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CARLISLE CITY COUNCIL

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

Date of Meeting:- 2nd September 2005

Agenda Item No:-

Public	Operational	Delegated Yes	
Responsible Authority Representations	Representations	Included	Attending
Cumbria Constabulary	No	No	Yes
Cumbria Fire Service	No	No	No
Environmental Protection Services	No	Yes	Yes
Planning Services	No	No	No
Social Services	No	No	No
Trading Standards	No	No	No
Health & Safety Executive	No	No	No
Interested Party Representations			
Ms K M McSkimming	Yes	Yes	Yes
THE BAY, DENTON MILLS, DENTON HOLME, CARLISLE			
Title:-	APPLICATION TO VARY A PREMISES LICENCE		
Report of:-	HEAD OF ENVIRONMENTAL PROTECTION SERVICES		
Report reference:-	EP 42/05		

Summary:-

The Bay public house is situated in Denton Holme, Carlisle, adjacent to the River Caldew and the refurbished, residential mill buildings. 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, regulated entertainment and late night refreshment 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: Environmental Protection Services, petition 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 2nd September 2005

A. THE APPLICATION (Appendix 1)

Applicant:

Ronald & Denise Wood, Merchant House, 70 Victoria Place, Carlisle

Premises:

The Bay, Denton Mills, Denton Holme, Carlisle (Area plan Appendix 2)

Conversion application

The premises have the benefit of trading under a Justices 'on' 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 activities

Sale of alcohol and public entertainment:

Late night refreshment until 30 minutes after permitted hours:

Sunday	1200hrs until 2300hrs
Monday to Saturday	1100hrs until 0000hrs
New Years Eve	Through to the start of permitted hours next day

Variation application

1. An application to vary the 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:

- Indoor Sporting Events (Appendix 1 Para. C)
- Provision of regulated entertainment (live and recorded music) (Appendix 1 Para's E to K)
- Late night refreshment (Appendix 1 Para. L)
- Sale by retail of alcohol (Appendix 1 Para. M)

3. Hours of licensable activities:

- Sunday to Saturday 1000hrs until 0000hrs
- 0100hrs on Christmas Eve in accordance with the non standard timings.

4. Other times premises proposed to be open: An additional 30 minutes after the above times.
5. Designated Premises Supervisor: Paul Shaftoe
6. Supply of alcohol is for consumption both on and off the premises.
7. The licensable activities at 2 above includes the 'outside seating' area shown on the premises area map (Appendix 2)
8. Additional steps to promote licensing objectives (Para. Q Appendix 1))
These have been taken from the Guidance on Sample Conditions Form GD6.

Crime and Disorder

- | | |
|--------|--|
| ▪ CD1 | Comms between premises |
| ▪ CD2 | Comms in good order |
| ▪ CD3 | Comms monitored by DPS or nominated staff |
| ▪ CD4 | Incident details to be reported |
| ▪ CD5 | DPS and staff will comply with Police requests |
| ▪ CD9 | No drinks to be brought into premises |
| ▪ CD11 | No drink taken out in unsealed container |
| ▪ CD12 | CCTV installed |
| ▪ CD16 | CCTV images kept for 31 days |

Public Safety.

- | | |
|--------|------------------------------------|
| ▪ PS8 | Doors on escape routes |
| ▪ PS10 | Escape routes – door security |
| ▪ PS12 | Escape routes - door security |
| ▪ PS14 | Fire door |
| ▪ PS16 | Private doors |
| ▪ PS17 | Chains/padlocks to be removed |
| ▪ PS18 | Furniture no obstruction |
| ▪ PS21 | Upholstery fire standards |
| ▪ PS23 | Obstruction of exits & signage |
| ▪ PS27 | Any fire to be reported and logged |
| ▪ PS30 | First Aid |
| ▪ PS34 | Emergency light controls |
| ▪ PS35 | Emergency lighting battery |
| ▪ PS40 | Sanitary accommodation |
| ▪ PS47 | No pyrotechnics |
| ▪ PS48 | No special effects machines |
| ▪ PS49 | No lasers |
| ▪ PS50 | No strobes |
| ▪ PS71 | Emergency lights testing |
| ▪ PS72 | Fire alarm testing |
| ▪ PS73 | Electrical testing |
| ▪ PS74 | Gas testing |

- PS76 Fire fighting equipment
- PS77 Location of fire extinguishers
- PS78 Fire fighting equipment
- PS79 Staff fire equipment training
- PS80 Staff fire precaution training
- PS81 Fire drills
- PS83 Ventilation system

Public Nuisance.

- PPN4 Closure of external doors/windows during regulated entertainment
- PPN8 Disposal of refuse
- PPN10 Offensive smells
- PPN11 Storage of waste foods
- PPN14 Light pollution

Protection of Children.

- PCH2 Age restriction
- PCH14 Supervision of children in performance

B. RELEVANT REPRESENTATIONS

Responsible authorities:

None

Cumbria Constabulary and Environmental Protection Services have been invited to attend to comment on representations.

