

CARLISLE CITY COUNCIL

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

Date of Meeting:- WEDNESDAY 20th JUNE 2007

Agenda Item No:-

Public	Operational	Delegated Yes	
Responsible Authority Representations	Representations	Included	Attending
Cumbria Constabulary	No	No	No
Cumbria Fire Service	Yes	Yes	Yes
Environmental Protection Services	No	No	No
Planning Services	No	No	No
Social Services	No	No	No
Trading Standards	No	No	No
Health & Safety Executive	No	No	No
Interested Party Representations	None		

Title:- ZEST, 2-6 LOWTHER ARCADE, CARLISLE CA3 8LX.
APPLICATION FOR A PREMISES LICENCE

Report of:- HEAD OF LEGAL & DEMOCRATIC SERVICES

Report reference:- LDS 49/07

Summary:-

The Café/Bar is located in Lowther Arcade Carlisle. (Appendix 2). The applicant is applying for a new Premises Licence to allow the sale and supply of alcohol and regulated entertainment in accordance with the Application.

Representations have been received from Cumbria Fire Service..

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 Responsible Authority, copies of which are attached to this report.

To the Chairman and Members of the Licensing Sub Committee on November 2006

A. THE APPLICATION
(Appendix 1)

Applicant:

Christopher Ian Mark, 101 Scotland Road, Carlisle.
Sam Elliot Norman, 45 Scotland Road, Carlisle.

Premises:

Zest, 2-6 Lowther Arcade, Carlisle CA3 8LX.

New application

1. The premises is intended to be a café/bar situated in the Lowther Arcade in the city centre.

The premises is a two storey building with the Café /bar located on the ground floor and toilets, kitchen as well as office on the first floor

2. Relevant licensable activities:

- Sale by retail of alcohol (Para. M Appendix 1)
- Provision of regulated entertainment (films, indoor sporting events, live music, recorded music, dancing.) (Para's B,C, E, F,G,H,I,J,& K, (Appendix 1).
- Provision of Late Night Refreshment Para. L (Appendix 1).

3. Hours of licensable activities:

Regulated Entertainment

- Sunday to Saturday 09.00hrs – 0200hrs
- New Years Eve Through to start of permitted hours next day.

Late Night Refreshment

- Sunday to Saturday 2300hrs – 0200hrs

Supply of Alcohol

- Sunday to Saturday 09.00hrs – 0200hrs

Hours premises open to the public

- Sunday to Saturday 0900hrs – 0230hrs

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

GENERAL

Both Owners are Personal Licence holders, and are fully aware of the Licensing Objectives. All staff employed will be instructed.

CRIME AND DISSORDER

All crimes committed within the premises will be reported to the police and assistance given by staff.

Zero tolerance to drugs and Challenge 21 will be applied.

PUBLIC SAFETY

All fire exits will be kept clear of obstruction and all fire fighting equipment will be maintained.

All necessary signage will be displayed.

THE PREVENTION OF PUBLIC NUISANCE

Staff will be instructed to clean up any litter within the immediate vicinity outside the premises.

All persons appearing to be intoxicated will be refused service.

THE PROTECTION OF CHILDREN FROM HARM

No person under the age of 18yrs will be allowed on the premises unless accompanied by an adult.

B. RELEVANT REPRESENTATIONS

Responsible authorities:

Cumbria Fire and Rescue Service make representations on the grounds of public safety objectives have not been met. (Appendix 3).

Interested parties:

There are no representations from persons living in the vicinity.

Consultation

A meeting was held at the Civic Centre between the applicants and Cumbria Fire And Rescue. The meeting concluded without an agreement.

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.

- 4.8.9. 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 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.)

CA06

Carlisle City Council

Licensing Manager, Civic Centre, Carlisle CA3 8QG

Tel: 01228 817523 Fax: 01228 817023

Email: licensing@carlisle.gov.uk

CARLISLE
CITY COUNCIL



www.carlisle.gov.uk

Application for a premises licence to be granted
under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases
ensure that your answers are inside the boxes and written in black ink. Use additional sheets if
necessary.

