

CARLISLE CITY COUNCIL

Report to:-

**THE CHAIRMAN AND MEMBERS OF THE LICENSING &
REGULATORY PANEL**

Date of Meeting:-

10th October 2001

Agenda Item No:-

A.3

Public

Operational

Delegated Yes

Accompanying Comments and Statements

Required

Included

Cumbria Fire Service

Yes

Yes

Cumbria Constabulary

Yes

Yes

Environmental Services

Yes

Yes

Planning Services

No

No

Title:-

**APPLICATION FOR A PUBLIC ENTERTAINMENT
LICENCE – THE GEORGE INN, WARWICK BRIDGE,
CARLISLE**

Report of:-

CITY SOLICITOR AND SECRETARY

Report reference:-

TC. 205/01

Summary:-

The George Inn is situated on the A69 at Warwick Bridge, Carlisle. A Public Entertainment licence was in existence until April 2001 however this has lapsed. The licensee now applies for a Public Entertainment Licence in respect of the bar/lounge.

Recommendation:-

Members to reach a decision from the options outlined after hearing the submissions.

J M Egan

City Solicitor and Secretary

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: Cumbria Constabulary, Cumbria Fire Service, Environmental Services and an objection from Mr P D Bulman and Ms P A Harrison, copies of which are attached to this report.

To the Chairman and Members of the Licensing & Regulatory Panel
10th October 2001

- 1) The George Inn is situated in Warwick Bridge, near Carlisle in a partly residential area. A Public Entertainment Licence has been in existence for a number of years, however the licensee allowed this to lapse in April 2001. A number of reminders were sent and on 6th August 2001 Mr Taylor submitted his application to renew the licence. In view of the time lapse from when the previous licence expired, it was treated as a new application. (Appendix A).

It is understood that Mr Taylor will be appearing personally in support of his application.

- 2) Applicant: Philip Taylor, The George Inn, Warwick Bridge, Carlisle
CA4 8RL
- 3) The hours of operation requested are:
 - Monday to Saturday (inclusive) 1100 hours until 2300 hours
- 4) Schedule 1 of the Local Government (Miscellaneous Provisions) Act 1982 is the legislation for the licensing of public entertainment. Paragraph 2 (4) of the Schedule reads as follows:

"The appropriate authority may grant to any applicant, and from time to time renew, a licence for the use of any place specified in it for all or any part of the entertainments to which this paragraph applies on such terms and conditions and subject to such restrictions as may be so specified".
- 5) Cumbria Fire Service has carried out an inspection and is not satisfied that the current fire precautions at the premises are such that may reasonably be required in connection with the use of the premises (Appendix B).
- 6) Environmental Services have previously received complaints regarding entertainment noise from the premises. They have carried out noise checks on the premises and are not satisfied that there is a statutory nuisance (Appendix C).
- 6) Cumbria Constabulary have no objections however it has been requested that an officer attend to report any history associated with the premises.(Appendix D)
- 7) A letter of objection and accompanying letters have been received from two nearby residents, Ms P A Harrison and Mr P D Bulman of Beck Grange, Warwick Bridge, Carlisle (Appendix E). The Licensing Officer has discussed the application procedure with them and they wish to appear before the panel today to voice their objection.

- 8) A check of the Council Licensing records reveals one telephone complaint from Mr Bulman on 31st July 2001. This was stating that entertainment had taken place in the George Inn until 12.30am on Sunday 29th July 2001. Cumbria Constabulary had been informed of this.
- 9) A map of the area is attached to show the relationship between the two premises (Appendix F)

OPTIONS

1. To refuse the application
2. To grant a Public Entertainment Licence subject to:
 - a) the Council's Licensing Officer being satisfied that the requirements of Cumbria Fire Service are fully met and inspected and confirmed to that effect
 - b) the standard council PEL conditions

Prepared by J A Messenger

CITY OF CARLISLE
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

Notice and application for a licence to use premises for Public Entertainment

I hereby make application for a ~~NEW~~/RENEWAL OF / ~~TRANSFER OF~~ / VARIATION
 TO / OCCASIONAL Licence to use premises described below for Public Entertainment
 as defined in the Local Government (Miscellaneous Provisions) Act 1982

