

# CARLISLE CITY COUNCIL

Report to:- **THE CHAIRMAN AND MEMBERS OF THE LICENSING AND REGULATORY PANEL**

Date of Meeting:- 30<sup>th</sup> April 2003

Agenda Item No:-

A.2

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<b>Public</b>	<b>Operational</b>	<b>Delegated Yes</b>
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**Accompanying Comments and Statements**

	<b>Required</b>	<b>Included</b>
Cumbria Fire Service	Yes	Yes
Cumbria Constabulary	Yes	Yes
Environmental Services	Yes	Yes
Planning Services	Yes	Yes
Carlisle Access Group	Yes	Yes

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**Title:-** **APPLICATION FOR A PROVISIONAL PUBLIC ENTERTAINMENT LICENCE – THE BASEMENT, 10/14 LOWTHER STREET, CARLISLE**

**Report of:-** **HEAD OF ENVIRONMENTAL PROTECTION SERVICES**

**Report reference:-** **EP 26/03**

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**Summary:-**

The premises to be known as the Basement are to be situated at basement level below 10/14 Lowther Street, Carlisle. Application is made for a provisional Public Entertainment Licence in respect of the premises.

**Recommendation:-**

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

R W S Speirs  
Head of Environmental Protection Services

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:- The Application, written comments from: Planning Services, Cumbria Fire Service, Cumbria Constabulary, Carlisle Access and Environmental Protection Services, copies of which are attached to this report.

To the Chairman and Members of the Licensing & Regulatory Panel on  
30<sup>th</sup> April 2003

1) The Basement is a proposed development to be located below 10/14 Lowther Street, Carlisle (Appendix A). This location is below ground level in cellar type premises currently occupied by a number of small retail outlets. The premises are in the city centre and are located in an essentially business area. Application is made for a provisional Public Entertainment Licence in respect of the premises (Appendix B).

2) Applicants: John Van Lierop, 48 Abbey Street, Carlisle  
Represented by Hilary Holland, Cartmell Shepherd, Solicitors.

Mr Van Lierop has many years experience in the licensing trade and currently has premises in Abbey Street, Carlisle

3) The hours of operation requested are:

- Monday to Saturday 1100 hours until 0200 hours the following day
- Sunday 1200 hours to 0030 hours the following day, other than where the Sunday falls before a day which is a Bank Holiday when the terminal hour will be 2am, other than Easter Sunday.

A letter has been received from Cartmell Shepherd clarifying the hours of operation in respect of Sundays (Appendix C)

4) Schedule 1 of the Local Government (Miscellaneous Provisions) Act 1982 is the legislation for the licensing of public entertainment. Paragraph 2 (4) of the Schedule reads as follows:

"The appropriate authority may grant to any applicant, and from time to time renew, a licence for the use of any place specified in it for all or any part of the entertainment to which this paragraph applies on such terms and conditions and subject to such restrictions as may be so specified".

- 5) Environmental Services have no objections to the application. They comment that patrons leaving such an establishment can cause disturbance, however this is usually outside the scope of normal abatement legislation (Appendix D).
- 6) Planning Services confirm that planning consent was granted on 31<sup>st</sup> January 2003 subject to conditions regarding time limit on commencement of work, hours of trading, external advertising and to safeguard the visual amenity of the area (Appendix E).
- 9) Cumbria Fire Service has carried out an inspection of the premises and is not satisfied that the fire precautions at the premises are such as may reasonably be required in connection with the use of the premises. It is understood that the work required will be completed at the same time as the structural alterations are made (Appendix F).

- 10) Carlisle Access Group requests assurance that a lift will be installed to overcome the entrance steps from Crosby Street (Appendix G).
- 11) Cumbria Constabulary has concern regarding the safety of customers using the front and rear entrances to the premises (Appendix H). They have spoken to representatives of Cartmell Shepherd and an agreement has been reached regarding the inclusion of two 'Special Conditions' should the application be granted. These conditions state that two registered Door Supervisors would be on duty after 6pm each day at point "A" on the plan (Appendix I) and only the Lowther Street entrance should be used other than by disabled persons or in the event of an emergency when any entrance may be used.
- 12) This application has been advertised in the local newspaper.