You may wish to keep a copy of the completed form for your records.

I/We ZEST CUMBRIA LLP
(Insert name(s) of applicant)

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

2-6 LOWTHER ARCADE

Post town

CARLISLE

Post code

CA3 8LX

Telephone number at premises (if any)

Non-domestic rateable value of premises

£15,300

Part 2 – Applicant Details

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

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

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

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

Please tick yes

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname MARK			First names CHRISTOPHER IAN		
I am 18 years old or over <input checked="" type="checkbox"/>			Please tick yes		
Current postal address if different from premises address		101 SCOTLAND ROAD STANWIX CARLISLE			
Post Town	CARLISLE			Postcode	CA3 9HL
Daytime contact telephone number		01228 515060			
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname NORMAN			First names SAM ELLIOTT		
I am 18 years old or over <input checked="" type="checkbox"/>			Please tick yes		

Current postal address if different from premises address	45 SCOTLAND ROAD STANWIX		
Post Town	CARLISLE	Postcode	CA3 9HS
Daytime contact telephone number	01228 - 548100		
E-mail address (optional)			

(B) OTHER APPLICANTS

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

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

Part 3 Operating Schedule

When do you want the premises licence to start?

Day Month Year

ASAP

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

Day Month Year

N/A.

Please give a general description of the premises (please read guidance note1)

THE PREMISES IS A CAFE BAR LOCATED IN HOWTHOR ARCADE
CARLISLE. IT IS A 2-STORY BUSINESS WITH THE CAFE BAR
ON THE GROUND FLOOR AND TOILETS AND KITCHEN,
OFFICE ON THE SECOND FLOOR.

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

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

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick yes

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

☒

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

☒

In all cases complete boxes N, O and P

A

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

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors <input checked="" type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon	0900	0200		
Tue	0900	0200		
Wed	0900	0200	State any seasonal variations for the exhibition of films (please read guidance note 4)	
Thur	0900	0200		
Fri	0900	0200	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5) NEW YEARS EVE:- From THE START OF PERMITTED HOURS ON NEW YEARS EVE TO THE END OF PERMITTED HOURS THE FOLLOWING DAY.	
Sat	0900	0200		
Sun	0900	0200		

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon	0900	0200	
Tue	0900	0200	State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed	0900	0200	
Thur	0900	0200	Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri	0900	0200	New Year's Eve:- Please see Box B.
Sat	0900	0200	
Sun	0900	0200	

D

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

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	
Day	Start	Finish	Indoors	<input checked="" type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Mon	0900	0200	Please give further details here (please read guidance note 3)	
Tue	0900	0200		
Wed	0900	0200	State any seasonal variations for the performance of live music (please read guidance note 4)	
Thur	0900	0200		
Fri	0900	0200	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5) New Years Eve :- Please see box B.	
Sat	0900	0200		
Sun	0900	0200		

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	0900	0200			
Tue	0900	0200			
Wed	0900	0200	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	0900	0200			
Fri	0900	0200			
Sat	0900	0200	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5) NEW YEARS EVE :- PLEASE SEE BOX B		
Sun	0900	0200			

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors <input checked="" type="checkbox"/>
			Outdoors <input type="checkbox"/>	Both <input type="checkbox"/>
Day	Start	Finish	Special occasions	
Mon	0900	0200	Please give further details here (please read guidance note 3)	
Tue	0900	0200		
Wed	0900	0200	State any seasonal variations for the performance of dance (please read guidance note 4)	
Thur	0900	0200		
Fri	0900	0200	Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5) NEW YEARS EVE :- PLEASE SEE BOX B	
Sat	0900	0200		
Sun	0900	0200		

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment you will be providing</u>	
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors <input checked="" type="checkbox"/>
Mon	0900	0200		Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue	0900	0200	<u>Please give further details here</u> (please read guidance note 3)	
Wed	0900	0200		
Thur	0900	0200	<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)	
Fri	0900	0200		
Sat	0900	0200	<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sun	0900	0200		
			NEW YEAR'S EVE :- PLEASE SEE BOX B	

