

CARLISLE CITY COUNCIL

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

Date of Meeting:- **31st July 2007**

Agenda Item No:-

Public	Operational	Delegated Yes	
Responsible Authority Representations	Representations	Included	Attending
No representations from any Responsible Authority	No	No	No
Interested Party Representations			
L Hewson	Yes	Yes	Yes
M Bentley	Yes	Yes	Yes
Mr S Goodman	Yes	Yes	Yes
Mr P Cowen	Yes	Yes	Yes
Mr Andrews	Yes	Yes	Yes
Mr & Mrs Wildman	Yes	Yes	Yes
Mr R Speirs	Yes	Yes	Yes
Mr J Morris	Yes	Yes	Yes
Mr D Ion	Yes	Yes	Yes
Mr A Moffat	Yes	Yes	Yes
Mr Plevin	Yes	Yes	Yes
Mr D Lamond	Yes	Yes	Yes
Mr A Robertson	Yes	Yes	Yes
Mr T Dearnley	Yes	Yes	Yes
Mrs B O 'Donohoe	Yes	Yes	Yes
Mr & Mrs Porter	Yes	Yes	Yes

FANTAILS RESTAURANT, THE GREEN, WETHERAL APPLICATION TO VARY A PREMISES LICENCE

Title:-

Report of:-

HEAD OF LEGAL & DEMOCRATIC SERVICES

Report reference:-

LDS. 64/07

Summary:-

Application is made to remove a number of embedded restrictions inherited on conversion from the Justices Licence which can be seen in Appendix 6 and to extend the hours of opening, sale of alcohol and Late night Refreshment.

Recommendation:-

It is recommended that the Sub-Committee determine the application in accordance with one of the options set out in paragraph F.

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 and written comments 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 31st July 2007

A. THE APPLICATION (Appendix 1)

Applicant

Kenneth Eric Hogg, Holly Cottage, The Green, Wetheral.

Premises

Fantails Restaurant, The Green, Wetheral. **(Appendix 2 - Area Plan)**

History

The premises had the benefit of trading under a Justices Restaurant Licence as well as a Public Entertainment Licence for many years. In June 2005 application was made under Schedule 8 Para 2 Licensing Act 2003 for conversion of these licences under the same terms and conditions held. Cumbria Constabulary was consulted on the conversion and did not make any representations. The application for was, therefore, successful and the following activities were granted:

<u>Sale of Alcohol</u> -	Sunday:	Noon until 11.30pm
	Monday – Saturday:	10am until Midnight
	Christmas day:	Noon until 11.30pm
	Good Friday:	Noon until 11.30pm
	New Year Eve:	Through to start of permitted hours next day.

Regulated Entertainment-

Recorded Music, Live Music, Performance of Dance.

Sunday – Saturday: Noon until 12.30am

<u>Late Night Refreshment</u> –	Sunday:	11pm until 11.30pm
	Monday – Saturday	11pm until Midnight
	Good Friday	11pm until 11.30pm
	Christmas day	11pm until 11.30pm
	New Years Eve	Through to start of permitted hours next day

A copy of the current premises licence, including the conditions, is attached **(Appendix 3)**.

Variation application

1. An application for the variation of the Premises Licence has now been made under section 34 of the Licensing Act 2003 (**Appendix 1**). The variation includes the removal of a number of embedded conditions inherited on conversion from the Justices Licence, as well as replacing former Public Entertainment Licence conditions with new ones outlined in the operating schedule.

The variation also includes an extension of the opening hours as follows:

Late night Refreshment (Appendix 1, para. L)	Sunday – Saturday New Years Eve	11pm until 2am Through to start of permitted hours next day.
Sale of Alcohol (Appendix 1 Para. M)	Sunday – Saturday New Years Eve	10am until 2am. Through to start of permitted hours next day.
Premises open to Public (Appendix 1, para. O)	Sunday – Saturday New Years Eve	10am until 3am. Through to start of permitted hours next day

Regulated Entertainment (Will remain the same as current Licence)

2. Designated Premises Supervisor:
Kenneth Eric Hogg
3. Supply of alcohol is for consumption both on and off the premises.
4. The area for the licensable activities are indicated on the plan (**Appendix 4**)
5. Additional steps to promote licensing objectives (**Appendix 1, para. P**)

General

Fantails has historically been run in an orderly fashion and, as far as we are aware, there are no recorded incidents for concern in terms of the running of the premises. This will continue to be the case. Whilst there are listed various conditions below, there is room to listen to any further recommendations that any of the responsible authorities would like to put forward.

Crime and Disorder

The Licensing Act 2003 contains sufficient legislation to meet the requirements relating to Prevention of Crime and Disorder. Challenge 21 will be adopted as a strategy to further prevent sales of alcohol to persons under the age of 21.

Public Safety

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

Public Nuisance

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

Protection of Children

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

Advertising

Copies of the application were forwarded to the Responsible Authorities. The application was advertised on the premises as well as in a local newspaper.

B. RELEVANT REPRESENTATIONS

Responsible authorities:

None

Interested parties:

Persons living in the vicinity – (Appendix 5)

There are 15 letters from residents wishing to raise objections to the proposed variation application:

Ms L Hewson	(Exhibit 5.1)
M Bentley	(Exhibit 5.2)
Mr S Goodman	(Exhibit 5.3)
Mr P Cowen	(Exhibit 5.4)
Mr Andrews	(Exhibit 5.5)
Mr & Mrs Wildman	(Exhibit 5.6)
Mr R Speirs	(Exhibit 5.7)
Mr J Morris	(Exhibit 5.8)
Mr D Ion	(Exhibit 5.9)
Mr A Moffat	(Exhibit 5.10)
Mr Plevin	(Exhibit 5.11)
Mr A Robertson	(Exhibit 5.12)
Mr D Lamond	(Exhibit 5.13)
Mr T Dearnley	(Exhibit 5.14)
Mrs B O'Donohoe	(Exhibit 5.15)
Mr & Mrs Porter	(Exhibit 5.16)

They raise concern at the potential for disturbed sleep during the extended hours from recorded and live music, drunken singing, noisy persons leaving, taxis and private cars collecting people etc. They point out that the area is a residential area.

Mr Hogg attended the Civic Centre on Friday 6th July 07 when an informal meeting was held with some of the residents who are objecting to the variation. After listening to the concerns of the residents, Mr Hogg offered to alter the terminal hour to 0100hrs. Unfortunately an agreement was not reached.

C. LOCAL LICENSING POLICY CONSIDERATIONS

The Licensing Act 2003 requires the Council to publish a Statement of Licensing Policy that sets out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act.

Members should have regard to all relevant information and it is considered that the following sections of the policy, (though not exclusively) have a bearing upon the application. Paragraph numbers are taken from the policy:

Introduction

1.2 Carlisle City Council is a licensing authority (the Authority) for the purposes of the Act. The Authority must carry out its licensing functions with a view to promoting the four licensing objectives, which are:

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

1.10. In determining its policy, the Authority considered the provisions of the Act and had particular regard to:

- the licensing objectives;
- the guidance issued by the Secretary of State under section 182 of the Act;
- the representations made following consultation;
- its duties and obligations under other legislation, including:

Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with a Convention right. The Authority will have particular regard to the following relevant provisions of the European Convention on Human Rights:

- Article 6 that in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law;
 - Article 8 that everyone has the right to respect for his home and private life;
- and
- Article 1 of the First Protocol that every person is entitled to the peaceful enjoyment of his or her possessions, including, for example, the possession of a licence.

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

1.19. The Act limits the representations which can be made about licence applications and who can make such representations. Essentially, representations must relate to one or more of the licensing objectives and must be made by a person living or working in the vicinity of the premises or an organisation which represents such persons. Anyone considering making an objection is invited to discuss their objection with licensing officers prior to submitting their representation.

n.b. The term “vicinity” is used within the Licensing Act 2003 on a number of occasions and, in particular, with reference to those “interested parties” who may lodge objections to applications for premises licences and who may make representations concerning existing premises licences. Section 13(3) defines an “interested party” as being “a person living in the vicinity, a body

representing persons living in the vicinity, a person involved in a business in the vicinity or a body representing those persons”.

The Act does not define the term “vicinity”, therefore where the question arises, it is the responsibility of that particular Licensing sub committee considering the application, to determine in each case which person or body is considered to be living in the “vicinity”.

Fundamental Principles

- 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.

Reason

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

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

4.3. Prevention of Crime and Disorder

4.3.1 General Policy

The Authority's starting point is to seek a reduction in crime and disorder throughout the District, consistent with its statutory duty under section 17 of the Crime and Disorder Act 1998.

Licences may be granted if applicants can demonstrate that a positive reduction in crime and disorder will result, or that it will not increase, as a result of the application being granted.

4.3.4. Carlisle and Eden Crime and Disorder Reduction Partnership

Where appropriate, applicants will be expected to have regard to the information published by the Carlisle and Eden Crime and Disorder Reduction Partnership and consider the impact of their proposals on the issues identified as being of particular concern in the area for example:

- violent crime;
- fear of crime;
- road safety;
- anti-social behaviour.

Applicants will be expected to propose steps to reduce the risks of such crimes increasing as a result of the licensable activities proposed.

Reason

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

4.5 Prevention of Public Nuisance

4.5.1 General policy on Licensing Hours

4.5.2. The Authority recognises that fixed and artificially early closing times can lead to peaks of disorder and disturbance on the streets when large numbers of people leave licensed premises at the same time. Longer licensing hours, particularly relating to the sale of alcohol, may therefore be a factor in reducing disorder at late night food outlets, taxi ranks and other sources of transport in areas where there have already been incidents of disorder and disturbance.

4.5.3. The Authority will not seek to introduce any form of 'zoning' in relation to licensing hours. Zoning is defined as the setting of fixed trading hours within a designated area. All residents living in the vicinity of licensed premises have equal rights to make representations concerning applications for, and reviews of, premises licences, including hours of trading and to have those representations given equal weight regardless of where they live.