## OPTIONS

1. To grant a provisional Public Entertainment Licence in respect of the hours requested or to such hours as the Panel consider appropriate, subject to one or more of the following conditions:
  - the Council's Licensing Manager being satisfied that the requirements of Cumbria Fire Service are fully met and inspected and confirmed to that effect
  - the inclusion of the two 'Special Conditions' outlined in the report from Cumbria Constabulary at Appendix G
3. To refuse the application

Prepared by J A Messenger

APP 'A'



**Carlisle City Council**  
Environmental Protection Services  
Licensing Section  
R W S Speirs MIEH MIOA  
Tel: 01228 817026 Fax: 01228 817048

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4.

CITY OF CARLISLE

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

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

THE PROVISIONAL GRANT OF A NEW

I hereby make application for ~~A NEW RENEWAL OF A TRANSFER OF A VARIATION~~

~~TO OCCASIONAL~~ Licence to use premises described below for Public Entertainment as defined in the Local Government (Miscellaneous Provisions) Act 1982

1. Full Name, Address, Postcode and Telephone Number of Applicants		JOHN VAN LIEROP 48 ABBEY STREET CARLISLE (1) (2) CA3 8LX (Tel: 01228 511774)	
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2. Date and Place of Birth		(1) BRAMPTON 14.12.1951	(2)
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3. Full Name, Address, Postcode and Telephone Number of Premises	THE BASEMENT, 10/14 LOWTHER STREET, CARLISLE. CA3 8DA
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4. Proposed Hours of Operation	11.00 am to 2.00 am daily
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5. Date if Occasional	
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6. Rooms or Areas to be Licensed	THE BASEMENT AREA
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7. Nature of Entertainment	PUBLIC MUSIC SINGING AND DANCING
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8. If this is an initial application for a new Public Entertainment Licence, a simple A4 size plan of the premises should accompany it with the areas intended to be used for Public Entertainment clearly marked.

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

Dated <u>25 3 03</u>	Dated _____
(1)	(2)
Signed <u>X [Signature]</u>	X Signed _____

This form should be returned to:

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

75767

Together with the appropriate fee of £ 310-00 Should the application be subsequently withdrawn or refused, the fee will be retained by the Council to cover administration costs. Cheques should be made payable to Carlisle City Council.

Pol ✓  
Fire / work  
ES  
Plan ✓  
Accom /  
Elect

APP'c'

CARTMELL SHEPHERD  
SOLICITORS

Gill Place Brampton Cumbria CA8 1SQ

Telephone: 016977 2378

Fax: 016977 41023. E-mail: brampton@cartmells.co.uk

www.cartmells.co.uk

The Entertainment Licensing Officer  
Carlisle City Council  
DX 63037  
CARLISLE

FAO Mr J Messenger

Your ref: Licensing/JAM

Our ref: MGB/AH

Date: 10 April 2003

Direct e-mail: mgb@cartmells.co.uk

Dear Sirs

**John Van Lierop**

**The Basement, 10/14 Lowther Street, Carlisle**

**Application for Provisional Public Entertainment Licence**

We thank you for your letter dated 7<sup>th</sup> April.

We confirm that our application will be limited on Sundays to the hours referred to in your letter – ie 12.30 am on all Sundays throughout the year with the exception of those other Sundays falling before a Bank Holiday when the terminal hour will be 2.00 am.

Yours faithfully  
CARTMELL SHEPHERD

Michael G. Barnes  
Andrew L. Thorneley  
Robert L. Good  
Timothy H. Cartmell

Michael J. Kewish  
A. H. Boyd Holmes  
Timothy V. Sykes  
Diana F. Armstrong

Julian M. R. Nelson  
Michael J. Fisher  
Nicholas Richards  
Carol Fish

Joanna M. H. Jeeves  
Susan E. Duff  
Hilary P. Holland  
Rasheeda Jabbar

Associates  
Catherin E. Forrester  
Peter J. Stafford  
J. Andrew Nicholson  
Michael Dwyer

6.