Environmental Protection Services have submitted written comments regarding two noise complaints in respect of the area. They also comment on planning conditions (Appendix 3)

Planning Services have been asked to confirm details of planning consent and any conditions imposed. This is for information only and members should not base their decision on current planning consent.

Interested parties:

Persons living in the vicinity – (Appendix 4)

A letter has been received signed by a number of residents who live in the area of Denton Mills wishing to raise an objection to the proposal to extend the licensing hours at the premises.

Ms K M McSkimming represents the petitioners.

They raise concern regarding current problems of alleged vandalism, drunkenness, underage drinking, stone throwing, noise from customers and cars and concern for lack of parental supervision of children. Full details are included in their written 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.

4.5.8 Noise

- 4.5.9. In the event of representations, the Authority will not normally grant a premises licence in terms which are, in its opinion, likely to result in increased noise disturbance to people living or working in the vicinity.
- 4.5.10. In particular, the Authority will give careful consideration to an application for a licence, for premises situated in a predominantly residential or other noise sensitive location where the proposed hours of operation would be likely to result in unreasonable noise disturbance between the hours of 11pm and 7am.
- 4.5.11. The Authority expects the applicant to assess the likely sources of noise disturbance that could arise due to the proposed use consider the existing noise context of the area and propose practical steps to prevent noise disturbance or minimise its effects.
- 4.5.12. Potential sources of noise include:
- sound leakage from the licensed premises (from entertainment provided, customers on the premises, mechanical equipment etc);
 - customers and staff arriving and leaving the premises (including car doors slamming);
 - excessive noise from outside entertainment.
- 4.5.13. Practical steps could include:
- keeping doors and windows closed whilst entertainment is provided;
 - installing soundproofing measures to the premises (specialist double glazing, acoustic hoods over extractor fan outlets etc);
 - reducing sound levels inside the premises (inclusion of a sound limitation device in the sound system);
 - ensuring that queues are directed to form leading away from residential premises;
 - ensuring that sufficient door security staff manage queuing and leaving customers to minimise noise;
 - erecting prominent notices at exits requesting customers to leave quietly;
 - reducing the volume of music entertainment towards the end of the evening;
 - giving free lollipops to customers leaving the premises;
 - ensuring that sufficient transport is nearby to enable customers leaving the premises to disperse quickly;
 - banning from the premises customers known to cause noise disturbance regularly on leaving the premises;
 - ensuring that customers are encouraged to leave the premises (including any car park or forecourt) swiftly;
 - ensuring the volume of outdoor entertainment does not cause noise disturbance;
 - providing police supervision at closing times.
- 4.5.14. The Authority may impose conditions to ensure that appropriate steps are taken to minimise noise disturbance.

- 4.5.15. Live music, dancing and theatre
- 4.5.16. The Authority recognises the need to encourage and promote live music, dance and theatre for the wider cultural benefit of the economy and community, particularly for children and young people.
- 4.5.17. When considering applications for such events and the imposition of conditions on licences or certificates, the Authority will carefully balance the cultural needs with the necessity of promoting the licensing objectives.
- 4.5.18. Consideration will be given to the particular characteristics of any event, including the type, scale and duration of the proposed entertainment, especially where limited disturbance only may be caused.
- 4.5.23 In the event of representations, licences for premises, in particular for the provision of late night refreshment for consumption off the premises, will not normally be granted where nuisance is likely to be caused by way of litter/food refuse being deposited on streets surrounding the premises and such nuisance is expected, due to the nature of the premises and likely customers, to exceed the level of nuisance caused by similar premises open during the day (for which no licence is required). In their operating schedule, applicants are expected to propose practical steps to reduce the likelihood of such problems arising, which could include:
- provision of litter bins on/in vicinity of premises;
 - litter patrols in the area after the premises close (these could be organised in partnership with other premises or the local authority for example).
- 4.5.24 In the event of relevant representations, conditions may be imposed seeking to limit the nuisance caused by litter

4.8. Consideration of applications and the imposition of conditions

- 4.8.1 On granting a licence, the Authority may only impose conditions that are:
- required by law, and/or
 - necessary for the promotion of the licensing objectives and
 - proportionate
- 4.8.2 If no relevant representations are received, a licence will be granted on the terms sought, subject only to such conditions as are consistent with the operating schedule and which comply with the above paragraph and any relevant statutory conditions.
- 4.8.3 In deciding what conditions to impose, the Authority shall have regard to the operating schedule, together with the provisions of this policy statement, the law, government guidance and any relevant representations made. Where there is any ambiguity or uncertainty in the meaning of any part of the application, the application shall be interpreted in such a way as shall best promote the licensing objectives.