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u>	
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)	
Day	Start	Finish	Indoors	<input checked="" type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Mon	0900	0200	<u>Please give further details here</u> (please read guidance note 3)	
Tue	0900	0200		
Wed	0900	0200	<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)	
Thur	0900	0200		
Fri	0900	0200	<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sat	0900	0200	NEW YEARS EVE:- PLEASE SEE BOX B	
Sun	0900	0200		

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2) <i>Special occasions</i>	Indoors <input checked="" type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
			Please give a description of the facilities for dancing you will be providing	
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon	0900	0200		
Tue	0900	0200		
Wed	0900	0200	State any seasonal variations for providing dancing facilities (please read guidance note 4)	
Thur	0900	0200		
Fri	0900	0200	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 5) <i>NEW YEARS EVE:- PLEASE SEE BOX B</i>	
Sat	0900	0200		
Sun	0900	0200		

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 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>	
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors <input checked="" type="checkbox"/>
Mon	0900	0200		Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue	0900	0200	<u>Please give further details here</u> (please read guidance note 3)	
Wed	0900	0200		
Thur	0900	0200	<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)	
Fri	0900	0200		
Sat	0900	0200	<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sun	0900	0200		
			NEW YEARS EVE:- PLEASE SEE BOX B	

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	2300	0200			
Tue	2300	0200			
Wed	2300	0200	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	2300	0200			
Fri	2300	0200			
Sat	2300	0200	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5) NEW YEARS EVE :- PLEASE SEE BOX B		
Sun	2300	0200			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
Day	Start	Finish	TO CASH TABLE AREA AT FRONT OF PREMISES IN LOWER ARCADE (SEE PLAN)	Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Mon	0900	0200	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Tue	0900	0200			
Wed	0900	0200			
Thur	0900	0200	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	0900	0200			
Sat	0900	0200			
Sun	0900	0200	N.Y. EVE :- PLEASE SEE BOX B		

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

Name	X CHRISTOPHER IAIN MARK
Address	101 SCOTLAND ROAD STANWIX CARLISLE
Postcode	CA3 9HL
Personal Licence number (if known)	PA 287
Issuing licensing authority (if known)	CARLISLE CITY COUNCIL

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 8)

N/A.

O

Hours premises are open to the public
Standard days and timings (please read guidance note 6)

Day	Start	Finish
Mon	0900	0230
Tue	0900	0230
Wed	0900	0230
Thur	0900	0230
Fri	0900	0230
Sat	0900	0230
Sun	0900	0230

State any seasonal variations (please read guidance note 4)

Non standard timings. Where you intend 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 5)

NY EVE :- PLEASE SEE BOX B

P Describe the steps you intend to take to promote the four licensing objectives:

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

BOTH OWNERS PERSONAL LICENCE HOLDERS AND ARE FULLY AWARE OF THE LICENSING OBJECTIVES. ALL STAFF EMPLOYED WILL BE INSTRUCTED.

b) The prevention of crime and disorder

ALL CRIMES COMMITTED WITHIN THE PREMISES WILL BE REPORTED TO THE POLICE AND ASSISTANCE GIVEN BY STAFF. ZERO TOLERANCE TO DRUGS AND CHAUNGE 21 WILL BE APPLIED.

c) Public safety

ALL FIRE EXITS WILL BE KEPT CLEAR OF OBSTRUCTIONS. ALL FIRE EQUIPMENT WILL BE MAINTAINED AND NECESSARY SIGNAGE DISPLAYED.

d) The prevention of public nuisance

STAFF WILL BE INSTRUCTED TO CLEAN UP ANY LITTER WITHIN THE IMMEDIATE VICINITY OF OUR PREMISES IF OUTSIDE. ALL PERSONS APPEARING TO BE INTOXICATED WILL BE REFUSED SERVICE.