1. Full Name, Address, Postcode and Telephone Number of Applicants
 (1) Philip Taylor
THE GEORGE INN
WARWICK BRIDGE
CARLISLE CA4 8RL (2) 560889
2. Date and Place of Birth
 (1) 01-12-1962 (2) WHITEHAVEN
3. Full Name, Address, Postcode and Telephone Number of Premises
THE GEORGE INN
WARWICK BRIDGE
CARLISLE, CUMBRIA, CA4 8RL
4. Proposed Hours of Operation
1100 HOURS - 2300 HRS MON - SAT
5. Date if Occasional
6. Rooms or Areas to be Licensed
BAR LOUNGE
7. Nature of Entertainment
LIVE MUSIC
SOLO ARTISTS + DUO'S
8. If this is an initial application for a new Public Entertainment Licence, a simple A4 size plan of the premises should accompany it with the areas intended to be used for Public Entertainment clearly marked.

Dated 3.8.01 (1) Signed [Signature] Dated _____ (2) Signed _____

Please note the information supplied on this form may be divulged to the Police and other agencies involved in the prevention of fraud.

This form should be returned to:

The Licensing Officer
 City Solicitor & Secretary
 Carlisle City Council
 Civic Centre
 Carlisle CA3 8QG

Fire +
 Env +
 Police +

73672

Together with the appropriate fee of £ 125.00 Should the application be subsequently withdrawn or refused, the fee will be retained by the Council to cover administration costs. Cheques should be made payable to Carlisle City Council.

APP "B"

14 August 2001

Your ref:

Our ref: PEL 1/CFS/10731/SP/PT

Enq to: Technical Officer Pullan

Direct line: 01228 815346

Email Address: cumbFS@cumbria.fire-uk.org

Web Site: www.cumbriafire.fire-uk.org

COUNTY COUNCIL

Fire Service

C DIVISION HEADQUARTERS

11/13 Brunswick Street

Carlisle

Cumbria CA1 1PB

tel- 01228 521215

fax- 01228 815349

minicom- 01900 828844

City Solicitor & Secretary

Civic Centre

CARLISLE

CA3 8QG

FAO Mr J Messenger/

Mr B Sharrock

CHIEF EXECUTIVE'S DEPT	
FILE	
15 AUG 2001	
APPROVED	Im
REVIEWED	
MAILLOG	✓

Dear Sir

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 THE GEORGE INN WARWICK BRIDGE

An inspection of the above premises has been carried out on 13 August 2001, in connection with the Grant of the Public Entertainments Licence.

I have to inform you that the Fire Authority is not satisfied that the fire precautions at the premises are such as may reasonably be required in connection with the use of the premises.

It is recommended that the improvements detailed in the attached schedule be implemented immediately.

Yours faithfully

S Pullan

S Pullan

Fire Safety Officer

Enc Schedule PEL 1(a)



Carlisle City Council

Environmental Services

INTERNAL MEMORANDUM

From:	HEAD OF ENVIRONMENTAL SERVICES	Please ask for:	Janet Evans
To:	TOWN CLERK & CHIEF EXECUTIVE	Extension:	7335
FAO:	Jim Messenger	E-mail:	Janet Evans
		Your ref:	
		Our ref:	5/011/25/JE/LM
			20 September 2001

NOISE EMANATING FROM THE GEORGE INN WARWICK BRIDGE, CARLISLE

I write to provide you with information regarding the current situation of the above mentioned issue.

Last year this division received a complaint regarding entertainment noise emitted from the George Inn Warwick Bridge, and an investigation conducted.

In considering what represents a statutory noise nuisance the authority must take into consideration not only the volume of the noise but also often the noise occurs.

The entertainment occurred once a month and lasted a maximum 1½ hours, it was our opinion that the noise did not constitute a statutory nuisance as at this level of occurrence it was neither prejudicial to health or materially affecting the reasonable comfort and convenience of life.

I have continued to monitor the situation and last visited the premises when entertainment was in progress on the 30 June 2001, although the entertainment was slightly audible from the perimeter of the car park, its occurrence has not increased.