- 4.8.4 Where relevant representations are received, the Authority will consider those representations together with any representations of the applicant, having regard to the provisions of this policy, the law and government guidance. Where relevant representations have been made, the Authority will not normally grant a licence in terms which conflict with this policy statement. In particular it may:
- reject the application – if to do so is necessary to promote the licensing objectives and none of the following actions is reasonably practicable;
 - grant the licence but exclude from its scope one or more of the licensable activities applied for in order to ensure that the licence complies with this policy and promotes the licensing objectives;
 - grant the licence but modify such of the conditions imposed as is necessary to ensure compliance with this policy and to promote the licensing objectives;
 - grant the licence but refuse to specify a particular person in the licence as the designated premises supervisor if to name that person would undermine the promotion of the licensing objectives;
 - approve different parts of the premises for different activities.
- 4.8.5 The Authority will not impose conditions that duplicate other areas of regulation. For example, conditions will not be imposed which simply duplicate planning conditions or conditions attached to a fire certificate.
- 4.8.6 However, there may be occasions when conditions will be imposed which the Authority considers necessary for the promotion of the licensing objectives and which overlap with other areas of regulation, when for example the conditions on the fire certificate or planning permission do not adequately deal with those matters.
- 4.8.7 In general, any conditions imposed will be drawn from a pool of conditions.
- 4.8.8 Provided the licensing objectives are not undermined and the proposal does not conflict with the other statements in this policy, licences will be granted so that premises will be able to open to provide licensable activities between such times as the applicant sets out in his application.
- 4.8.8. When deciding what conditions to impose, the Authority will have regard to the particular requirements of people with disabilities and will, so far as possible, seek to ensure that none of the conditions imposed on licences will have the effect of excluding such persons access to licensed premises.

D. NATIONAL GUIDANCE (Section 182 Licensing Act 2003)

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

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

3.11 Statements of policies should make clear that licensing is about regulating the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act, and that the conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others in possession of relevant authorisations. Accordingly, these matters will centre

on the premises being used for licensable activities and the vicinity of those premises. Whether or not incidents can be regarded as being "in the vicinity" of licensed premises is a question of fact and will depend on the particular circumstances of the case. In cases of dispute, the question will ultimately be decided by the courts. But statements of licensing policy should make it clear that in addressing this matter, the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of public living, working or engaged in normal activity in the area concerned. A statement of policy should also make clear that licensing law is not the primary mechanism for the general control of nuisance and antisocial behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in town and city centres.

National guidance regarding licensing hours is as follows:

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

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

3.51 *[Policy should indicate]*

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

E. OBSERVATIONS

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

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

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

The Committee must also have regard to the representations made and the evidence given before them that are relevant to the licensing objectives.

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 premises licences and club premises certificates have been prepared which may be utilised (Guidance GD6)

Prepared by J A Messenger
Licensing Manager

Carlisle City Council, Civic Centre, Carlisle CA3 8QG

(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 RONALD & DENISE WOOD
[^] 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 <u>THE BAY DENTON MILLS DENTON HOLME</u>	
Post town <u>CARLISLE</u>	Post code <u>CA2 5LJ</u>

Telephone number of premises (if any)

01228 - 549933

Non-domestic rateable value of premises

£ 17.000.00

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 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 | <input type="checkbox"/> please complete section (B) |
| f) a health service body | <input type="checkbox"/> 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 ☒

Mrs ☐

Miss ☐

Ms ☐

Other title
(for example, Rev) ☐

Surname

WOOD

First names

RONALD

I am 18 years old or over

Please tick ☒ Yes

Current postal
address
if different from
premises address

MERCHANT HOUSE
70 VICTORIA PLACE

Post Town

CARLISLE

Postcode

CA1 1LL

Daytime contact telephone number

07802-165521

E-mail address
(optional)

N/A

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr ☐

Mrs ☒

Miss ☐

Ms ☐

Other title
(for example, Rev) ☐

Surname

WOOD

First names

DENISE

I am 18 years old or over

Please tick ☒ Yes

Current postal
address
if different from
premises address

AS ABOVE

Post Town

CARLISLE

Postcode

CA1 1LL

Daytime contact telephone number

07900 824377

E-mail address
(optional)

N/A

(B) OTHER APPLICANTS

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

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

Part A3 - Operating Schedule

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

General description of premises (please read guidance note 1)

PUBLIC HOUSE & RESTAURANT SITUATED WITHIN FORMER MILL
WORKS TO THE WEST OF CITY CENTRE OPERATING ON GROUND
& FIRST FLOORS WITH OUTSIDE SEATING ALSO.

Please tick Y Yes

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

Provision of regulated entertainment

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

☐
☐
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☐
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☒
☒
☒

Provision of entertainment facilities for:

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

☒
☒
☒

Provision of late night refreshment

☐

Sale by retail of alcohol

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

☒
☒

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

Name PAUL SHAFTOE

Address 92 WHELSIDE MORTON WEST CARLISLE CA2 6SS

Personal Licence number, if known, 100/4866/2

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.

LIQUOR 10 AM - 11 PM
P.E.L. 11 AM - 12 MIDNIGHT / 11.00 ON SUNDAY.

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

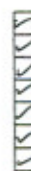
c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Please tick Y 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 R. Wood

Date 1/6/05

Capacity Director

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 6). If signing on behalf of the applicant please state in what capacity.

