy road in the middle of a large residential area.

This is certainly not a suitable environment for late night drinking, singing and dancing and the playing of live or recorded music.

NAME Mr + Mrs S Calvert ADDRESS 74, Burgh Road,  
Carlisle CA2 7NB

## COMMENTS

I object to the application of a licence being granted to the licensees of Vallum House Hotel. In our opinion noise levels are already excessive at closing times & parking seems to be an issue on such a busy main road, were parking on both sides of the highway were speed & lack of visibility when exiting the car park, will one day result in a serious accident.

NAME ADDRESS  
L. Millican 58 Burgh Rd

## COMMENTS

This is a residential area and therefore I feel the later opening hours would cause too much disturbance to the area. Their parking is also very limited therefore their customers would park on the street causing more difficulties.



# PETITION AGAINST VALLUM HOTEL WANTING LONGER DRINKING HOUR, ALONG WITH LIVE AND RECORDED MUSIC SINGING AND DANCING

NAME

ADDRESS

COMMENTS

NOT AMONGST NAMES

N Hozemany

66 Burgh Rd  
LONDON

NAME

ADDRESS

J. BLOOMFIELD, BLOOMFIELD 62 Burgh Road.

COMMENTS

I object to regular late nights. OK with festive season  
but not regularly as I hear 'revellers' making  
their way home on the odd late nights as it is.  
This is a quite residential area.

NAME

ADDRESS

COMMENTS



APP 3

RECEIVED

22 AUG 2005

78 Burgh Road

Carlisle CA2 7NB

16th August 2005

Dear Sir, .....

I object to a Licence being granted to the Licensees of Vallum House Hotel.

It would be sheer Lunacy to allow longer drinking hours, playing of live or recorded music, singing and dancing to the early hours of the morning.

The noise and disruption that this would cause to the standard of life in this large residential area would be unbearable and definitely unacceptable.

I hope that good sense will prevail in this matter.

Yours Faithfully  
Evelyn Love (Mrs)