4.5.5. In general, the Authority will deal with the issue of licensing hours on the individual merits of each application. However, in the event of relevant representations, when issuing a licence stricter conditions are likely to be imposed with regard to noise control in the case of premises that are situated in predominantly residential and other noise sensitive locations.

Reason

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

4.5.6. Policy - Location of premises

4.5.7. The Authority will assess the potential impact of the premises against the characteristics of the area in which they are situated. For example, in the event of representation being made there would be close scrutiny of applications for a closing time of later than 11pm in respect of premises situated in quiet residential or other noise sensitive locations with low background noise. Greater flexibility on closing times would be considered where for example, applicants could demonstrate that:

- there is a high level of accessibility to public transport services;
- there is an appropriate amount of car parking, readily accessible to the premises, and in places where vehicle movement will not cause demonstrable adverse impact to local residents;
- the operating schedule indicates that the applicant is taking appropriate steps to comply with the licensing objective of preventing public nuisance;
- the licensable activities would not be likely to cause adverse impact especially on local residents, or that, if there is a potential to cause adverse impact, appropriate measures are to be put in place to prevent or minimise that impact.

Reason

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

Any activity involving public entertainment or eating or drinking on the premises has the potential to impact adversely on the surrounding area due to noise, smells, or congestion on the footway. Public nuisance may also be caused by customers being noisy when leaving, leaving litter or taking up on-street car parking space needed by residents. The impact of noise generated by these activities, especially customers departing either on foot or in cars, is particularly intrusive at night when ambient noise levels are much lower.

Parts of the District are sensitive to the impact of licensable activities because they are either residential or close to residential areas. Many shopping areas are abutted by residential areas, including housing above commercial premises. The impact of traffic and parking related to licensed premises can be considerable. Even where a majority of customers arrive on foot or by public transport, the additional parking

demand may be significant, especially where there are already a number of licensed premises. The impact may be felt by local residents in preventing them from parking close to their homes and by increasing the danger from traffic in residential streets.

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

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

4.5.8. Noise

Policy

4.5.9. In the event of representations, the Authority will not normally grant a premises licence in terms which are, in its opinion, likely to result in increased noise disturbance to people living or working in the vicinity.

4.5.10. In particular, the Authority will give careful consideration to an application for a licence, for premises situated in a predominantly residential or other noise sensitive locations where the proposed hours of operation would be likely to result in unreasonable noise disturbance between the hours of 11pm and 7am.

4.5.11. The Authority expects the applicant to assess the likely sources of noise disturbance that could arise due to the proposed use consider the existing noise context of the area and propose practical steps to prevent noise disturbance or minimise its effects.

4.5.12. Potential sources of noise include:

- sound leakage from the licensed premises (from entertainment provided, customers on the premises, mechanical equipment etc);
- customers and staff arriving and leaving the premises (including car doors slamming);
- excessive noise from outside entertainment.

4.5.13. Practical steps could include:

- keeping doors and windows closed whilst entertainment is provided;
- installing soundproofing measures to the premises (specialist double glazing, acoustic hoods over extractor fan outlets etc);

- reducing sound levels inside the premises (inclusion of a sound limitation device in the sound system);
- ensuring that queues are directed to form leading away from residential premises;
- ensuring that sufficient door security staff manage queuing and leaving customers to minimise noise;
- erecting prominent notices at exits requesting customers to leave quietly;
- reducing the volume of music entertainment towards the end of the evening;
- giving free lollipops to customers leaving the premises;
- ensuring that sufficient transport is nearby to enable customers leaving the premises to disperse quickly;
- banning from the premises customers known to cause noise disturbance regularly on leaving the premises;
- ensuring that customers are encouraged to leave the premises (including any car park or forecourt) swiftly;
- ensuring the volume of outdoor entertainment does not cause noise disturbance;
- providing police supervision at closing times.

4.5.14. The Authority may impose conditions to ensure that appropriate steps are taken to minimise noise disturbance.

4.5.15. Live music, dancing and theatre

4.5.16. The Authority recognises the need to encourage and promote live music, dance and theatre for the wider cultural benefit of the economy and community, particularly for children and young people.

4.5.17. When considering applications for such events and the imposition of conditions on licences or certificates, the Authority will carefully balance the cultural needs with the necessity of promoting the licensing objectives.

4.5.18. Consideration will be given to the particular characteristics of any event, including the type, scale and duration of the proposed entertainment, especially where limited disturbance only may be caused.

Reason

The prevention of public nuisance is a licensing objective. Noise disturbance can be a public nuisance. The authority is required to promote the licensing objectives. Granting a licence in circumstances where nuisance is likely to be caused will undermine that objective. The Authority recognises that noise from licensed premises can cause great disturbance to people living and working near those premises. The authority recognises that noise can be a nuisance during the day and at night in both residential and commercial areas and other noise sensitive locations if not properly managed or controlled.

4.5.19. Tables and chairs outside premises including garden areas.

Policy

- 4.5.20. The Authority recognises that provision of tables and chairs outside premises, either on the highway or on private land, may enhance those premises. It can have the benefit of encouraging a continental-style café culture. However, late at night these same tables and chairs can contribute to noise and disorder problems. This is because they can encourage patrons and passers by to loiter rather than disperse. Licensees should note that in certain areas, byelaws prohibit the consumption of alcohol in public. Before planning to use tables and chairs outside premises (particularly where it is intended that alcohol will be sold) applicants should ensure that they will not contravene any byelaws or orders. Applicants should also ensure that other legislation, for example in relation to highways and planning will not be contravened.
- 4.5.21. In the event of representations being made, the Authority will carefully consider any application where outdoor tables and chairs are proposed to be provided. In particular, the Authority will assess the premises in the context of their location, the hours during which the premises are to be open, the proposed licensable activities and proposals for control of the tables and chairs outside the hours of operation.

Reason

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

D. NATIONAL GUIDANCE (Section 182 Licensing Act 2003)

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

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

National guidance regarding Public Nuisance:

- 2.32 The 2003 Act requires licensing authorities (following receipt of representations) and responsible authorities, through representations, to make judgements about what constitutes public nuisance and what is necessary to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on impacts of the licensable activities at the specific premises on the persons living and working (including doing business) in the vicinity that are disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

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

signs at the exits from the building encouraging patrons to be quiet until they leave the area and to respect the rights of people living nearby to a peaceful night.

National guidance regarding imposing conditions:

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

National guidance regarding control of areas outside the premises:

13.16 Statements of policies should make clear that:

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

13.17 Whether or not incidents can be regarded as being “in the vicinity” of licensed premises is a question of fact and will depend on the particular circumstances of the case. In cases of dispute, the question will ultimately be decided by the courts. But statements of licensing policy should make it clear that in addressing this matter, the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of public living, working or engaged in normal activity in the area concerned.

13.18 A statement of policy should also make clear that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in town and city centres.

National guidance regarding licensing hours is as follows:

13.40 With regard to licensing hours, the statement of policy should generally emphasise the consideration, which will be given to the individual merits of an application. The Government recommends that statements of policy should recognise that, in some circumstances, flexible licensing hours for the sale of alcohol can help to ensure that the concentrations of customers leaving premises simultaneously are avoided. This can help to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which lead to disorder and disturbance.

13.41 The Government also wants to ensure that licensing hours should not inhibit the development of thriving and safe evening and night-time local economies which are important for investment and employment locally and attractive to domestic and international tourists. Providing consumers with greater choice and flexibility is an important consideration, but should always be balanced carefully against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet.

E. OBSERVATIONS

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

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

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

The Committee must also have regard to the representations made and the evidence given before them.

F. OPTIONS

The Committee may take such of the following steps as it considers necessary for the promotion of the licensing objectives:

As a guide members may:

1. Grant the application as requested.
2. Modify the conditions of the licence, by altering or omitting or adding to them.
3. Reject the whole or part of the application.

When considering their decision, members should refer to paragraph 4.8.4 of the Council's statement of Licensing Policy with regard to the options they should consider.

The Committee is reminded that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

In order to assist members and applicants and to achieve consistency, sample conditions for premise licences and club premises certificates have been prepared which may be utilised (Guidance GD6).

Prepared by F Watson, Licensing Officer

APPENDIX 1

Application to vary a premises licence 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 Kenneth Eric Hogg

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number PL071

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Fantails Restaurant The Green Wetheral			
Post town	Carlisle	Post code	CA4 8ET

Telephone number at premises (if any)	01228 560239
Non-domestic rateable value of premises	£14750

Part 2 – Applicant details

Daytime contact telephone number	01228 560239		
E-mail address (optional)	peterfulton@abvtraining.co.uk		
Current postal address if different from premises address	Holly Cottage The Green Wetheral		
Post Town	Carlisle	Postcode	CA4 8HD

Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

Day Month Year

--	--	--	--	--	--	--	--	--	--

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

To remove a number of embedded restrictions inherited on conversion from Justices Licence.

To replace former PEL conditions with those in line with the 2003 act.