Signature

Date

Capacity

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 7) <u>Mr. RONALD WOOD.</u> <u>MERCHANT HOUSE</u> <u>70 VICTORIA PLACE</u>	
Post town <u>CARLISLE</u>	Post code <u>CA1 1LR</u>
Telephone number <u>07802-165521</u>	
E-mail address (optional) <u>N/A.</u>	

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 RONALD & DANISE WOOD being the proposed premises licence holder of an
[Insert name of applicant]
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

Do you want the proposed variation to have effect from the second appointed day? Please tick Y ☒

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

Day		Month		Year	

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

--

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

TO EXTEND LIQUOR UNTIL 24.00 HRS. ON FRIDAY & SATURDAY
AND ON SUNDAY PRIOR TO BANK HOLIDAYS UNTIL 24.00 HRS
TO REMOVE ALL EMBEDDED CONDITIONS.

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)

Please tick Y Yes

Provision of regulated entertainment

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

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick [Y] (please read guidance note 9)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 10)	Both	
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 11)		
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 12)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick [Y](please read guidance note 9)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 10)	Both	
Tue					
Wed					
Thur			State any seasonal variations for the exhibition of films (please read guidance note 11)		
Fri					
Sat					
Sun			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 12)		

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 10)
Day	Start	Finish	
Mon	1000	24	DARTS, POOL AND ANY OTHER GAMES WHICH MAY INCLUDE AN AUDIENCE.
Tue	1000	2400	
Wed	1000	2400	
Thur	1000	2400	State any seasonal variations for indoor sporting events (please read guidance note 11)
Fri	100	2400	
Sat	1000	2400	
Sun	1000	2400	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 12)

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick [Y](please read guidance note 9)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 10)	Both	
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 11)		
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 12)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick [Y](please read guidance note 9)	Indoors	
Day	Start	Finish		Outdoors	
Mon	10.00	24.00	Please give further details here (please read guidance note 10)	Both	✓
Tue	10.00	24.00			
Wed	10.00	24.00	State any seasonal variations for the performance of live music (please read guidance note 11)		
Thur	10.00	24.00			
Fri	10.00	24.00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 12)		
Sat	10.00	24.00			
Sun	10.00	24.00			

CHRISTMAS EVE UNTIL 01.00

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick [Y] (please read guidance note 9)	Indoors	
Day	Start	Finish		Outdoors	
Mon	10.00	24.00	Please give further details here (please read guidance note 10)	Both	<input checked="" type="checkbox"/>
Tue	10.00	24.00			
Wed	10.00	24.00	State any seasonal variations for playing recorded music (please read guidance note 11)		
Thur	10.00	24.00			
Fri	10.00	24.00	Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 12) CHRISTMAS EVE UNTIL 01.00		
Sat	10.00	24.00			
Sun	10.00	24.00			

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick [Y] (please read guidance note 9)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	
Mon	10.00	24.00	Please give further details here (please read guidance note 10)	Both	
Tue	10.00	24.00			
Wed	10.00	24.00	State any seasonal variations for the performance of dance (please read guidance note 11)		
Thur	10.00	24.00			
Fri	10.00	24.00	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 (please read guidance note 12) CHRISTMAS EVE UNTIL 01.00		
Sat	10.00	24.00			
Sun	10.00	24.00			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing	
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick [Y] (please read guidance note 9)	Indoors
				Outdoors
Mon	10.00	24.00		Both <input checked="" type="checkbox"/>
Tue	10.00	24.00	Please give further details here (please read guidance note 10)	
Wed	10.00	24.00		
Thur	10.00	24.00	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 11)	
Fri	10.00	24.00		
Sat	10.00	24.00	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 (please read guidance note 12)	
Sun	10.00	24.00	CHRISTMAS EVE UNTIL 01.00	

Provision of facilities for making music Standard days and timings (please read guidance note 8)			Please give a description of the facilities for making music you will be providing P.A SYSTEM C.D PLAYERS & RADIO/JUKE BOX.	
			Will the facilities for making music be indoors or outdoors or both – please tick [Y] (please read guidance note 9)	
Day	Start	Finish	Indoors	
Mon	10.00	24.00	Outdoors	
Tue	10.00	24.00	Both	✓
Wed	10.00	24.00	Please give further details here (please read guidance note 10)	
Thur	10.00	24.00		
Fri	10.00	24.00		
Sat	10.00	24.00	State any seasonal variations for the provision of facilities for making music (please read guidance note 11)	
Sun	10.00	24.00		
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 (please read guidance note 12)			CHRISTMAS EVE UNTIL 01.00	

Provision of facilities for dancing Standard days and timings (please read guidance note 8)			Will the facilities for dancing be indoors or outdoors or both – please tick [Y] (see guidance note 9)	
			Indoors <input checked="" type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>	
Day	Start	Finish	Please give further details here (please read guidance note 10)	
Mon	10.00	24.00		
Tue	10.00	24.00		
Wed	10.00	24.00	State any seasonal variations for providing dancing facilities (please read guidance note 11)	
Thur	10.00	24.00		
Fri	10.00	24.00		
Sat	10.00	24.00	Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 12)	
Sun	10.00	24.00		
CHRISTMAS EVE UNTIL 01.00				