e) The protection of children from harm

NO PERSON UNDER THE AGE OF 18 WILL BE ALLOWED ON THE PREMISES UNLESS ACCOMPANIED BY AN ADULT


Please tick yes

- I have made or enclosed payment of the fee ☒
- I have enclosed the plan of the premises ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable ☒
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable ☒
- I understand that I must now advertise my application ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

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

Part 4 – Signatures (please read guidance note 10)

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

Signature	 Chris Mark
Date	14 th APRIL 07
Capacity	

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	TSE NORMAN Sam Norman
Date	14 th APRIL 07
Capacity	

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

CHRIS MARK
101 SCOTLAND ROAD
STANWIX

Post town	CARLISLE	Post code	CA3 9HL
Telephone number (if any)	07786-444134 or 01228-515060		
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			



10 May 2007

Your ref:

Our ref: LIC2/9/1/AB/JLW

Enq to: Fire Inspector Butterworth

Direct line: 01228 815347

Email Address: joan.welsh@cumbriacc.gov.uk

Web Site: cumbria.gov.uk/fireservice

(App. 3)
RECEIVED

11 MAY 2007

158



COUNTY COUNCIL

Public Protection

Cumbria Fire &
Rescue Service

CARLISLE & EDEN AREA
OFFICE
11-13 Brunswick Street Carlisle
Cumbria
CA1 1PB

tel - 01228 521215
fax - 01228 815349
minicom 01900 828844

Zest Cumbria LLP
Mr C I Mark
101 Scotland Road
Carlisle
CA3 9HL

Dear Sir

**LICENSING ACT 2003
2-6 LOWTHER ARCADE CARLISLE**

I refer to the application for the grant of a premises licence under the above Act received at this office on the 16 April 2007.

An inspection of the plans has been carried out on the 8 May 2007 and as a result of that inspection the Fire Authority now make representation on the grounds that the public safety objectives have not been addressed. In order to satisfy the Fire Authority's public safety concerns it is recommended that the enclosed list of improvements be implemented prior to the licence being issued.

Any fire precautions or works affecting means of escape should satisfy Building Regulations which are administered by Building Control Bodies (Local Authority or Approved Inspectors) who will give authoritative advice in respect of these matters.

Yours faithfully

A Butterworth
Fire Inspector

cc Zest Cumbria LLP
C/o Mr S E Norman
45 Scotland Road
CARLISLE
CA3 9HG

The Licensing Manager
Carlisle City Council
Civic Centre ✓
CARLISLE
CA3 8QG

Enc Schedule of Improvements Lic 2(a)

CUMBRIA FIRE & RESCUE SERVICE

SCHEDULE OF WORK

OUR REF: LIC2(a) 9/1/AB/JLW

DATE: 10 May 2007

PREMISES ADDRESS:

**2-6 LOWTHER ARCADE
CARLISLE**

Means of Escape in Case of Fire

1.1 The fire precautions shown for provision in the premises are not satisfactory as indicated on the drawing which accompanied the licence application as:-

- a. all exit doors do not open in line of exit
- b. exit signage, which should be of the maintained illuminated type is not shown for provision
- c. automatic fire detection is not shown for provision in the office
- d. provision of fire fighting equipment at first floor level in the staff side of the building is considered inadequate
- e. the provision of emergency lighting is not shown
- f. the premises are relatively small, and as one or more exit doors do not open in line of exit, it will be necessary to determine a capacity for the premises in conjunction with this Service which will be recommended for inclusion as a condition of licence

Lowther Arcade

These premises are accessed from Lowther Arcade, a narrow covered street and, consequently, the fire precautions in all the units opening into the Arcade or any immediately adjacent to the Arcade, should be to a standard associate with a shopping mall. This is not currently the case and improvements are necessary prior to bringing these units into use.

LOWTHER ARCADE

There are two parts to Cumbria Fire & Rescue Service's (CF&RS) representation relating to the inadequacy of the steps taken to ensure public safety in these premises. The first relates to the fire precautions in the 4 units which form the premises under consideration and the second relates to the position of the premises in Lowther Arcade.