Whilst I appreciate the entertainment from the George Inn represents a disturbance to the complainant, this authority cannot act unless it is satisfied that the noise amounts to a statutory nuisance, and in this particular case we are not satisfied of this.

If you wish to discuss this matter further or to view the numerous correspondence sent to Ms Harrison and Mr Bulman regarding this matter please do not hesitate to contact me.


J EVANS
Environmental Health Officer

17. AUG. 2001 15:40
BRAMPTON POLICE
CUMBRIA CONSTABULARY

Ni APP "O"

Telephone: 016977 2304
Facsimile: 016977 41857 Cumnet: 3299

01768 864355

Colin Phillips
Chief Constable

Brampton Police Station
Longtown Road
Brampton
Cumbria. CA8 1SJ



My Reference: Facsimile Transmission
Your Reference:

To: LICENSING DEPT - CARLISLE CITY COUNCIL

For Attention of: MR J. MESSENGER

From: SGT FAIRCLOUGH

No. of Pages | (Including this one)

Message/Comments:

RE APPLICATION FOR P.E.L.
THE GEORGE INN, WARWICK BRIDGE

WITH REGARD TO THE APPLICATION FOR
PUBLIC ENTERTAINMENT LICENCE FOR
THE ABOVE PREMISES, THE POLICE HAVE
NO OBJECTIONS TO THE APPLICATION

*** This fax is intended for the use of the addressee only, and may contain private and confidential information, or material that is privileged, or subject to the Data Protection Act 1984. If you have received this in error, copying or dissemination is prohibited. Please telephone us immediately and return the original to us. Any costs will be refunded. ***

Date: 17 8 01 Sender: P. Fairclough

If this transmission is not fully received please telephone

7.

Ext

PS117

15347

APP "E"

CHIEF EXECUTIVE'S DEPT	
FILE	
21 SEP 2001	
DATE	JAM
INITIALS	
MAIL LOG	✓

BECK GRANGE,
WARWICK BRIDGE,
CARLISLE,
CA4 8RL

September 19, 2001

Mr J.M. Egan,
Town Clerks' Dept.,
Civic Centre,
CARLISLE.
CA3 8QG

Dear Sir,

The George Pub, Warwick Bridge. - Public Entertainment Licence

Further to my telephone conversation earlier this week with Mr Messenger in your department regarding the most productive way to progress our objection to the retrospective (back to April of this year) granting of a PEL to the above premises - to which our home and garden are contiguous. Please find attached an outline of the main reasons why we feel, most strongly, that such a licence should not be granted.

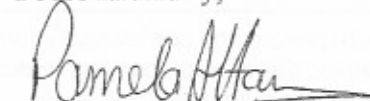
Please would you place this letter and the attached document in front of the licensing panel for consideration at their next meeting which we understand is to take place from 2.00pm on Wednesday, October 10th, 2001.

As suggested by Mr Messenger, we will be in contact with the Environmental Services department to notify them of our objection. However, we feel it is relevant for you to note that previous complaints to this department about noise emanating from The George were treated frivolously, leading to a corporate complaint that we consider was treated equally unacceptably. Consequently, we have no reason to suppose that this department has any desire to be in any way helpful to us.

We also confirm that we wish to attend the meeting of the Licensing Panel to put our point of view to the members, in order that the inconsiderate attitude and activities of the current licensee at The George are not permitted to erode our quality of life further. In this context, appended is a press cutting from the Evening News of Monday, September 17, which we suggest offers additional evidence of this individual's total disregard of what some of us would call 'common decency'.

I noted in my conversation with Mr Messenger that we would be contacted to confirm the Licensing Panel's meeting, together with any other relevant information.

Yours faithfully,



MS P.A.HARRISON



MR P.D.BULMAN

RE: THE GEORGE PUB, WARWICK BRIDGE

OBJECTION TO THE RETROSPECTIVE GRANTING OF A PUBLIC ENTERTAINMENT LICENCE

BY P.D. BULMAN ESQ & MS P.A.HARRISON
OF Beck Grange, Warwick Bridge, Carlisle, Cumbria, CA4 8RL

As the Council's Licensing Department is aware, this pub has not had a PEL since April of this year despite correspondence dating around then from the Council to the licensee concerning the matter.