K

Provision of facilities for entertainment of a similar description to that falling within I or J Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment facility you will be providing FILMS, PLAYS , MEETINGS OR ANY OTHER ENTERTAINMENT. RS1	
Day	Start	Finish	Will the entertainment facility be indoors or outdoors or both – please tick [Y] (please read guidance note 9)	Indoor
				Outdoor
Mon	10.00	24.00		Both <input checked="" type="checkbox"/>
Tue	10.00	24.00	Please give further details here (please read guidance note 10)	
Wed	10.00	24.00		
Thur	10.00	24.00	State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within I or J (please read guidance note 11)	
Fri	10.00	24.00		
Sat	10.00	24.00	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 (please read guidance note 12) CHRISTMAS EVE UNTIL 01.00	
Sun	10.00	24.00		

L

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick [Y] (please read guidance note 9)		Indoors	
Day	Start	Finish			Outdoors	
					Both	<input checked="" type="checkbox"/>
Mon	23.00	24.00	Please give further details here (please read guidance note 10)			
Tue	23.00	24.00				
Wed	23.00	24.00	State any seasonal variations for the provision of late night refreshment (please read guidance note 11)			
Thur	23.00	24.00				
Fri	23.00	24.00	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 12) CHRISTMAS EVE UNTIL 01.00			
Sat	23.00	24.00				
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 Y) (please read guidance note 13)	On the premises		
Day	Start	Finish		Off the premises		
Mon	10.00	24.00		Both	<input checked="" type="checkbox"/>	
Tue	10.00	24.00				
Wed	10.00	24.00				
Thur	10.00	24.00	<u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 12) CHRISTMAS EVE UNTIL 01.00			
Fri	10.00	24.00				
Sat	10.00	24.00				
Sun	10.00	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)

NO PERSON UNDER 18YRS ALLOWED TO USE GAMING MACHINES.
 NO NUDDITY OR SEMI NUDDITY NOR ENTERTAINMENT OF A SEXUAL NATURE
 IN THE PRESENCE OF CHILDREN.

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	8.00	24.30	<p>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)</p> <p>CHRISTMAS EVE UNTIL 01.00</p>
Tue	8.00	24.30	
Wed	8.00	24.30	
Thur	8.00	24.30	
Fri	8.00	24.30	
Sat	8.00	24.30	
Sun	8.00	24.30	

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

REMOVE ALL EMBEDDED CONDITIONS.

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)

b) The prevention of crime and disorder

CD 1 CD 12
CD 2 CD 16
CD 3
CD 4
CD 5
CD 9
CD 11

c) Public safety

PS 8	PS 23	PS 48	PS 74	PS 83
PS 10	PS 27	PS 49	PS 76	
PS 12	PS 30	PS 50	PS 77	
PS 14	PS 34	PS 71	PS 78	
PS 16	PS 35	PS 72	PS 79	
PS 17	PS 40	PS 73	PS 80	
PS 18			PS 81	
PS 21	PS 47			

d) The prevention of public nuisance

PPN 4
PPN 8
PPN 10
PPN 11
PPN 14

e) The protection of children from harm

PCH 2.
PCH 14

Part B3 – Premises Supervisor

Full name of proposed designated premises supervisor

PAUL SHAFTOE

Address of proposed designated premises supervisor

92 WHEMPSIDE
MORTON WEST
CARLISLE CA2 6SS

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

100/4866/2 CARLISLE City Council.

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 D. Wood

Date 20/6/05

Capacity DIRECTOR

Where the premises licence is jointly held signature of 2nd applicant (the proposed current premises licence holder) or 2nd applicant's solicitor or other authorised agent. (please read guidance note 18) If signing on behalf of the applicant please state in what capacity.