To extend the hours of opening, sale of alcohol and Late Night Refreshment

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

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

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

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

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			State any seasonal variations for indoor sporting events (please read guidance note 4)	
Tue				
Wed				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)
Thur				
Fri				
Sat				
Sun				

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			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

E

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

F

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

G

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

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p><u>Please give a description of the type of entertainment you will be providing</u></p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Wed					
Thur			<p><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)</p>		
Fri					
Sat			<p><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)</p>		
Sun					

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)		Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)		
Wed					
Thur			<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)		
Fri					
Sat					
Sun					

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)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
			<u>Please give a description of the facilities for dancing you will be providing</u>		
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for providing dancing facilities</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

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 type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur					
Fri			<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)		
Sat					
Sun					
			<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)		

L

Late night refreshment Standard days and timings (please read guidance note 6)			Indoors <input type="checkbox"/>	Outdoors <input type="checkbox"/>	Both <input type="checkbox"/>
Day	Start	Finish			
Mon	23.00	02.00	<p><u>Please give further details here</u> (please read guidance note 3) The current permitted times are Sunday - 23.00 to 23.30 Monday to Saturday 23.00 to Midnight. Good Friday, Christmas Day and New Years Eve if a Sunday - 23.00 to 23.30. If New Years Eve is not a Sunday then midnight however the 36 hour exemption rule applies when it is not a Sunday. We have therefore endeavoured to simplify the situation by listing the start and finish times that should apply every day. Start of this activity can not be before 23.00 and the finish time of 02.00 applies to the morning of the following day.</p>		
Tue	23.00	02.00			
Wed	23.00	02.00	<p><u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)</p>		
Thur	23.00	02.00			
Fri	23.00	02.00	<p><u>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</u> (please read guidance note 5) New Years Eve - to retain the right to open and conduct this activity through to the start of permitted hours next day.</p>		
Sat	23.00	02.00			
Sun	23.00	02.00			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<p>State any seasonal variations for the supply of alcohol (please read guidance note 4) The current permitted times are Sunday - Noon to 23.30 Monday to Saturday 10.00 to Midnight. Good Friday, Christmas Day and New Years Eve if a Sunday - noon to 23.30. If New Years Eve is not a Sunday then midnight however the 36 hour exemption rule applies when it is not a Sunday. Listing each daily variation is too onerous therefore we have endeavoured to simplify the situation by listing the start and finish times that should apply every day. The finish time of 02.00 applies to the morning of the following day.</p> <p>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) New Years Eve - to retain the right to open and conduct this activity through to the start of permitted hours next day.</p>		
Mon	10.00	02.00			
Tue	10.00	02.00			
Wed	10.00	02.00			
Thur	10.00	02.00			
Fri	10.00	02.00			
Sat	10.00	02.00			
Sun	10.00	02.00			

N

<p>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)</p> <p>N/A</p>

0

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	08.00	03.00	<p><u>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</u> (please read guidance note 5) New Years Eve - to retain the right to open and conduct activities through to the start of permitted hours next day.</p>
Tue	08.00	03.00	
Wed	08.00	03.00	
Thur	08.00	03.00	
Fri	08.00	03.00	
Sat	08.00	03.00	
Sun	08.00	03.00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking
 To remove all conditions that apply to the current licence, other than the mandatory ones, and replace with the specifics outlined in support of the licensing objectives.

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

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

fantails has historically been run in an orderly fashion and, as far as we are aware, there are no recorded incidents for concern in terms of the running of the premises. This will continue to be the case. Whilst there are listed various conditions below, there is room to listen to any further recommendations that any of the responsible authorities would like to put forward.

b) The prevention of crime and disorder

The Licensing Act 2003 contains sufficient legislation to meet the requirements relating to Prevention of Crime and Disorder. Challenge 21 will be adopted as a strategy to further prevent sales of alcohol to persons under the age of 21.

c) Public safety

PS1 There shall be maintained on the premises at all times an adequate and appropriate supply of first aid equipment and materials.

PS2 Emergency Lighting will be tested in accordance with BS 5266 Part 1, 1999 Emergency Lighting. The results of the tests will be recorded in a logbook. A satisfactory NICEIC (or equivalent) inspection report will be available for inspection by the relevant authorities.

PS3 The fire alarm detection system will be tested in accordance with BS 5839 Part 1 2002 Fire Detection and Fire Alarm Systems for buildings. The results of the tests will be recorded in a log book. A satisfactory inspection report will be available for inspection by the relevant authorities.

PS4 The electrical installation will be inspected and a satisfactory NICEIC (or equivalent) inspection report will be available for inspection by the relevant Authorities.

PS5 Any gas boiler, calorifier or other gas appliance will be tested on a regular basis and a satisfactory CORGI (or equivalent) inspection report will be available for inspection by the relevant authorities.

PS6 Any portable electrical equipment, used for the purposes of entertainment, which relies on mains voltage will be used only through the following means of protection:

a) each socket outlet circuit shall be protected by a residual current device having a rated residual operating current not exceeding 30 milliamps

or

b) each individual socket outlet shall be protected by a residual current device having a rated residual operating current not exceeding 30 milliamps

This does not allow a single RCD to be used to protect a group of circuits or the use of a 'plug in' RCD.

d) The prevention of public nuisance

PPN1 All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency and for the purposes of exit and entry.
PPN2 Refuse such as bottles shall be disposed of from the premises at a time when it is not likely to cause a disturbance to residents in the vicinity of the premises.
PPN3 There will be placed at the main entrance a notice advising customers to keep noise to a minimum when leaving the Premises.

e) The protection of children from harm

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

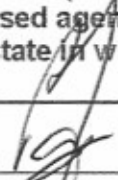
Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- 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 5 – Signatures (please read guidance note 10)

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

Signature	
Date	22/5/07
Capacity	Authorised Representative

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

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

Peter Fulton
The Salutation Inn
High Hesket

Post town	Carlisle	Post code	CA4 0HS
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Telephone number (if any)	07789 001882
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If you would prefer us to correspond with you by e-mail your e-mail address (optional)
peterfulton@abvtraining.co.uk

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or 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 2003.

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

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

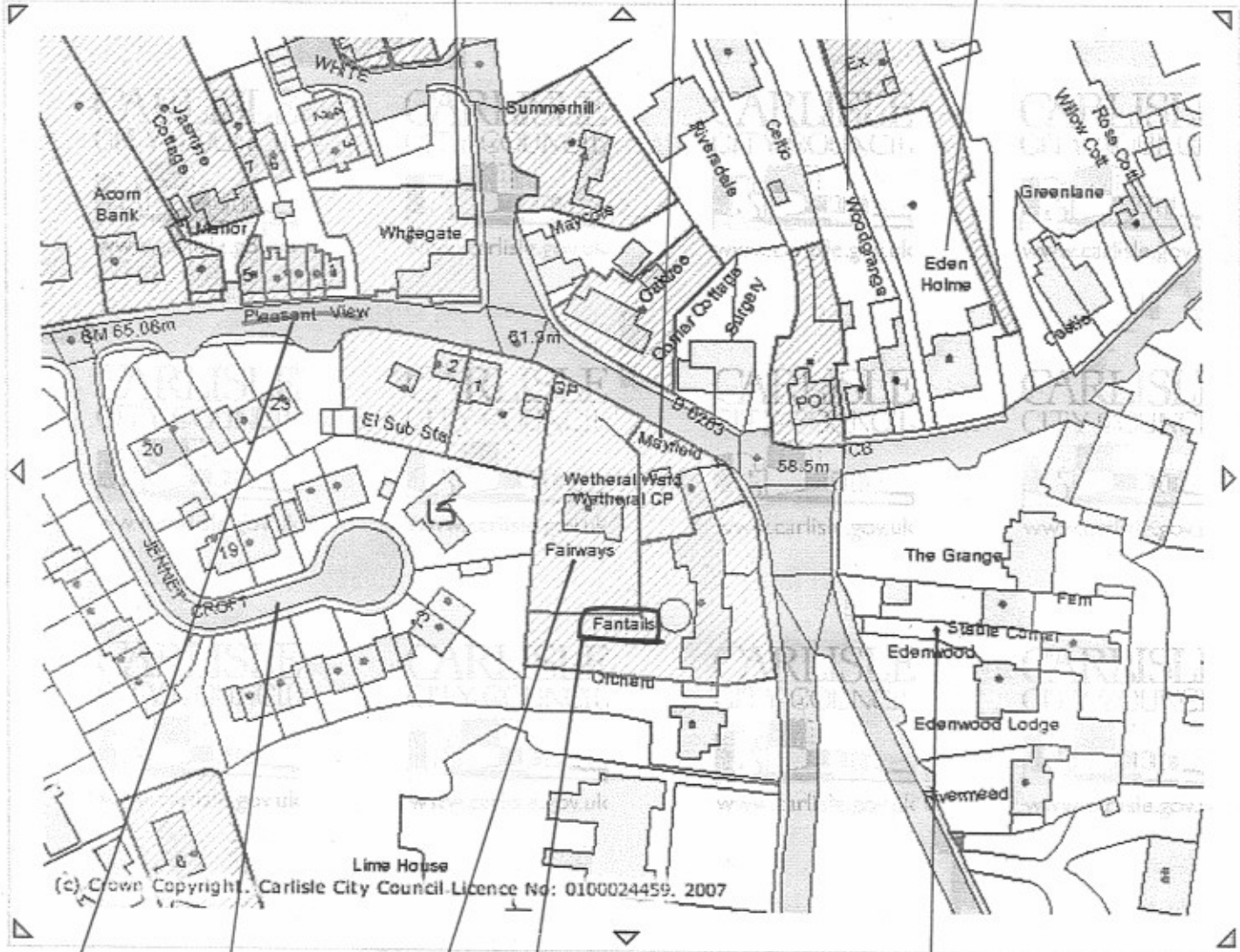
Carlisle On-line maps

If this site is not displaying as expected please click here.