Thus in contravention of the law and despite complaints to the police authorities about these unlawful activities, this pub has continued to host live entertainment - with its usual total disregard to the rest of the world. - We *have* written to the Police Authority (copy enc.), with a complaint and queries concerning this. We have not as yet received a response, other than to advise that it has been passed to a Superintendent Horn to deal with.

The noise, - the volume, the wavelength and the late (or early!) hours - that emanates from this pub during these 'entertainment nights' is the cause of much distress and disturbance to us here in our home. This in our view is due solely to the attitude of the licensee and his total disregard of the resultant quality of life of the residents in the vicinity.

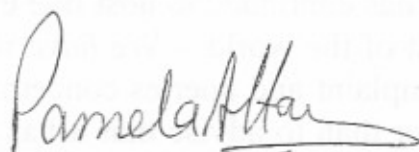
Our home is contiguous, around 25yds from this Pub, with a car park and stream between us, yet the noise produced reverberates through, into and around our home, making it impossible to concentrate, relax or carry on our normal pastimes. The low wavelengths have a debilitating effect and also make it impossible to sleep. Further, this pub is not large, yet the noise and disturbance produced by it is totally disproportionate.

The handling of our previous complaint by the Council's Environmental Services Department was abysmal and we have correspondence relating to the incompetent and inappropriate way in which the staff handled the matter. We will bring this correspondence to the meeting of the Licensing Panel.


We have spoken to other local residents about adding their voices to our objection, but there is a very real fear of retribution amongst people living near this pub - a fear founded on the reality of numerous criminal acts over the years - too numerous to recount here. We have been the victims of many such criminal acts, emanating from this establishment but nevertheless feel we must

'fight on', by taking this action, in an attempt to preserve whatever quality of life that still exists here.

We thus put forward this, our objection to these premises being granted a retrospective Public Entertainment Licence. The rejection of this licence application will at least alleviate one of the worst of the disturbances centred on and around these premises, disturbances that detract from the quality of life for a lot of people within the environs of this pub. For us, it will give particularly great relief as we are the closest of the local residents. To quote the HUMAN RIGHTS ACT 1988, ch42, sch1, part II, article 1, - "Every natural person is entitled to the peaceful enjoyment of his possessions."



MS P.A.HARRISON



MR P.D.BULMAN

Dated:- September 19th, 2001 and to be read in conjunction with our accompanying letter.

- encs. - Letters (2), to Chief Constable, 1st & 30th Aug 2001.
- Cutting from the Evening News, Monday, September 17, 2001

COURT: Landlord says he wasn't showing games to make money

Pub fined £1,000 for Sky football nights

By Victoria Brennan

A CUMBRIAN landlord has been ordered to pay nearly £1,000 after he was caught screening unlicensed football games in his pub.

When investigators called at the Bridge End Inn in Dalston they found drinkers watching a Newcastle v Sunderland game on April 21, and the England v Mexico friendly on May 26, city magistrates heard on Friday.

Both matches were being screened on Sky but landlord William Priscic, 41, did not have a commercial licence for satellite TV.

Richard Armstrong, prosecuting on behalf of the Federation Against Copyright Theft, said Mr Priscic had a contract for domestic satellite TV but needed a commercial one to broadcast matches in a pub.

He was told this on May 14 by Mr Armstrong but when he returned to the pub one month later, Mr Armstrong saw 18 people watching the Mexico game. Mr Priscic had still not obtained a commercial licence, he added, which would have cost between £80 and £140 a month.

Mr Priscic told magistrates he was not aware at first that he needed a



Live football: The Bridge End Inn at Dalston did not have a commercial licence to show Sky

different licence.

"I didn't advertise the matches so it wasn't done for any financial gain," he told the court.

Magistrates fined Mr Priscic, who admitted dishonestly receiving satel-

lite TV £400 and ordered him to pay costs of £556.

■ Two other cases - involving The George, at Warwick Bridge, and the Border Rambler, in Carlisle - were adjourned by magistrates yesterday.

Both pubs face a charge of dishonestly receiving satellite TV on April 21. Philip Taylor, 38, of the George, and Thomas Kehoe, of the Border Rambler, will both face magistrates on September 28.