Signature D. Wood

Date 20/6/05

Capacity DIRECTOR

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

MERCHANT HOUSE
70 VICTORIA PLACE

Post town CARLISLE

Post code CA1 1LR

Notes for Guidance

PART A

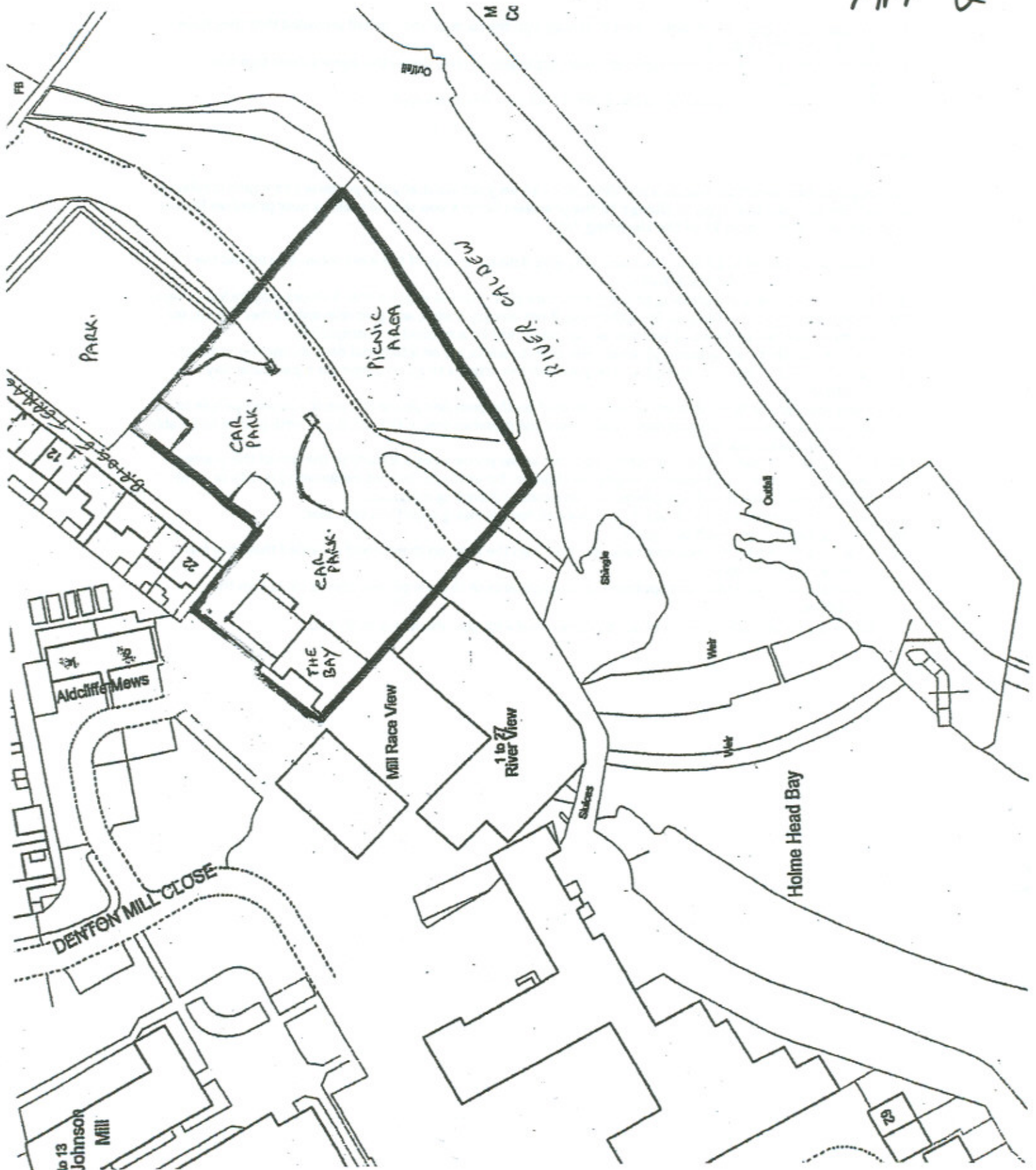
1. Describe the premises. For example the type of premises, its general situation and layout and any other information which would be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you provide a place for consumption of these off-supplies you must include a description of where the place is and its proximity to the premises.
2. Where the conditions to which your existing licence(s) is granted do not relate solely to any one of the four licensing objectives, please describe such conditions in the general box.
3. The law requires you to send a mandatory copy of this application to the chief officer of police for that area at the same time as sending to the relevant licensing authority.
4. The application form must be signed.

5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
7. This is the address we shall use to correspond with you about this application.

PART B

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

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



Carlisle City Council

Environmental Protection Services
Licensing Section

J A Messenger
Tel: 01228 817523 Fax: 01228 817023

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Carlisle City Council

Environmental Protection Services

Food Safety

INTERNAL MEMORANDUM

From:	Principal Environmental Health Officer	Please ask for:	Margaret Moir
To:	Licensing Section	Extension:	7337
FAO:	Jim Messenger	E-mail:	Margaret Moir
		Your ref:	
		Our ref:	6/007/53/MM/LM 04 August 2005

LICENSING ACT 2003**RE: THE BAY, DENTON HOLME, PREMISES APPLICATION**

I refer to the above application for a premises licence and for variation of the licence.

I would advise that this Section was recently in receipt of two separate complaints concerning noise from entertainment and from general use of the premises including the outdoor areas.

Noise diaries sent to both parties have not been returned to date. Investigation into the complaints has not therefore progressed.

The close proximity of the premises to residential properties and the scope for noise to cause a nuisance was identified at the planning stage and as a result conditions were attached to the consent which

- a) restricted the hours of operation
- b) Prohibited music or public address systems outside the premises, and
- c) Stated that amplified music must be inaudible in the nearest residential property

I understand that an application was made in October 2004 to extend the hours of operation until 12.00 midnight. This was refused.

Having considered the information provided to date, this Section would not raise objection to transfer of the existing licence providing the hours and terms of operation are in accordance with all planning conditions to date.

This Section would seek review of the licence in the event that any existing planning condition is amended or a complaint is substantiated.

**M Moir**

Environmental Health Officer

APP 4

6 River View
Denton Mill close
Carlisle
Cumbria
CA2 5NF

RECEIVED

03 AUG 2005

01228 511101

August 3rd 2005

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

Dear Sirs,

Representation regarding an Application from RD Inns Ltd, Ronald Wood and Denise Wood for a variation to the Premises Licence in respect of The Bay.

I am enclosing a completed Representation Form (ref: GD20) regarding the above application for a variation to a Premises Licence

If you have any queries, please do not hesitate to contact me.