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PLEASANT VIEW

JENNET CROFT

FANTAILS

STABLES CORNER

FAIRWAYS

City of



Carlisle

Licensing Act 2003
Premises Licence

PL071

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Fantails Restaurant

The Green, Wetheral, Carlisle, Cumbria, CA4 8ET.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- entertainment facilities for making music
- entertainment facilities for dancing
- entertainment of a similar description to that falling within entertainment facilities for making music or dancing
- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	Sunday to Saturday	Noon	12:30am
F. Playing of recorded music (Indoors)	Sunday to Saturday	Noon	12:30am
G. Performance of dance (Indoors)	Sunday to Saturday	Noon	12:30am
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Sunday to Saturday	Noon	12:30am
I. Provision of facilities for making music (Indoors)	Sunday to Saturday	Noon	12:30am
J. Provision of facilities for dancing (Indoors)	Sunday to Saturday	Noon	12:30am
K. Provision of facilities for entertainment of a similar description to that falling within I or J (Indoors)	Sunday to Saturday	Noon	12:30am
L. Late night refreshment (Indoors)	Sunday	11:00pm	11:30pm
	Monday to Saturday	11:00pm	Midnight
	Good Friday	11:00pm	11:30pm
	Christmas Day	11:00pm	11:30pm
	New Years Eve	11:00pm	11:30pm Sunday
	New Years Eve	11:00pm	Midnight Except Sunday





Licensing Act 2003 Premises Licence

PL071

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
L. Late night refreshment (Indoors) continued ...	New Years Eve		Through to start of permitted hours next day
M. The sale by retail of alcohol for consumption ON the premises only	Alcohol only to persons taking table meals		
	Sunday	Noon	11:30pm
	Monday to Saturday	10:00am	Midnight
	Christmas Day	Noon	11:30pm
	Good Friday	Noon	11:30pm
	New Years Eve	Noon	11:30pm
	New Years Eve	10:00am	Midnight
	New Years Eve		Sunday Except Sunday Through to start of permitted hours next day

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
-------------	-----------	---------

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON the premises only

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Kenneth Eric Hogg

Holly Cottage, The Green, Wetheral, Cumbria, CA4 8HD.
Telephone 01228 560239

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Kenneth Eric HOGG

Holly Cottage, The Green, Wetheral, Cumbria, CA4 8HD.
Telephone 01228 560239

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. PA 014

Issued by Carlisle

ANNEXES

ANNEX 1

Licensing Act 2003 Mandatory Conditions





Licensing Act 2003
Premises Licence

PL071

ANNEXES continued ...

Mandatory conditions where licence authorises the supply of alcohol

- (1) No supply of alcohol may be made under the premises licence -
- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (2) The supply of alcohol under the premise licence must be made or authorised by a person who holds a personal licence.

Mandatory condition where Door Supervisors are provided

Any individual employed on the premises to carry out a security activity must be licensed by the Security Industry Authority.

Restaurant Licence conditions

Embedded Conditions

Alcohol may be sold or supplied:

- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10 a.m. to midnight.
- (b) On Sundays, other than Christmas Day or New Year's Eve and on Good Friday: 12 noon to 11.30 p.m.
- (c) On Christmas Day: 12 noon to 11.30 p.m.
- (d) On New Year's Eve, except on a Sunday, 10 a.m. to midnight.
- (e) On New Year's Eve on a Sunday, 12 noon to 11.30 p.m.
- (f) On New Years Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any





Licensing Act 2003
Premises Licence

PL071**ANNEXES continued ...**

person residing in the licensed premises.

Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.

Suitable non-alcoholic beverages, including drinking water, shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.

The premises must be bona fida used for the purpose of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises.

Recorded Music

Provision may be made for the public entertainment in the premises by the reproduction of wireless (including television) broadcasts (or of programmes included in any programme service [within the meaning of the Broadcasting Act 1990] other than a sound or television broadcasting service), or of public entertainment by way of music and singing only which is provided solely by the reproduction of recorded sound.

Public Entertainment

The Standard Conditions for Places of Public Entertainment adopted by this Council in 2002 are applicable to this licence and are attached. Entertainment may only take place in those areas indicated on the plan dated 29/10/05.

Late Night Refreshment

Late Night Refreshment may only take place in those areas indicated on the plan dated 29/10/05.

Supper Hours Certificate - (Section 68 Licensing Act 1964)

The following may be added to the permitted hours:

- (a) On Christmas Day between the first and second part of the general licensing hours
- (b) the hour following general licensing hours

The addition shall be for the purpose of the sale or supply to persons taking table meals in the premises, and the consumption, of intoxicating liquor which is supplied in the part of the premises named above, and for consumption by such a person in that part of the premises as an ancillary to the meal.



City of



Carlisle

Licensing Act 2003
Premises Licence

PL071

ANNEXES continued ...

Conditions on Justices' Restaurant Licence:

Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meals.

That suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals served on the premises.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

See Annex 1

ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY





Licensing Act 2003

Premises Licence Summary

PL071

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Fantails Restaurant

The Green, Wetheral, Carlisle, Cumbria, CA4 8ET.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- entertainment facilities for making music
- entertainment facilities for dancing
- entertainment of a similar description to that falling within entertainment facilities for making music or dancing
- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	Sunday to Saturday	Noon	12:30am
F. Playing of recorded music (Indoors)	Sunday to Saturday	Noon	12:30am
G. Performance of dance (Indoors)	Sunday to Saturday	Noon	12:30am
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Sunday to Saturday	Noon	12:30am
I. Provision of facilities for making music (Indoors)	Sunday to Saturday	Noon	12:30am
J. Provision of facilities for dancing (Indoors)	Sunday to Saturday	Noon	12:30am
K. Provision of facilities for entertainment of a similar description to that falling within I or J (Indoors)	Sunday to Saturday	Noon	12:30am
L. Late night refreshment (Indoors)	Sunday	11:00pm	11:30pm
	Monday to Saturday	11:00pm	Midnight
	Good Friday	11:00pm	11:30pm
	Christmas Day	11:00pm	11:30pm
	New Years Eve	11:00pm	11:30pm
	New Years Eve	11:00pm	Midnight
			Sunday Except Sunday





Licensing Act 2003

Premises Licence Summary

PL071

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
L. Late night refreshment (Indoors) continued ...	New Years Eve		Through to start of permitted hours next day
M. The sale by retail of alcohol for consumption ON the premises only	Alcohol only to persons taking table meals		
	Sunday	Noon	11:30pm
	Monday to Saturday	10:00am	Midnight
	Christmas Day	Noon	11:30pm
	Good Friday	Noon	11:30pm
	New Years Eve	Noon	11:30pm
	New Years Eve	10:00am	Midnight
	New Years Eve		Sunday
			Except Sunday
			Through to start of permitted hours next day

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON the premises only

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Kenneth Eric Hogg

Holly Cottage, The Green, Wetheral, Cumbria, CA4 8HD.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

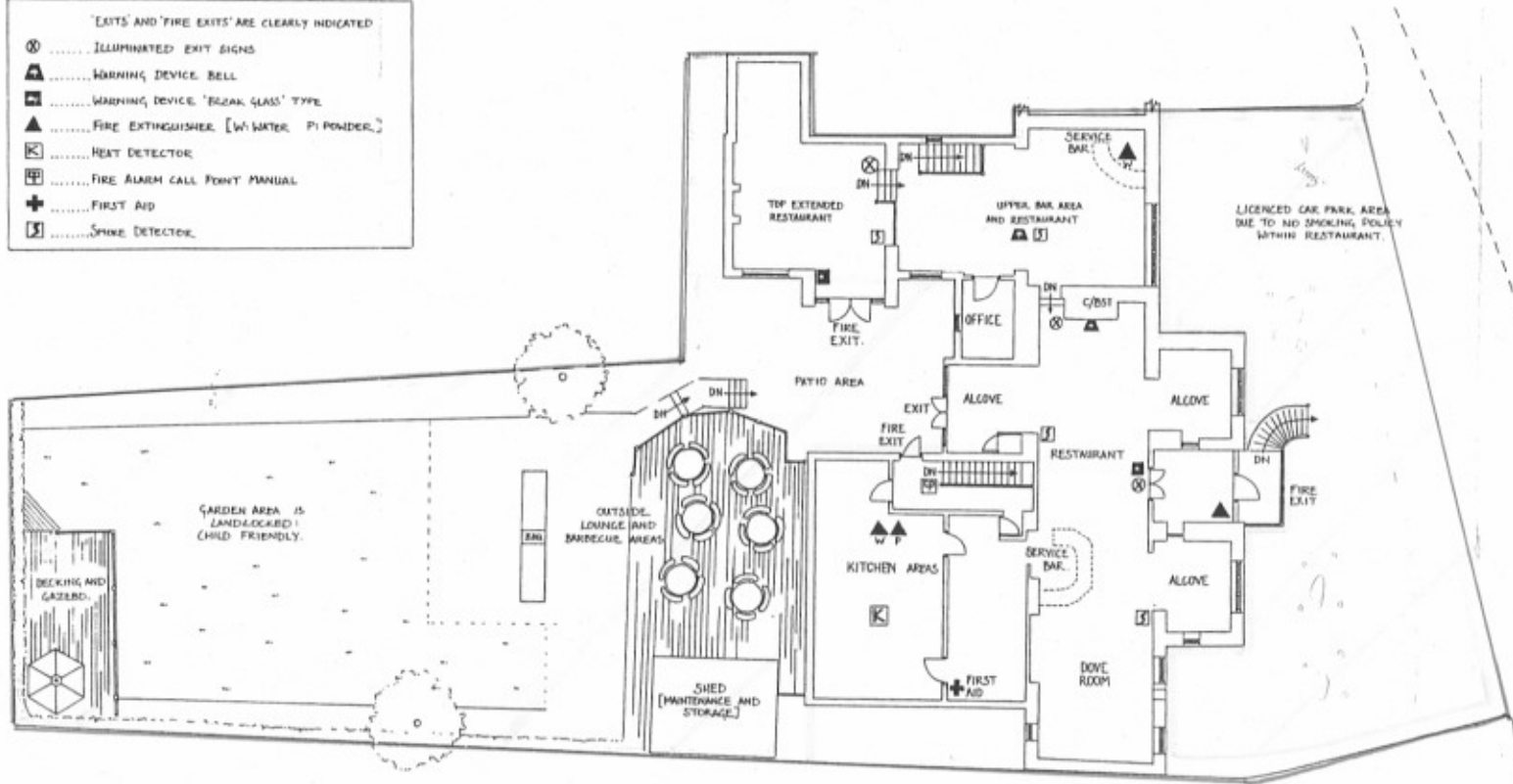
Kenneth Eric HOGG

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

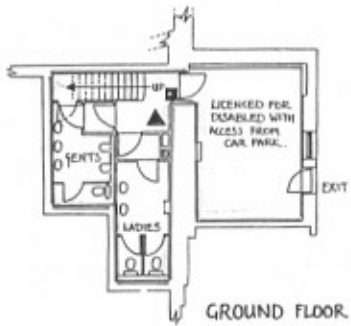


App.4.