APP'D'

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## INTERNAL MEMORANDUM

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<b>From:</b> Principal Environmental Health Officer	<b>Please ask for:</b> Stuart Strange
<b>To:</b> Licensing Section	<b>Extension:</b> 7338
<b>FAO:</b> Jim Messenger	<b>E-mail:</b> eps@carlisle.gov.uk
	<b>Your ref:</b>
	<b>Our ref:</b> PP 8/03 SS/110403
	11 April 2003

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## PUBLIC ENTERTAINMENT LICENCE

**RE: The Basement, 10-14 Lowther Street, Carlisle**

This division has no objections to the above application

Noise created by patrons visiting premises of this nature late at night can cause disturbance to local residents. Noise so generated usually falls outside the scope of normal abatement legislation.



**Environmental Health Officer**



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**Carlisle City Council**  
Planning Services

**INTERNAL MEMORANDUM**

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<b>From:</b> Head of Planning Services	<b>Please ask for:</b> Martin Tickner
<b>To:</b> Environmental Protection Services	<b>Extension:</b> 7175
<b>FAO:</b> Licensing Section <i>Food Lic</i>	<b>E-mail:</b> Martin Tickner
	<b>Your ref:</b> Licensing/BS
	<b>Our ref:</b> MT/BP/DC
	09 April 2003

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**RE: NEW PUBLIC ENTERTAINMENT AND JUSTICES LICENCES - THE BASEMENT, 10-14 LOWTHER STREET, CARLISLE**

I refer to your memo of 4<sup>th</sup> April concerning the above premises.

Planning consent number 02/1238 was granted permission on 31<sup>st</sup> January 2003 subject to conditions (copy of decision notice attached).

*M. Tickner*

**M Tickner**

Enforcement Officer



'E2'

**CARLISLE  
CITY COUNCIL**



www.carlisle.gov.uk

**Planning Services**  
Civic Centre, Rickergate, Carlisle, CA3 8QG.

Phone: 01228 817000 Fax: 01228 817199  
Typetalk: 0800 95 95 98  
Email: DC@carlisle.gov.uk

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## Application for Planning Permission Notice of Approval

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Town and Country Planning Act 1990  
Town and Country Planning (General Development Procedure) Order 1995

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**Applicant:**

Mr A M Walton & Mr J D King  
10 Lowther Street  
CARLISLE  
Cumbria  
CA3 8DA

**Agent: (if any)**

Taylor & Hardy  
9 Finkle Street  
CARLISLE  
Cumbria  
CA3 8UU

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### Part 1 - Particulars of Application

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Date of Application: 26/11/2002

Application Number: 02/1238

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**Particulars and Location of Proposal:**

**Proposal:**

Change of use of basement to use classes A3 (Food & Drink) and D2 (Assembly & Leisure)

**Location:**

10 - 14 Lowther Street, Carlisle, Cumbria, CA3 8DA

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### Part 2 - Particulars of Decision

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In pursuance of the powers under the above Act and Order the Carlisle City Council hereby gives notice that **Planning Permission Has Been Granted** for the carrying out of the development referred to in Part 1 hereof and as described and shown on the application and plan(s) submitted, subject to due compliance with the following condition(s):

1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

'E3'

**Reason:** In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

- 2. The premises shall not be open for trading prior to 0800 hours or remain open for trade later than 0200 hours the following day on Mondays to Saturdays, and on Sundays from not prior to 0800 hours until not later than 1230 hours the following day, other than on those Sundays which precede a Bank Holiday Monday (excluding Easter Monday) where the premises may remain open for trading until 0200 hours.

**Reason:** To prevent disturbance: nearby occupants.

- 3. Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) Regulations 1992 no advertisement shall be displayed on the external elevations of the premises (including external railings) without the prior consent in writing of the local planning authority.

**Reason:** To ensure that the proposed development is undertaken in a manner which safeguards the visual amenities of the area.

- 4. Details of the design, height, external finish and position of any extractor flue(s) shall be submitted to and approved by the local planning authority before any work is commenced.