Yours faithfully,



Kathleen M McSkimming

**Representation made in respect of a variation to a Premises Licence or
Club Premises Certificate by Interested Party.**

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

.....KATHLEEN M. McSKIMMING.....

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

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

Section 1 – Premises or club premises details

Name, address and postcode of premises or club premises in respect of which you are making representations.	
<p align="center">THE BAY DENTON MILLS DENTON HOLME CARLISLE</p>	
Post town	Post code (if known)
CARLISLE	CA2 5LJ

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

Section 2 – Details of person/body making representations

I am;

(Tick as appropriate)

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

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

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

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

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

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

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

Current address

Postcode	
----------	--

Daytime contact telephone number	
E-mail address	

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

Name of the Body	RESIDENTS OF RIVER VIEW, MILLRACE VIEW AND BRIDGE TERRACE
------------------	---

Surname of person representing the body	McSKIMMING	First Name of person representing the body	KATHLEEN
---	------------	--	----------

Address of body

Postcode	6 RIVER VIEW DENTON MILL CLOSE CARLISLE CA2 5NF
----------	--

Daytime contact telephone number	01228 51101
E-mail address	maxie@speediseve.co.uk

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	PLEASE SEE SEPARATE TYPED SHEETS
Public safety	~ ~
Prevention of public nuisance	~ ~
Protection of children from harm	~ ~
Please provide as much information as possible to support your representation. Note that if you have not disclosed some information, you may not be able to introduce it at the hearing unless all the other parties consent.	

Section 4

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

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

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

Section 6 - Signature

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

Signature

K. M. J.

Date:

3rd August 2005

Capacity:

L2000? REPRESENTATIVE

Section 3 – Information and details of the representation

Prevention of Crime and disorder

Already, under the terms of the existing licence, at closing time especially - and under the cover of darkness - residents have had to put up with acts of vandalism in the front garden area of the premises, immediately adjacent to the River View block of apartments, as well as the road in front of the premises and the footpath that runs between the back of the River View apartment block and the River Caldew.

Examples are:

- * Glasses and bottles being smashed
- * Lumps of mud and stones being thrown at residents' windows.

Customers of The Bay, often drunk, regularly climb over the fence that is designed to keep people out of the residential Denton Mill complex, in order to take a short cut to properties located beyond North Street. En route, invariably rowdy, they have the opportunity to vandalise cars and generally leave a mess behind them; a source of legitimate concern to residents in a relatively up-market residential development. As an example, last Sunday one member of the group went to her car around 11.00am only to find that somebody had been sick all over the bonnet.

Since the closure of the Prince of Wales pub on Denton Street, alleged to have been a popular meeting place for both drug dealers and users, there is hearsay evidence that The Bay has become a new meeting place for these people. We believe the longer the hours of opening, the greater the likelihood of this problem worsening.

Again, connected to the closing of the Prince of Wales, we have been told that when it closed, its pool and football teams transferred their allegiance to the Conservative Club. However we understand that the Conservative Club has now ended its relationship with these two teams - on the grounds of their alleged excessive rowdiness - and that Ronald Wood has invited them to base themselves at The Bay. We imagine this will generate extra sales for The Bay all year round, but at what cost in terms of likely disorder?

When parents are inside the pub, children are left outside to play. There are reports of The Bay staff loaning them balls that often are kicked against residents' windows.

There are also reports of children throwing stones and dried mud and several residents have suffered broken windows.

Astounding though it may seem, residents have witnessed adults - some of them parents - buying alcoholic drinks for underage children sitting outside.

In our experience whenever the police are called - perhaps because of the premises' location being well out of the city centre - the response always seems too slow to result in an effective outcome.

Public Safety

No observations

Prevention of Public Nuisance

It is in relation to this objective that we have our greatest concerns.

By way of background, The Bay is located at the end of a cul-de-sac alongside the River Caldew. It is in the heart of a residential area where there is no effective public transport.

Street lighting is poor, especially along the footpath that runs along the back of the River View block of apartments and the car-parking area, when The Bay attracts anything like significant numbers, is inadequate, with no space for it to be extended.

In addition to the actual building and its "front garden", The Bay has control of land on the far side of the road outside. This borders onto the River Caldew which means that on summer nights there is drinking on both sides of the road, with inevitable rowdiness.

Already, under the terms of The Bay's existing licence, local residents have to put up with the noise of people and cars. The noise problem is further exacerbated by the need for the pub to have windows open for ventilation purposes. At the suggestion of the Environmental Health Department, several members of our group are now keeping "noise diaries", copies of which we will be pleased to make available for your examination.

At closing time, even on those rare occasions when "bouncers" are present, the noise is particularly bad. Many of the departing customers are drunk and inevitably rowdy. Added to this there is the additional noise of cars starting up and manoeuvring to leave the car parking area.

As an extreme example of the type of behaviour we have to put up with, one resident has even witnessed a couple having sex against the footpath railings.

While we are aware of the arguments about extended licensing hours making for more sensible drinking, we believe this argument to be wrong. Rather, we believe people will drink more, and not leave until closing time, thereby making life even more unpleasant for local residents.