- EXITS AND FIRE EXITS ARE CLEARLY INDICATED
- ⊗ ILLUMINATED EXIT SIGNS
 - 🔔 WARNING DEVICE BELL
 - 🔊 WARNING DEVICE 'BREAK GLASS' TYPE
 - 🔥 FIRE EXTINGUISHER [W/WATER P/POWDER]
 - ☒ HEAT DETECTOR
 - 📞 FIRE ALARM CALL POINT MANUAL
 - 🏠 FIRST AID
 - 🚬 SMOKE DETECTOR



PLANS



- Consumption of ALCOHOL
 - Regulated entertainment
 e LNR will not take place
 in areas shaded yellow



*Consumption of alcohol
 Regulated entertainment - LNR will not
 take place in areas shaded yellow*

PLANS FOR FULL LICENCE
 FANTAILS RESTAURANT - WETHERAL
 FOR MR. K. HOGG
 SCALE : 1:100
 DATE : MARCH 2005
 DRG : MR. S.A. QUIGLEY

47

App. 5.1

Diane Graham (Licensing)

From: Diane Graham (Licensing)
Sent: 13 June 2007 14:46
To: 'Lesley Hewson'
Subject: RE: Fantails Restaurant - Wetheral

Can you please complete the attached form to show your representations to the variation application.



Guidance GD20
Interested Parti...

Diane Graham
Technical Clerk – Licensing
Carlisle City Council
01228 817523

-----Original Message-----

From: Lesley Hewson [SMTP:LHewson@carlisle.ac.uk]
Sent: 13 June 2007 14:18
To: licensing@carlisle.gov.uk
Subject: Fantails Restaurant - Wetheral

I wish to object to the variation of the premises licence for the Fantails Restaurant, Wetheral.

I am a resident of Jennet Croft which is at the back of the Fantails.

Wetheral is a quiet rural village and we do not wish for any more late night noise and traffic in the village.

This e-mail has been scanned for all viruses by Star. The service is powered by MessageLabs. For more information on a proactive anti-virus service working around the clock, around the globe, visit: <http://www.star.net.uk>

Jim Messenger

To: mdb5
Subject: RE: extended licence Fantails Wetheral

Dear Sir/Madam

I acknowledge your email regarding an application by the licence holder of the Fantails Restaurant for a variation to his licence.

Relevant representations may be made in certain circumstance under the Licensing Act 2003. To assist with this process may I ask you to complete and return the attached document. This should be returned to the Licensing Authority before 26th June 2007.

Should you have any queries please contact this office.



Guidance GD20
Interested Parti...

Jim Messenger

Licensing Manager
Carlisle City Council
Tel: 01228 817025

-----Original Message-----

From: mdb5 [SMTP:mdb5@supanet.com]
Sent: 12 June 2007 16:14
To: licensing@carlisle.gov.uk
Subject: extended licence Fantails Wetheral

3 Pleasant View
Wetheral
Carlisle
Ca4 8jf

I wish to put an objection against the application for late licensing at the Fantails Wetheral I think it is totally inappropriate for a residential area with elderly and young families living nearby to have people leaving at 3 o'clock in the morning. Noise can already be heard coming from the Fantails late at night as it is. The Fantails is a Restaurant not a night club, Also there is policing to be considered both from a rowdiness point of view and drink and driving.

Also will this licence include dance music that is played already. I suggest before you consider this licence you conduct spot visits on these premises. Yours sincerely
M Bentley

Diane Graham (Licensing)

From: stuart black [stuinblack@yahoo.co.uk]
Sent: 13 June 2007 16:43
To: licensing@carlisle.gov.uk
Subject: To the licensing manager

Variation of licence
of Fantails restaurant
the green wetheral
ca4 8et

I would strongly like to object to this
my garden meets corner to corner with fantails
these are my reasons
many times in the past the music coming from the said establishment has kept
me awake,
i have never once complained about it, as, usually by 0045 to 0100 it quietens
down , and live and let live is my principal,
but
the fact remains at times the noise has kept me awake
if its in the summer they often open the rear doors, so even just talking can have
an effect.
on some sundays they have what sounds like childrens parties, again this causes
a large amount of noise, and you cant expect children to be quiet
but yet again it causes annoyance,
why should it interfere with my sundays spent in the garden
it is my opinion that to extend any drinking hours will make the situation worse,
how can it not?
would any public house on a housing estate in carlisle be allowed the same
drinking hours, i wonder,
I wish like everyone else
that i am able to sleep within normal hours, surely to have quiet between
midnight and 0800 is not to much to ask or expect,
surely that is within my rights.

In the oxford dictionary
a restaurant is
a place where people sit to eat meals which are cooked on the premises

a village
is a self contained district or community

wetheral already has a pub the wheatsheaf
a hotel with bar and restaurant and function rooms the crown
a cafe
and the fantails restaurant,
why is there a need to extend drinking hours in a restaurant?

App. 5.3

yours faithfully

stuart goodman
13 jennet croft
wetheral
ca4 8jj

thi

New Yahoo! Mail is the ultimate force in competitive emailing. Find out more at the Yahoo! Mail Championships. Plus: play games and win prizes.

This e-mail has been scanned for all viruses by Star. The service is powered by MessageLabs. For more information on a proactive anti-virus service working around the clock, around the globe, visit: <http://www.star.net.uk>

App. 5.3

Prevention of public nuisance

The Publican Mr. Hogg I have no problem with whatsoever, seems v. nice man, but when the noise affects my sleep, which it has in the past then I find this unacceptable, if I have rung up to complain about noise, they have always turned it down, but the fact is why do I need to complain for the music to be turned down in the first place, This year in all fairness has been very quiet, but last year was not, most weekends in the Spring Summer appeared to be noisy, I have no problem with people enjoying a quiet drink, but in the past this has not been the case, what if the restaurant is sold to someone less conscientious than Mr Hogg, its about choice I work a 6 day week so I wish to sleep at a reasonable hour, if something in a nearby business chooses to open later with associated noise, that's a business choice, depends which is most important, Does not everyone have the right to sleep. when they choose within reasonable hours, After all you cannot use your horn between 23:30 to 07:30, so I would deem that not a reasonable hour to be open as a RESTAURANT!

App 5.4

221.4

THORNLEIGH,
WETHERAL,
CARLISLE
CA4 8ES.

14 June 2007.

Licensing Manager,
Environmental Protection,
Carlisle City Council,
Civic Centre,
Rickergate,
Carlisle
CA3 8QG.

RECEIVED
15 JUN 2007

LEGAL & DEMOCRATIC SERVICES	
FILE	
15 JUN 2007	
PASSPORT	
AMOUNT	
MARK	

Dear Sir

LICENSING ACT 2003
FANTAILS RESTAURANT, WETHERAL.

I refer to the Notice, which appeared in the Evening News and Star on Monday 4th June 2007 advising of an application to vary the Premises License on the above establishment. I wish to object to the application on the following grounds: -

1. The property is, as you are aware, a licensed restaurant with limited car parking in the centre of the Wetheral Conservation Area. Thornleigh is diagonally opposite, next to the village shop at the top of the road leading to the railway station.

Even with the existing licence arrangements, we have, over the years, been troubled with noise emanating from the inside of the premises, particularly when live music is being played and from noise and nuisance outside when people leave, slamming of car doors, shouting etc. Elements of this external noise could of course increase when the no smoking law takes effect at the beginning of July.

This nuisance is particularly evident when wedding receptions or other weekend events are held, particularly when guests are staying at the Crown Hotel lower down the street. Although this problem is not currently as recurrent as it has been in the past, these issues were, at the time, notified to the Police, Environmental Health Department and the Clerk to the Licensing Justices.

There is, in my opinion, a considerable risk that if the license application were to be granted, this noise and nuisance would increase.

2. The Council's own Licensing Policy recognises the need to judge each application under the new Act on its merits. This is referred to at para 2.3 in the Council's policy document and in more detail at 4.5.7 and justified in the paragraph titled "Reason" which immediately follows it.

The location of Fantails does in my opinion place it squarely within a "...quiet residential area or other noise sensitive locations with low background noise" referred to in the latter paragraph.. Furthermore (a) there is a non-existent level of accessibility to public transport after 11.00pm and (b) apart from the odd passing car,

App. 5.4

the ambient noise level in the very late evening and in the early hours of the morning in the centre of the village is very low.

As stated in 1 above the car parking provision serving the premises is inadequate meaning that cars are parked around The Green and on the road outside Thornleigh, leading to the Station. Vehicle movements late at night already cause noise problems. Further adverse and unacceptable impact will arise if the variation in the license is granted.

In other words the licensable activities **will** be likely to cause further adverse impact on local residents. It is conceivable for example that wedding receptions etc will go on longer into the early hours of the morning. The level and timing of the nuisances referred to above can only realistically be expected to worsen.

3. I am advised that there are only two other restaurants in Carlisle which have been granted the type of licence being applied for, namely the Dhaka and the Gallo Rosso. The location of these premises is as different as it possibly could be from the Fantails.

4. If this application is granted there is a risk that there will be a transition in the use of the premises from a restaurant to a drinking establishment, a transition which in my opinion is undesirable and also unnecessary given the existence of the Wheatsheaf and the Crown Hotel in Wetheral, both of which have good public bar facilities and are well patronised by locals.

I trust that you will give serious and careful consideration to these representations. If you require any further information, please get in touch. In any event, I shall be obliged if you will keep me informed of progress with the application.

Yours faithfully,



PETER COWEN

Cc Councillor Barry Earp
Councillor Neville Lishman
The Clerk to Wetheral Parish Council
Inspector Coates, Cumbria Constabulary, Brampton.

All for information.