The fire safety matters within the premises which were causing concern are easily remedied and, since making the representation, a further plan has been prepared and submitted for Building Regulation approval and this plan has incorporated improvements which largely address the matters which I mentioned in the representation. I have been informed by Carlisle City Council's Building Control department that the application has been approved. Building Control is unable to address the problem of the siting of the units in the Arcade and the lack of adequate fire precautions within the Arcade, as the premises have established use.

The position of the premises within the Arcade and the inadequacy of the fire precautions in the Arcade therefore forms the second part of the representation as public safety has not been adequately addressed in relation to the position of the premises within the Arcade.

The proposal is to double the size of the original premise by extending into the two adjoining units on the English Street side. As a consequence of this, there is likely to be an increase in the number of persons in the Arcade should the venture prove successful. If the licence application had sought approval to re-open units 5&6, no representation would have been made by this Service, provided the fire precautions proposed for inside the units were considered satisfactory, and improvements would have been brought about utilising other legislation.

The floor area of the four ground floor units is approximately 60 sq. metres. CF&RS utilises floor space factors contained in the Government's fire safety guidance document for this type of premises, and those given in Building Regulations, to determine the number of persons who can occupy a building. One sq. metre floor area per person is recommended for bars with seating and 0.3 sq. m. of floor area per person for bar standing. Normally there is a mixture of seating and bar standing in this style of premises and a likely capacity would be 60 – 65 persons, this figure consisting of customers and staff. The plan accompanying the application shows seating for 49 customers which, with the addition of staff and customers standing at the bar, gives credence to the suggested capacity.

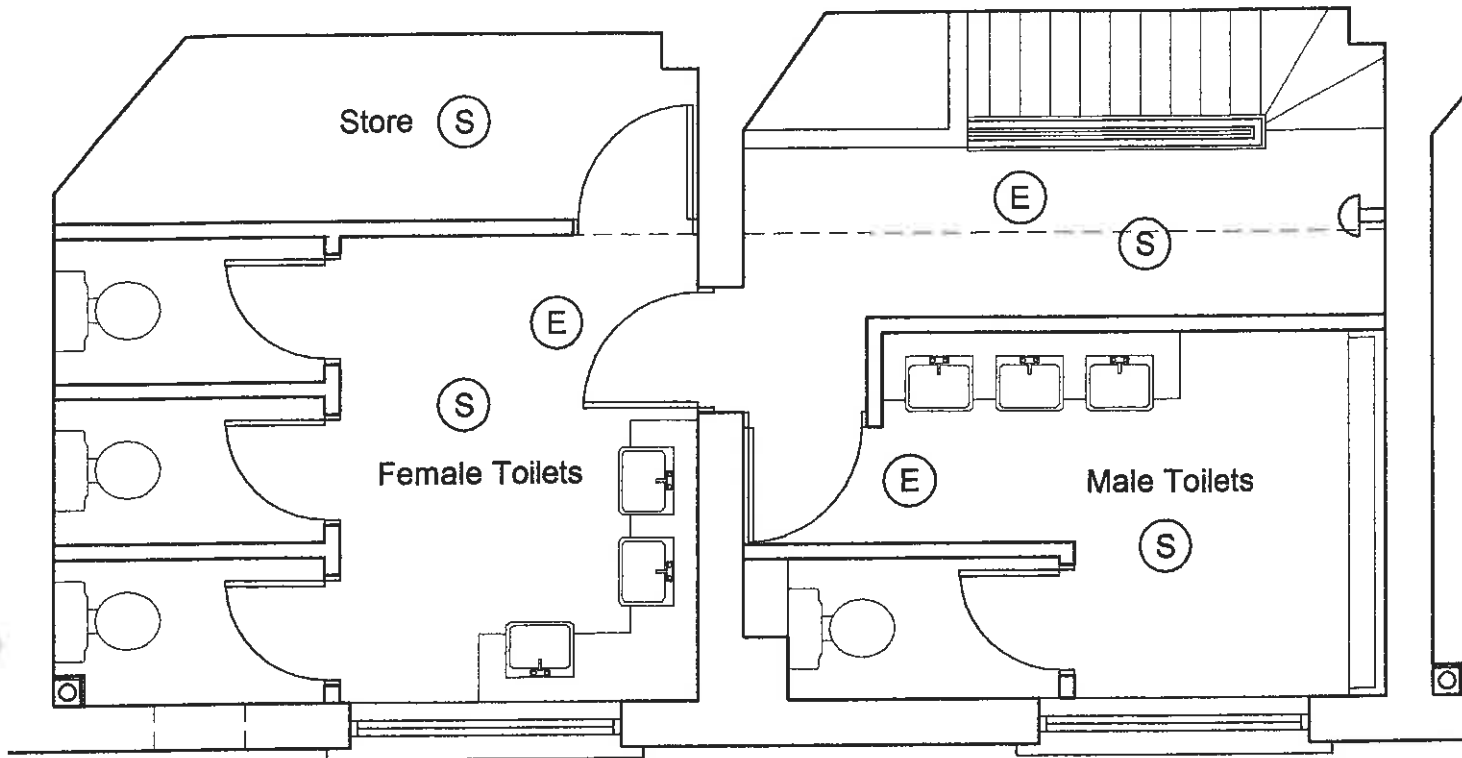
Satisfactory means of escape from premises in the event of fire is based on adequate provision of exit routes and the distance of travel to reach a place of safety. These units have only one staircase serving each upper floor but the travel distance to reach an exit door is within the 18 metres recommended for a single direction of egress and the escape within the units is regarded as acceptable. Unfortunately, the travel distance to reach a place of safety does not stop until either Lowther Street or English Street is reached as the Arcade is covered and there is no means of ensuring this route remains free of smoke, which could be issuing from another property adjacent to the Arcade and not the building in which people are present. The Arcade is approximately 75 metres long and, taking into account the travel distance within a unit, the distance to reach a place of safety is in excess of the 45 metres recommended.