£3

BECK GRANGE,
WARWICK BRIDGE,
CARLISLE,
CA4 8RL

1st Aug. 2001

Mr C. Phillips,
Chief Constable,
Cumbria Constabulary,
Carleton Hall, PENRITH,
Cumbria, CA10 2AU

Dear Mr Phillips,

THE GEORGE PUB. WARWICK BRIDGE.

I am writing to you here to confirm and reiterate our further complaints to 'you' of Saturday night/Sunday morning, the 28/29th of July 2001 and my telephone conversation with your Inspector Hurst on Wednesday morning, 1st Aug., concerning the further and continuing offensive and criminal activities being perpetrated at the George Inn. Which as you know is contiguous to our home.

Again, the noise emanating from it (The George) was extreme and excessive, causing us to suffer physical and mental distress and upset. Despite this being conveyed to 'you', we were told that "we will not be doing anything about your complaint as due to *government policy, it is down to the Local Council." - This 'Din' (thus suffering) went on until 20 mins. past midnight on Sunday morning. - way past our bedtime!

Question 1. - *What is the legislation upon which you rely/refer to here?

Further to the above assault upon us, this Pub is committing further criminal offences, - a). Not having a Public Entertainment Licence b). Thus serving alcohol outwith permitted hours.

Question 2. - Why does this Pub remain immune to prosecution? - As you know there has been, over the years, numerous criminal offences committed such as this?

Also connected with the same (The George) is the regular gathering of Reprobates on its premises and the abuse we receive from them. Despite the many previous complaints this has actually increased of late.

Legal action against these miscreants and their behaviour, as you know, can be taken under the Crime and Disorder Act 1998 and was said by 'you' some time ago, to be taking place.

Question 3. - What happened to this action?

We also believe that these offences are contrary to Public Order Act 1986 s.4(1), s4A(1) and s5(1).

The two prominent reprobates here, are youths by the names of Orr and Armstrong, with a number of regular followers with familiar faces. These troll the area here, all day long with relative impunity, seemingly with little other purpose in life, than committing villainy of one

sort or another, and shouting abuse and obscenities. The weir area here is used as a litter bin. This is an absurd and unacceptable situation.

Our previous letters to you have been forwarded for the attention of Supt. Horlacher. He is on holiday for the next 2 weeks, which is the reason that I discussed the matter with Inspector Hurst.

We look forward to your reply and the 'cleaning up' of this environment.

Yours sincerely,

Mr. P.D.Bulman.

City Council Copy -

"E6"

Tel/Fax (01228)561957

BECK GRANGE,
WARWICK BRIDGE,
CARLISLE,
CA4 8RL

30th Aug. 2001

Mr C. Phillips,
Chief Constable,
Cumbria Constabulary,
Carleton Hall, PENRITH,
Cumbria, CA10 2AU

Dear Mr Phillips,

THE GEORGE PUB, WARWICK BRIDGE.

We wrote to you on the 1st Aug. concerning the further and continuing offensive, disturbing and unlawfull activities being perpetrated by those responsible for this pub, (The George)

We have now received a response of sorts from an Inspector Hurst, which we find to be incomplete and unsatisfactory. We intend to respond to this in detail soonest but here in this letter we are concerned further with the Public Entertainment License that I believe they are applying for.

As reported to you in our 1-7-01 letter, this Pub has been, on numerous occasions since April this year, operating unlawfully eg. - serving alcohol outwith permitted hours. - Yes we made telephone complaints to 'you' at these times, with negative responses. I will here make a reference to Insp. Hurst's 17-8-01 letter wherein he avoids 'your' responsibility in these offences and passes the buck to the Council, in referring only to the offence of the PE Licence.

We have written to the Council, making a strong objection to the granting of a further PEL to it (The George).

We understand that the procedure involves a letter from the Council to yourselves as to the suitability of the premises applied for. In this context, you have over 10 yrs. of records of complaints, offences and disturbances perpetrated by this Pub and its 'clientelle'.

We write to draw your attention to this and ask what your response to the Councils enquiries will be?

Yours sincerely,

Mr. P.D.Bulman.

APP "F"