App 5.5

5

RECEIVED

01228 560 404

Fairways

19 JUN 2007

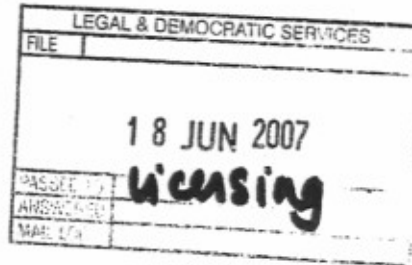
p.andrews123@btinternet.com

Wetheral

228

Carlisle CA4 8JD

The Licensing Office
Legal & Democratic Services
Carlisle City Council
Civic Centre
CARLISLE CA3 8QG



Dear Sir,

Ref.: Fantails Restaurant, The Green, Wetheral, CA4 8ET – variation of Premises Licence

With reference to the Notice that appeared in the News and Star (4 June 2007) advising of an application to vary the Premises Licence of Fantails Restaurant, I wish to object to the application.

If guests are drinking and not consuming food, this suggests a change of use of Fantails from that of a restaurant to that of a public house or even a potential nightclub, in view of the proposal that the premises should stay open until 3.00am. Is this correct? Change of usage will lead to a change in the character of Fantails and it could change the character of the neighbourhood.

In particular, my objections fall under the following headings:

1. Prevention of crime and disorder

With extended hours for much of the day, there are risks of vandalism and anti-social behaviour – as happened in one instance (presumably perpetrated by people returning from a pub late at night) where front gates were removed and a car damaged, along the Scotby Road.

Drinking glasses have been found dumped in front gardens.

2. Public safety

The wording of the application suggests that drinking will take place without the consumption of food. Also, many of the guests will be driving cars, and this will increase the danger of accidents. Will the police be in regular attendance in the area to ensure that drink-driving does not happen?

A drink culture will increase the dangers of drink-driving incidents – recently, I was assailed by youths in a car passing through the village in the early evening, the car being grossly overloaded with passengers and the passengers shouting and singing.

There is insufficient parking for cars around Fantails at the moment. If the opening hours are extended, inevitably the demand for parking will increase. People park their cars on the pavement, often in such a way as to force pedestrians to walk in the road (a particular problem for parents with buggies).

3. Prevention of public nuisance

To allow the restaurant to be open until 3.00am is unreasonable in the middle of a residential area, one which is also a conservation area.

App. 5.5

Will the extension cover the playing of music, which can sometimes be heard outside the building? While tolerable until about midnight, this would not be so if the noise continued throughout most of the night upto 3.00am. Because my property, Fairways, is a fairly well-insulated building, whenever we can hear music from Fantails this means either that it is overloud or that windows and doors are open, as happened about 11.00pm on 15 June last. (I understand that windows and doors are supposed to be shut when music is being played.) Throughout most of the night that would be intolerable, as would be loud talking and singing, which can be heard when people are sat outside in the garden to the rear of Fantails, which shares a common boundary with Fairways.

Noise levels as guests enter and leave Fantails will increase and go on for much longer – again this may be acceptable until midnight but not later.

Fairways has a common boundary with Fantails on two sides. On occasions, items have been thrown over the hedge and, on one occasion, guests came through the hedge, having climbed the embankment to do so. While accepting that current usage has been reasonable, I would not accept that extensions to the hours for most of the day would be.

Vomit on the pavements: there have been occasions when vomit has been found on the pavements across from Fantails.

Noise from cars as doors are slammed and engines revved will increase. Even though the premises close at 3.00am, the noise of people leaving (including staff at the end of their turns) will continue after that time.

The introduction of a smoking ban inside public premises from 1 July next will lead to people smoking outside Fantails (both front and back), with loud talking/singing etc. fuelled by drink, and also an increase in the amount of litter from dog-ends.

4. Protection of children from harm

There are dangers of underage drinking at private parties.

Please take the above into consideration when the application is being processed. If you wish for further information, do not hesitate to contact me.

Yours faithfully,

P D Andrews

P. D. Andrews

Additional Information Sheets

1. Prevention of crime and disorder

With extended hours for much of the day, there are risks of vandalism and anti-social behaviour – as happened in one instance (presumably perpetrated by people returning from a pub late at night) where front gates were removed and a car damaged, along the Scotby Road. Drinking glasses have been found dumped in front gardens.

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4 b

4. Protection of children from harm

There are dangers of underage drinking at private parties.

5 follows

App. 5.6

6

STABLE CORNER, THE GREEN, WETHERAL, CARLISLE, CUMBRIA, CA4 8ET
01228 562128

Licensing Manager.
Environment Protection
Carlisle City Council.
City Centre.
Rickergate. Carlisle. CB3 8QG.

RECEIVED

18 JUN 2007

227

15th June 2007

~~Dear Sir~~

Re. Licensing Act 2003.
Fankails Restaurant. Wetheral.

I refer to the notice which appeared
in the Evening News. Star on Monday
4th June 2007.

I wish to object to the extension
of the licence to 3am. I feel 12.30am
is quite late enough for the
following reasons -

① This is a residential
area, there is insufficient parking
at the Fankails so cars are parked
all round the green, we do not
want noise, slamming of car doors,
music etc, until 3am.

② There are serious problems
in the country with 'binge drinking'

and this is only going to make the situation worse. App 5.6

③. If the application is granted there is a risk that there will be a transition in the use of the premises from a restaurant to a drinking establishment which I think is undesirable as we already have good public bar facilities at the Crann Hotel, Wheatshaf.

I hope you will give serious considerations to this. I will be interested in your response.

yours faithfully,

John C. Waldman

App 5.2

RECEIVED

18 JUN 2007

229

**EDEN HOLME WETHERAL CARLISLE
CUMBRIA CA4 8ES**

Telephone (01228) 561400: E-mail swanney@tesco.net

The Licensing Manager
Environmental Protection Services
Carlisle City Council
Civic Centre
Rickergate
Carlisle
CA3 8QG

13th June 2007

Dear Sir

**Licensing Act 2003 – Application for variation of the Premises Licence
Fantails Restaurant, The Green, Wetheral.**

I write with reference to the above application advertised in the Evening News and Star on Monday 4th June and wish to object to the proposal on the following grounds.

Whilst appreciating Mr. Hogg's desire to meet the possible needs of his current and potential clientele I consider the extended opening hours to be totally out of character with what is essentially a village environment where residential and not commercial properties predominate.

Fantails Restaurant has negligible car parking space with the result that customers park their vehicles on surrounding residential streets. Currently the noise associated with late night vehicle departures is disturbing on occasion however a move to later closing will significantly increase disturbance to residents.

Late night entertainment noise from Fantails has already been the subject of complaint from neighbouring residents and such disturbance can only increase if opening hours are extended. The restaurant has limited acoustic insulation therefore noise nuisance, both from entertainment and customers, during any extended hours is very likely particularly in warm weather when windows are opened for ventilation.

The advent of Smoke Free premises as from the 1st July will result in patrons wishing to smoke having to congregate outside the restaurant, no doubt with their drinks, giving rise to the risk of noise nuisance to residents around the Green. Any extension of hours will obviously increase the risk of nuisance.

App. 5.2

Were the variation to be approved it is extremely likely that the Crown Hotel will seek to address the perceived competition with a similar application. Refusal of such an application would be difficult to justify if a similar variation was granted to Fantails.

Overall my objection is that whilst such an application could be regarded as appropriate in a predominantly commercial environment such as Botchergate or Carlisle city centre it must be wholly unsuitable for a residential area. Although Wetheral these days has something of a dormitory suburb character it still retains its rural village centre in which Fantails is a prominent feature and to extend the opening hours to match those of the City would be inappropriate and will hopefully be refused.

Yours Sincerely



Richard W. S. Speirs

App. 5.7

264.7

**EDEN HOLME WETHERAL CARLISLE
CUMBRIA CA4 8ES**

Telephone (01228) 561400: E-mail swanney@tesco.net

The Licensing Manager
Legal and Democratic Services
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG

LEGAL & DEMOCRATIC SERVICES	
FILE	
28 JUN 2007 <i>licensing</i>	
PASSED TO	
ANSWERED	
MAIL LOG	

25th June 2007

Dear Sir

Representation, Fantails, Wetheral; Licensing Act 2003

I return herewith the completed Representation Form in respect of the Application to vary the Premises Licence of the Fantails Wetheral and would wish the following observations to be considered as regards the Prevention of Public Nuisance.

At the outset I must state that at present we receive no nuisance from the operation of the Fantails although I am aware that my immediate neighbours who live closer to the premises are affected on occasion. Our concern is that if the current permitted hours are extended the risk of nuisance from late night entertainment noise will increase as will the noise from patrons leaving the premises in the early hours of the morning. Fantails has negligible car parking facilities with the result that surrounding residential roads are used, the risk of disturbance from customers returning to their cars and driving off much later than at present is very likely to create nuisance to residents.

Although Mr. Hogg manages the restaurant well, the introduction of later hours of operation, particularly where entertainment is provided, will increase the risk of nuisance especially in warm weather where windows are opened for ventilation. Similarly the introduction of smoke free requirements will lead to customers who wish to smoke congregating outside the restaurant with the subsequent risk of noise nuisance.

A further concern is that should this application be granted the neighbouring Crown Hotel may consider that a precedent has been set and may apply for a similar extension for its busy function suite.

Such late night opening is unusual for a restaurant operation and particularly unsuitable for a residential village centre where extended hours of operation must run a significant risk of causing nuisance to residents in the locality as well as changing the character of this conservation area.

Yours Sincerely

Rob Swain

App 5.8

8

RECEIVED

21 JUN 2007

239.