The fire safety guidance which applies to covered common egress relates to shopping mall type situations and this recommends sprinklers in the premises to control the fire size, provision of construction to prevent smoke entering the covered escape route and smoke extraction from the units and the common escape area to ensure the exit route remains clear of smoke and usable. It does not appear possible to apply this guidance to the Arcade as it is too narrow in any event and the amount of work necessary, together with the likely associate cost, would make this impracticable.

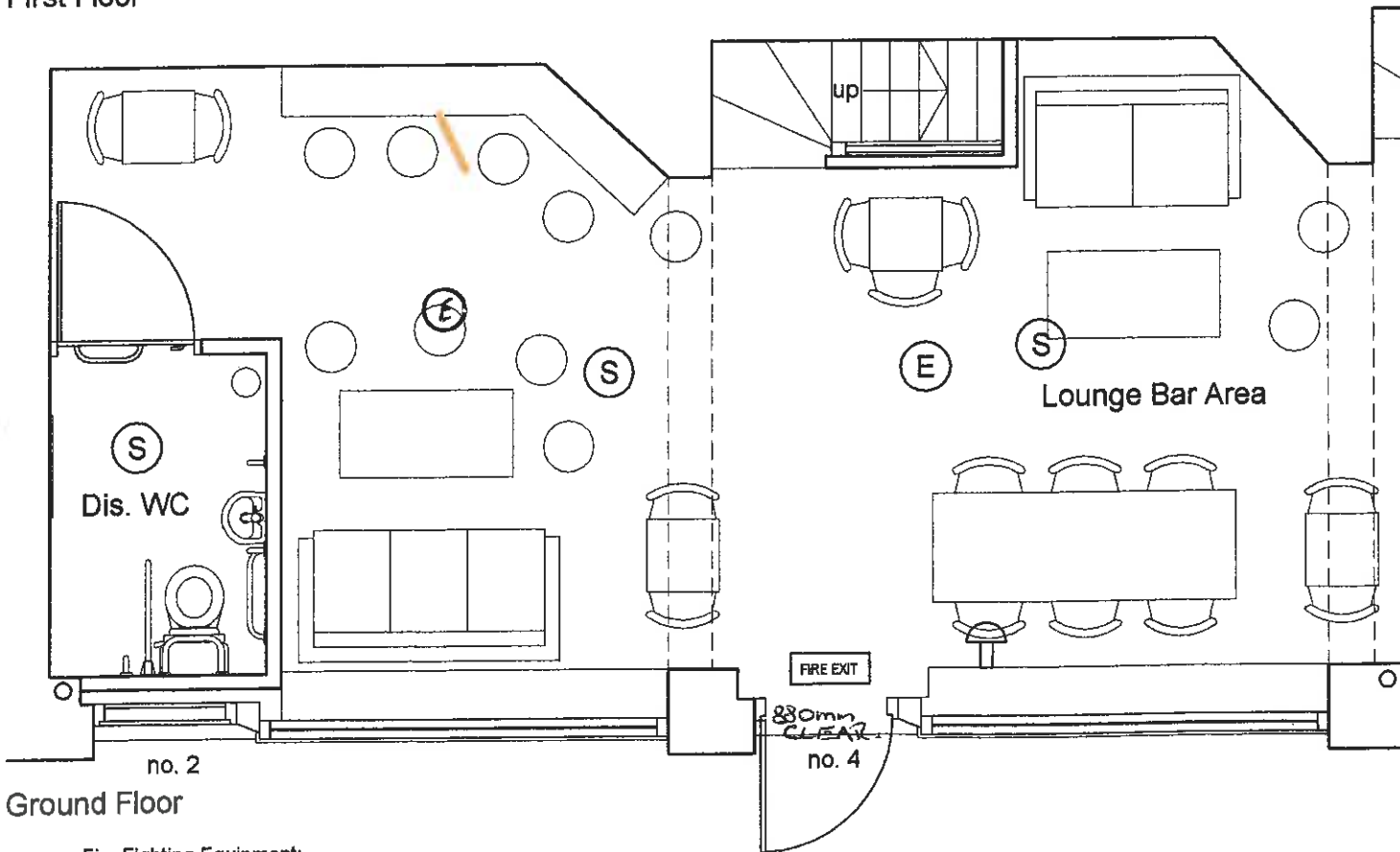
There is also a need to consider the provision of tables and chairs in the Arcade and the possibility of these becoming a hindrance to evacuation should this become necessary.

Steps have been taken to commence to resolve the Arcade's unsatisfactory fire precautions and further steps will be taken shortly utilising legislation other than the Licensing Act but, as there is likely to be a demonstrable adverse impact on the Arcade in regard to public safety due to the likely increase in the number of persons present in the Arcade, until the owners of the affected premises can bring the fire precautions to an acceptable standard, Cumbria F&RS is obliged to make representation in respect of this application.

The responsibility for adequate fire precautions in the Arcade itself lies with the owners of the Arcade and those properties adjacent to the Arcade. I can not therefore state what exactly is necessary to bring the situation to an acceptable standard. It is likely that a proposal to assess the Arcade's ventilation, provision of a new fire alarm installation with automatic fire detection throughout, all to be interlinked with all the properties adjacent to the Arcade, organisation of suitable and sufficient managerial functions relating to the procedures to adopt in the event of fire for all the properties within and adjacent to the Arcade, and alteration of the table and chair provision in the Arcade to a type which is fixed in position and sited to avoid affecting egress from Yates Wine Bar together with a review of Yates' exit routes, would prove adequate.