With the wisdom of hindsight, we realise we should have made our objections to the terms of the existing licence at the time of the original application. However, this said, we nevertheless feel very strongly that agreement by the council to this variation application for extended hours coupled with the addition of music, singing, dancing and live performers, is going to make matters considerably worse.

Against the background of a general liberalisation of licensing laws in the UK we realise the need for such licensed premises within a modern city like Carlisle, but believe the location of The Bay is quite inappropriate for such an operation.

Furthermore, notwithstanding our observations above, we believe The Bay, in its present format is not commercially viable; indeed last winter there was a period of several weeks when it was closed before re-opening in its present guise in the Spring.

Being granted permission to make the changes applied for may increase its sales and profitability, but we believe at a cost that's totally unacceptable to the community in which it is located.

Protection of Children from harm

We realise that the council's agreeing to this variation application will make no material change to the protection of children from harm.

However we feel we should point out that there is a deep weir just 50 yards up river from The Bay where an accident is just waiting to happen. Clearly this is a very tempting place for children to play unsupervised while Mother and Father are drinking, often up to closing time.

Residents have also witnessed children throwing stones at beer glasses in some kind of competition - with both staff and parents apparently oblivious to what they are doing.

Signatories to the enclosed Representation relating to the Application for a Variation to a Premises Licence made by RD Inns Ltd, Ronald Wood and Denise Wood in respect of The Bay, Denton Mills, Denton Holme. Carlisle CA2 5LJ

By signing this document we confirm that we are party to the enclosed Representation in respect of the above licensed premises.

Name: J. Royce Address: MR & MRS.
J.F ROYCE
5 RIVER VIEW
DENTON MILL CLOSE
CARLISLE

Name: A. Pagan Address: MR + MRS A PAGIN
7 RIVER VIEW
DENTON MILL CLOSE
CARLISLE.

Name: K. Skimming Address: K M. SKIMMING
6 RIVERVIEW
DENTON MILL CLOSE
CARLISLE.
CA2 5NF

Name: A. Carnie Address: A CARNIE
17 RIVERVIEW
DENTON MILL CLOSE
CARLISLE
CA2 5NF.

Name: V. Rennie Address: V. RENNIE
17 RIVERVIEW
DENTON MILL CLOSE
CARLISLE CA2 5NF.

Name: I. Whelan Address: I. WHELAN
18 RIVERVIEW
DENTON HOLME
CARLISLE CA2 5NF

Name: R. K Mann Address: R. K MANN
25 RIVERVIEW
DENTON MILL CL
CARLISLE CA2 5NF

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Name: Kate Law
Alrow.

Address: 2 MILL RACE VIEW
DENTON HOLME
CARLISLE
CA2 5PH.

Name: Rebecca Campbell
M. Campbell.

Address: 1 Mill Race View
DENTON MILL CLOSE
CARLISLE
CA2 5PH.

Name: Deborah Cook

Address: 13 Mill Race View
Denton Holme
Carlisle
CA2 5PH.

Name: [Signature]
J. Duck.

Address: 11 Mill Race View
DENTON HOLME
CARLISLE
CUMBRIA CA2 5PH.

Name: Ian Owas

Address: 13 River View
Denton Mill Close
CARLISLE
CA2 5NF.

Name: Elaine Gigg

Address: 13 River View
Denton Mill Close
Carlisle
CA2 5NF

Name: [Signature]

Address: J. DALTON
3 River View
Denton Mills
River View
CARLISLE
CA2 5NF

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Name: Colin Hannister.

Address: 8 Bridge Terrace
Denton Holme
Carlisle
CA2 5LL.

Name: Skela Jara

Address: 16 Budge Terrace
Denton Holme
Carlisle
CA2 5LL

Name: 
PAUL GRAHAM

Address: 18 Bridge Terr
Denton Holme
Carlisle
CA2 5LL

Name: B. Carruthers
BAC

Address: 18 BRIDGE TERR.
DENTON HOLME
CARLISLE
CA2 5LL.

Name: 

Address: 8 BRIDGE TERRACE
DENTON HOLME
CARLISLE
CA2 5LL.

Name: 
Jaci Doyle

Address: 4 Bridge Terrace
Denton Holme
Carlisle

Name: 

Address: 2 Bridge Terrace
Denton Holme
Carlisle

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Name: J. A. Robinson

Address: 12 Mill Race View
Denton Holme
Carlisle
CA2 5PH

Name: Genevieve Park

Address: 22 Mill Race View
Denton Holme
Carlisle
CA2 5PH

Name: J. R. Baxter

Address: 21 Mill Race View
Denton Holme
Carlisle
CA2 5PH

Name: P. Thompson
P. Thompson

Address: 2 River View
Denton Mills Close
Carlisle
CA2 5NF

Name: P. A. LALOE
AL

Address: 4 River View
Denton Mills Close
Carlisle
CA2 5NF

Name: M. Evans
MIKE EVANS

Address: 26 River View
Denton Mills Close
Carlisle
CA2 5NF

Name: _____

Address: _____