ALBYFIELD
THE GREEN
WETHERAL
CARLISLE CA4 8ET

Licensing Manager
Carlisle City Council
Civic centre
CARLISLE
CA3 8QG

LEGAL & DEMOCRATIC SERVICES	
FILE	
21 JUN 2007	
PASSED TO	<i>John</i>
ANSWERED	
MAIL LOG	
19 June 2007	

Dear Sir

Licensing Act 2003
Kenneth Eric Hogg
Fantails Restaurant Wetheral

I write to make representations in respect of the above application. I know and like Mr Hogg and, therefore, these representations are not personal but are based upon facts and principles. I wish to object to the variation of the Premises Licence on the following bases:

1. Fantails Restaurant is located in the centre of the original village of Wetheral which, for the most part, is a conservation area and is almost entirely residential. Premises providing activities and operating within hours proposed in the application are entirely out of keeping with the character of this village and would inevitably give rise to unacceptable levels of nuisance.
2. The application is inconsistent with the Council's Licensing Policy. It contravenes the first, second and fourth bullet point of paragraph 4.5.7 of that Policy relating to the location of premises and may well offend against the third bullet point also. The "Reason" section of that Policy also makes it abundantly clear that an application of this nature should not be granted.

Yours faithfully



John Morris

App. 5.8

LICENSING ACT 2003

KENNETH ERIC HOGG

FANTAILS RESTAURANT, WETHERAL

I attach a copy of my letter of 19 June which sets out my initial representations in connection with this matter.

Having now had my attention drawn to the licensing objectives, I would wish to add to those initial representations that I am satisfied that the application, if granted, would offend against the first and third of those objectives: namely the extended hours would encourage public nuisance and the potential for crime and disorder.

As to the former (nuisance) I have made the point in my letter of 19 June that The Green in Wetheral is a conservation area comprising almost entirely residential properties. Fantails Restaurant already causes a nuisance particularly as to the impact of noise on the properties in the area. That noise includes music emanating from the premises, customers shouting (both cheerily and angrily) on leaving; cars (particularly taxis) waiting with engines running, peeping horns to attract attention and slamming doors. All this is bad enough at around midnight with the present licence but it is unreasonable to expect residents (most of whom are far from young) to cope with such nuisance at 3.00 a.m.

As to crime and disorder, the same points could be made as the conduct of many customers and taxi drivers is definitely disorderly and in some cases amounts to criminal conduct both actual and potential.

While addressing these further comments to the licensing objectives I nevertheless take the opportunity of restating the second point made in my letter of 19 June regarding the Council's Licensing Policy which, it seems to me, this application contravenes.

App 5.9

9

RECEIVED

21 JUN 2007

236

15 Jennet Croft
Wetheral
CARLISLE
CA4 8JJ

16 June 2007

Licensing Manager
Environmental Protection
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG

Dear Sir

FANTAILS RESTAURANT

I refer to the notice which appeared in the Evening News and Star on Monday 4th June advising of an application to vary the Premises Licence on the above restaurant. Fantails is situated only a few yards [by this I mean less than 20 yards] from my property.

I wish to object to the application on the following grounds:

1. The property is a licensed restaurant with limited car parking in the centre of the Wetheral Conservation Area. It is situated very close, perhaps 30 yards, from a 90 degree bend in the road. Two roads lead off the bend in the road at this point. As the situation exists at the moment car parking can be a problem, pavements are obstructed to the extent that pedestrians have to walk on the road. This occurs largely on Friday nights, Saturday nights and during the daytime on Sundays. It can occur at other times when there is a function. I have seen cars parked dangerously close to the bend / junction. I attribute this problem to the patrons of Fantails.
2. Your policy makes reference to the provision of public transport. There is no public transport in Wetheral after 11pm. That last bus is scarcely used as it is. If the application were granted there would be a substantial increase in vehicular traffic and as a consequence an increase in noise and pollution. I say this because I believe that the majority of Fantails patrons are not from within the village and travel by car.
3. Local residents would be seriously affected by any change in the licence. There are about 5 dwellings that immediately join to Fantails property; some of these are inhabited by elderly people living alone. There are many more properties within a short distance. If the application is granted I see an increase in comings and goings at Fantails until 3am by intoxicated people this would have a serious adverse impact on all residents. As it is the proprietor is not given to keeping his customers within the building, even during the day time, thus adding to the noise levels.

App. 5.9

I feel that following the smoking legislation, which comes into effect on 1 July there will be an increase in noise levels at Fantails. The application, if granted would only add to this.

It is my experience that disorder, sometimes on a large scale, follows where drinking of alcohol is permitted late into the night. In Carlisle the police and ambulance service can be on the scene in minutes; this is not the case in Wetheral. Response would be much slower, which would add to the problems and therefore residents would be even more adversely affected.

4. I have learned that a statutory notice should be displayed outside the Fantails I have never seen such a notice and today went to specifically look for it. It is not there.

I hope that you will give serious consideration to my objections and ask that you keep me informed of developments.

Yours faithfully

A handwritten signature in black ink, appearing to read 'D Ion', written in a cursive style.

DAVID ION

App. 5.10

10

RECEIVED

21 JUN 2007

237

11 Jennet Croft
Wetheral
CARLISLE
CA4 8JJ

16 June 2007

Licensing Manager
Environmental Protection
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG

Dear Sir

FANTAILS RESTAURANT

I refer to the notice which appeared in the Evening News and Star on Monday 4th June advising of an application to vary the Premises Licence on the above restaurant. Fantails is situated only a few yards [by this I mean less than 75 yards] from my property.

I wish to object to the application on the following grounds:

1. The property is a licensed restaurant with limited car parking in the centre of the Wetheral Conservation Area. It is situated very close, perhaps 30 yards, from a 90 degree bend in the road. Two roads lead off the bend in the road at this point. As the situation exists at the moment car parking can be a problem, pavements are obstructed to the extent that pedestrians have to walk on the road. This occurs largely on Friday nights, Saturday nights and during the daytime on Sundays. It can occur at other times when there is a function. I have seen cars parked dangerously close to the bend / junction. I attribute this problem to the patrons of Fantails.
2. Your policy makes reference to the provision of public transport. There is no public transport in Wetheral after 11pm. That last bus is scarcely used as it is. If the application were granted there would be a substantial increase in vehicular traffic and as a consequence an increase in noise and pollution. I say this because I believe that the majority of Fantails patrons are not from within the village and travel by car.
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App. 5. 10

I feel that following the smoking legislation, which comes into effect on 1 July there will be an increase in noise levels at Fantails. The application, if granted would only add to this.

It is my experience that disorder, sometimes on a large scale, follows where drinking of alcohol is permitted late into the night. In Carlisle the police and ambulance service can be on the scene in minutes; this is not the case in Wetheral. Response would be much slower, which would add to the problems and therefore residents would be even more adversely affected.

I hope that you will give serious consideration to my objections and ask that you keep me informed of developments.

Yours faithfully

Ann Moffat

Ann Moffat

App. 5.11

RECEIVED

25 JUN 2007

248.

LEGAL & DEMOCRATIC SERVICES	
FILE	
25 JUN 2007 <i>Licensing</i>	
PASSED BY	
ANSWERED BY	
MAIL	

Confidential

Mayfield Cottage
The Green
Wetheral
Cumbria
CA4 8ET

The Licensing Manager.
Legal & Democratic Services
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG

20th June 2007

Dear Sirs,

I am writing to object to the application made recently by Fantails "Restaurant" – Wetheral for an extension of both its licensing and opening hours.

As an immediate neighbour of Fantails I feel I have no alternative to strongly object to this application due significant public nuisance this will cause and the negative impact it will have upon my own ability to live in my house and to the overall nature of Wetheral village.

This is due mainly to the noise created by its operation especially with people arriving and leaving the premises in the early hours of the morning. This is something already highlighted as a problem in the Village Plan and would become worse if an extension were granted.

With the current licensing of the premises at 12.00 midnight this already causes some disruption with noise often extending on well beyond this time especially at weekends and the weeks leading up until Christmas when Fantails is a popular party venue. If this is extended at all beyond the current times it is likely to cause a massive impact on people living in the vicinity and in the village generally.

The problem is further exasperated by the fact that Fantails typically operates in two formats:

- 1) As a village restaurant serving food and drink etc...
- 2) As a private party venue with late night discos etc... (Similar to a nightclub). The frequency of this type of use would appear to be increasing.

Some examples of the current noise pollution which typically occur include:

- 1. Loud disco / beat music coming from the premises especially in summer when it is warm and windows are often open.
- 2. The impact of large numbers of people leaving the premises at closing time late at night. People frequently shout across the street to say goodnight (or worse!) to each other and large groups leaving can get quite rowdy.

3. An increase in traffic with resulting noise and disruption. Taxis and cars arriving / departing sounding their horns etc.. to attract attention.
4. Coaches arriving to collect party guests are a particular nuisance at night:
 - a. Coaches also have very loud reversing alarms which even at 12.00 – 01.00 make very efficient alarm clocks if you are trying to sleep.
 - b. They leave their engines running and have high pressure air escaping periodically which is noisy.
 - c. People entering the coaches are very noisy shouting to each other and to their friends often some distance away.

Inevitably the combined impact of this causes a significant increase in the level of noise which is even more noticeable due to the rural and quiet nature of the village. It can extend over a couple of hours from around midnight and is usually most noticeable at week-ends and in December when the Christmas party season is in full swing.

If Fantails is allowed to operate any later than the current times this public noise nuisance will extend long into the early hours of the morning. The impact of this upon residents trying to live "normal lives" in the village (which includes sleeping at night) would be significant, especially at week-ends and in the weeks leading up to Christmas / New Year. It would create a public nuisance and damage the quiet residential nature of the village and having a negative impact upon those living in the vicinity of "The Green".

I am also concerned that attempts to open so late in the night signal a move away from the more traditional operation as a restaurant and more towards a late night party venue / nightclub. The location of Fantails in Wetheral is wholly unsuitable for such a venture and the increased incidence of this even with current opening hours is a concern. It would seem few Restaurants in Botchergate open as late as 2.00 or 3.00 in the morning so why would one in rural Wetheral wish to do so?

I appreciate that the owner of Fantails tries to minimise the impact of his operation on the village and I assume he will continue to do so. There is however little that can be done to control the public nuisance created by the activities of large numbers of people arriving or departing from the premises in the early hours of the morning in a quiet residential village. Despite a sign in the exit of the premises the impact of noise on those living in the area even at the current times is often disruptive, moving these to the ungodly hours suggested would be devastating.