First Floor



Ground Floor

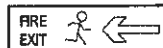
Fire Fighting Equipment:
Include for supplying the following where necessary and recommended by the Fire Officer:

(S) Indicates position of Smoke Detector as per specification

(H) Indicates position of Heat Detector

(E) Indicates position of emergency lighting

FIRE EXIT



Fire Exit maintained illuminated emergency signage over door

Fire Exit sign with directional arrow and pictogram

Fire Alarm Sounder

9 Litre water fire extinguisher to BS EN 3. 1996



34 b C
extingu

4.4 Public Safety

Policy

- 4.4.1 The Authority may inspect any premises in respect of which an application has been made. Officers will determine, on the basis of risk, which premises require an inspection and will inform the applicants and arrange an appointment as soon as practicable.
- 4.4.2. Where an inspection is to be carried out, the Authority's licensing officers will aim to reduce inconvenience, confusion and inconsistency by co-ordinating inspections and visits with the fire authority, police, building control and environmental health officers and health and safety executives.
- 4.4.3. In the event of relevant representations, a premises licence will not normally be granted unless the premises meet the statutory and any reasonable additional requirements of Environmental Health, Building Control, Fire Authority, Health & Safety Executive and other responsible authorities in relation to the safety of staff and customers.
- 4.4.4. It is acknowledged that the Act covers a wide range of premises including cinemas, concert halls, theatres, pubs, nightclubs, private members' clubs, shops, restaurants and takeaways. Each type of premises has different risks associated with it. It is essential that applicants assess all of the risks presented by their premises and licensable activities, and proposes practical steps to ensure the safety of staff and customers by undertaking a suitable and sufficient risk assessment.
- 4.4.5 In the event of relevant representations, the Authority expects applicants to assess the risks in relation to the following issues:

- 4.4.6. Electrical and Gas safety: - the Authority expects premises to have been inspected in the context of the proposed licensable activities by a member of a recognised electrical or gas safety body and to meet the appropriate British or other relevant standards. Other relevant conditions will be imposed requiring such standards to be maintained throughout the period of the licence.
- 4.4.7. Fire Safety – the Authority expects all applicants to submit a suitable and sufficient fire risk assessment to ensure that the safety of employees and the public is safeguarded in the event of fire at the premises. This applies regardless of whether or not any changes to the structure or use of the premises have been made. It is likely that the fire authority will visit any premises where it has concerns for the safety of employees or members of the public following consideration of the fire risk assessment that is submitted. Guidance on the preparation of fire risk assessments will be available from the licensing authority on request. Applicants will be expected to comply with any further requirements of the relevant authority. The authority may impose conditions to secure compliance with those requirements.
- 4.4.8. Sanitation – provision should be made for adequate and accessible sanitary facilities to be provided in accordance with the appropriate guidance and capacity of the premises and any other area covered by the premises licence (currently e.g. BS6465 or HSG 195 The Event Safety Guide).
- 4.4.9. Seating – where customer seating is provided, it should be demonstrably safe in consideration of the intended activities and should meet current British Standards.
- 4.4.10. Occupancy Limits – the Authority will not generally impose conditions as to occupancy levels where these are adequately addressed by other controls but may do so in any other case where relevant representations are made. The authority will not normally grant a licence where it is concerned for the safety of the public, where the intended use is likely to increase the risk of crime and disorder or risk to the safety of the public due to overcrowding. In such circumstances, occupancy conditions may be imposed.

- 4.4.11. Maintenance - in the event of representations being made, the Authority will normally impose conditions to secure the provision and adequate maintenance of premises and equipment and the compliance with any procedural requirements of any relevant organisation (where such conditions will not duplicate requirements under existing legislation) e.g. electrical safety, fire alarm, emergency lighting, ceiling certificate, structural survey. It will also expect that adequate records will be kept to demonstrate compliance with the above requirements.
- 4.4.12. Prevention of injury – the availability of glasses and glass bottles in licensed premises causes concern. In the event of representations, where there is evidence that these have been used to cause injury the Authority would expect licensees to provide alternative containers made from plastic or toughened glass and may impose a condition to require this.

Reason

The Authority expects premises that are open to customers to meet the highest standards of the relevant organisations in order to best secure the safety of staff and customers. This is also one of the licensing objectives. The Authority believes that customers should feel confident that when they enter premises they will be safe.