It is for the reasons outlined above that I oppose any extension of the current license or opening hours afforded to Fantails Restaurant in Wetheral.

Yours Faithfully



Simon Plevin
CC – Councillor Neville Lishman + Councillor Barry Earp

App. 5.12

13

RECEIVED

21 JUN 2007

238

12 Jennet Croft
Wetheral
CARLISLE
CA4 8JJ

16 June 2007

Licensing Manager
Environmental Protection
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG

Dear Sir

FANTAILS RESTAURANT

I refer to the notice which appeared in the Evening News and Star on Monday 4th June advising of an application to vary the Premises Licence on the above restaurant. Fantails is situated only a few yards [by this I mean less than 70yards] from my property.

I wish to object to the application on the following grounds:

1. The property is a licensed restaurant with limited car parking in the centre of the Wetheral Conservation Area. It is situated very close, perhaps 30 yards, from a 90 degree bend in the road. Two roads lead off the bend in the road at this point. As the situation exists at the moment car parking can be a problem, pavements are obstructed to the extent that pedestrians have to walk on the road. This occurs largely on Friday nights, Saturday nights and during the daytime on Sundays. It can occur at other times when there is a function. I have seen cars parked dangerously close to the bend / junction. I attribute this problem to the patrons of Fantails.
2. Your policy makes reference to the provision of public transport. There is no public transport in Wetheral after 11pm. That last bus is scarcely used as it is. If the application were granted there would be a substantial increase in vehicular traffic and as a consequence an increase in noise and pollution. I say this because I believe that the majority of Fantails patrons are not from within the village and travel by car.
3. Local residents would be seriously affected by any change in the licence. There are about 5 dwellings that immediately join to Fantails property; some of these are inhabited by elderly people living alone. There are many more properties within a short distance. If the application is granted I see an increase in comings and goings at Fantails until 3am by intoxicated people this would have a serious adverse impact on all residents. As it is the proprietor is not given to keeping his customers within the building, even during the day time, thus adding to the noise levels.

App. 5.12

I feel that following the smoking legislation, which comes into effect on 1 July there will be an increase in noise levels at Fantails. The application, if granted would only add to this.

It is my experience that disorder, sometimes on a large scale, follows where drinking of alcohol is permitted late into the night. In Carlisle the police and ambulance service can be on the scene in minutes; this is not the case in Wetheral. Response would be much slower, which would add to the problems and therefore residents would be even more adversely affected.

I hope that you will give serious consideration to my objections and ask that you keep me informed of developments.

Yours faithfully

A handwritten signature in cursive script that reads "A. Robertson".

A Robertson

**Wood Grange
Wetheral
CARLISLE
CA4 8ES**

26 June 2007

The Licensing Manager
Environmental Protection Services
Carlisle City Council
Civic Centre
Rickergate
CARLISLE
CA3 8QG

Dear Sir

**Licensing Act 2003 - Application for Variation of the Premises Licence
Fantails Restaurant, The Green, Wetheral
Premises Licence Holder - Mr K E Hogg**

With reference to the above application, notice of which appeared in the Evening News and Star on Monday 4 June 2007, I am writing to notify you that I wish to object to the application.

At present Fantails operates as a Restaurant, and has very limited parking available, particularly considering its potential capacity. The majority of customers are from outside the village and travel to the location by car. This results in customers vehicles being parked around the centre of the village, on pavements, across the bus stop, sometimes on the Green itself and frequently close to the blind bend north of Fantails. The vehicles are often left overnight and not collected until late the following day.

The present parking already causes public safety issues by forcing pedestrians off the pavement onto the road which is particularly hazardous for the elderly and parents with young children. Extending the opening hours can only increase the demand for parking throughout the whole day and therefore cause additional issues of public safety.

Continued/....

Page 2

The present opening hours enjoyed by Fantails results in customers vacating the premises from midnight onwards, and being collected by taxis or other transport. This already creates a public nuisance with car horns being sounded to attract the attention of customers waiting in the Restaurant and the general rowdiness and noise associated with people departing the restaurant. In addition, loud music, both live and from discos, has already been the subject of complaints from the neighbourhood. Clearly extending the licensing hours into the early hours of the morning will give rise to further disturbance and nuisance in the centre of what is a predominantly residential area.

Whilst Fantails has operated as a Restaurant for some time, over recent years the nature and character of the business has changed away from that of a Restaurant to something more akin to a drinking establishment. This application, if granted, can only hasten this transition in the use of the premises as it is difficult to understand the justification of an extension of the licensing hours into the early hours of the morning for a restaurant located in a residential area well away from the city centre.

I trust you will take into account my objections when considering this application.

Yours faithfully

David S P Lamond

Copy to: Councillor Barry Earp
Councillor Neville Lishman
The Clerk to Wetheral Parish Council
Inspector Coates, Cumbria Constabulary, Brampton

A Prevention of crime and disorder

Even under the existing licensing hours, the neighbourhood is already subject to incidents of petty vandalism. We have personally witnessed and suffered from incidents involving damage to vehicles and property. These have included broken wing mirrors, scratched bodywork, damage to car roof and bonnets from people walking over them, people urinating in gardens and drives and broken glasses and bottles left around the village green and in gardens.

Whilst all these incidents cannot be attributed to customers of Fantails, should the extension be granted to Fantails the remaining licensed premises in the village will inevitably apply for a similar extension and the likelihood is incidents of this nature will increase.

B Public safety

The limited parking available at Fantails results in vehicles being parked around the centre of the village and frequently being left there until the following day. The vehicles invariably park on the pavement and bus stop and sometimes on the Green itself. This forces pedestrians onto the road and is particularly hazardous for the elderly and parents with young children. Any extension of the existing license will exacerbate these problems.

C Prevention of public nuisance

Noise from customers departing the Restaurant already cause a public nuisance from car horns being sounded, doors slamming, engines left running and the general rowdiness associated with drunks leaving the premises.

In addition loud music, both live and from discos, has already been the subject of complaints to Environmental Health. The premises has limited acoustic insulation which is non-existent when doors and windows are opened. Furthermore the introduction of no smoking legislation is going to increase the likelihood of this type of disturbance further.

It is unreasonable to extend the potential for this disturbance further into the early hours of the morning in this predominantly residential area by extending Fantail's license into the early hours of the morning.

App. 5.14

Licensing Act 2003

Guidance Document GD20

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.	<input checked="" type="checkbox"/>	Mrs.	<input type="checkbox"/>	Miss	<input type="checkbox"/>	Ms	<input type="checkbox"/>	Other	<input type="checkbox"/>
-----	-------------------------------------	------	--------------------------	------	--------------------------	----	--------------------------	-------	--------------------------

Surname	DEARNLEY	First Name	TREVOR
---------	----------	------------	--------

I am 18 years old or older	<input checked="" type="checkbox"/>
----------------------------	-------------------------------------

Current address

Postcode	WHITEGATE WETHERAL CARLISLE CA4 8SD
----------	--

Daytime contact telephone number	560314
E-mail address	trevor@toso.net

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

Name of the Body	
------------------	--

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

Address of body

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

Daytime contact telephone number	
E-mail address	

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	1. There is already an unacceptable amount of late night noise, disturbance, bad behaviour and damage from customers leaving these premises. Extending the hours will lead to worse
Public safety	behaviour in the middle of the night. We should not have to put up with this in a rural village. 2. A restaurant licence permits the sale of alcohol only as an ancillary to substantial refreshment.
Prevention of public nuisance	3 am is totally unnecessary for such a licence - if it is used properly. No one wants food at that time. The suspicion must be that the applicant intends to convert his
Protection of children from harm	premises into a pub or night club. It is no coincidence that this application has been made at a time when the future of the village pub is uncertain.
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.	

App. 5.14

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. <i>- not able to appear in Magistrates Court.</i>	Yes/No

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

[Handwritten Signature]

Date:

25.06.07.

Capacity:

App. 5.15

251 16

LEGAL & DEPT CIVIC SERVICES	
FILE	
26 JUN 2007 <i>Receiving</i>	
PASSED TO	
ANSWERED	
MAIL LOG	

17 Jennet Croft
Wetheral
CARLISLE
CA4 8JJ

23 June 2007

Licensing Manager
Environmental Protection
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG

Dear Sir

FANTAILS RESTAURANT

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App. 5.15

I feel that following the smoking legislation, which comes into effect on 1 July there will be an increase in noise levels at Fantails. The application, if granted would only add to this.

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I hope that you will give serious consideration to my objections and ask that you keep me informed of developments.

Yours faithfully

B O'Donohoe (MRS)

81

Wetheral and churches are placed on the edges of
the village but the Fantails is sited in the core

21, Jannet CrpV, 12 252 App. 5.16

14th June

LEGAL & DEMOCRATIC SERVICES	
FILE	
26 JUN 2007	
PASSED TO	<i>incoming</i>
ANSWERED	
MAIL LOG	

Wetheral,

Carlisle

CA4 8JJ

FANTAILS Application
for extended opening

(01228 560714)

Sir,

The village of Combria act as central places for the neighbouring community as well as providing services for the residents. Village shop/P.O., public house and church are the common functions which draw in the populace. Wetheral's functions extend beyond the normal with a hotel / conference / leisure activity, plus the Fantails restaurant. These additional attractions extend the hinterland of our village and are welcome additions despite the related problems of traffic and party gatherings. At week-ends and festive days some 300/400 folk are pulled into the village. The Crown, Wheatsheaf and churches are placed on the edges of the village and the Fantails is sited in the core

of the village surrounded by residents who have chosen to live around and close to the Green. The Fairalls is a popular and attractive feature of the village and enjoyed by many of the villagers. Traffic and noise are unfortunate but accepted by many. However to extend the minor factors beyond midnight seems unreasonable. Activities in the early hours should be concentrated in areas designed for such past-times, not in a residential locality.

Yours,

Rachel and Alan Parker -

App. 5.16