**Reason:** In order to safeguard the environmental amenities of the area.

Date: 31/01/2003

Signed:

A C Eales  
Head of Planning Services

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### Important Note

This notice neither conveys nor implies any other approvals, entitlements or statutory rights which may require to be obtained from any other public or private utility or agency prior to work being carried out. In particular, if the proposal involves building work you should ensure that you obtain any approval which may be necessary under the Building Regulations before commencement of development.

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### Advisory Notes

- i) Any approval by the local planning authority of further details required by conditions specified in this notice must be obtained in writing and such notice of approval should thereafter be appended to this notification of decision.
- ii) It is recommended that this notice (and any subsequent written approval of details required to satisfy conditions) be annexed to the property deeds to which the application relates.

LICENSING

03 April 2003

Your ref: Licensing/JAM  
Our ref: PEL 1/CFS/00619/AB/JLM  
Enq to: Technical Officer Butterworth  
Direct line: 01228 815347  
Email Address: cumbFS@cumbria.fire-uk.org  
Web Site: www.cumbriafire.fire-uk.org



COUNTY COUNCIL

Directorate of  
Safety Services

Cumbria Fire Service

C DIVISION HEADQUARTERS  
11/13 Brunswick Street Carlisle  
Cumbria CA1 1PB  
tel- 01228 521215  
fax- 01228 815349  
minicom- 01900 828844

Environmental Protection Services  
Carlisle City Council  
Civic Centre  
CARLISLE  
CA3 8QG

Dear Sir

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982  
THE BASEMENT 10/14 LOWTHER STREET CARLISLE**

An inspection of the plans of the proposed layout of the above premises has been carried out on 2 April 2003, in connection with the grant of the Public Entertainment Licence.

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

It is recommended that the improvements detailed in the attached schedule be implemented prior to issue of a licence.

Yours faithfully

A Butterworth  
Fire Safety Officer

Enc Schedule PEL 1(a)

'F2'

**CUMBRIA FIRE SERVICE  
LOCAL GOVERNMENT MISCELLANEOUS  
PROVISIONS  
SCHEDULE OF WORK**

**REF:** LIC 1(a)/CFS/00619/AB/JLM

**DATE:** 07 April 2003

**PREMISES ADDRESS:** THE BASEMENT  
10/14 LOWTHER STREET  
CARLISLE

**Means of Escape in Case of Fire**

- 1.1 The small store adjacent to the disabled toilet should be enclosed in 30 minute fire resistant construction.
- 1.2 The roller shutter to be fitted over the kitchen servery opening should be made to descend in a controlled manner on operation of the fire alarm. The arrangement shown on the drawing could result in staff being enclosed in the kitchen in the event of operation of the alarm system. A thirty minute fire resisting self closing door should be provided in the enclosure to allow egress for staff.
- 1.3 In order to ensure the exit width between the bar and structural column is adequate bar stools must not be provided between the columns and the bar counter.
- 1.4 All glazing within 1.8 metres of the external stairway at ground floor level must be 30 minute fire resistant in frames fixed shut.
- 1.5 All emergency exit doors and any trapped leaf off an entrance door set must only be secured by emergency release devices of the horizontal push bar to open type.

**Exit Signs and Notices**

- 2.1 All exit signs must be of the maintained illuminated exit/fire exit box type sign to ensure adequate visibility of the signage.
- 2.2 All doors fitted with panic type emergency door released should have a notice worded **PUSH BAR TO OPEN** in white block lettering on a green background or a suitable pictogram fitted to the inside face of the door.
- 2.3 All fire resisting self-closing doors should be conspicuously indicated on both sides at about eye level with the words **FIRE DOOR KEEP SHUT** in white block lettering on a blue background.
- 2.4 The entrance doors to the store cupboards should be conspicuously indicated by a notice at about eye level with the words **FIRE DOOR KEEP LOCKED** in white block lettering on a blue background.

**Fire Alarm**

3.1 In addition to that indicated on the drawing the following rooms must be fitted with automatic rate of rise heat detectors:-

**Basement**

- a. store room beneath stairway adjacent to gents toilet
- b. small store room adjacent disabled toilet
- c. room containing refuse containers
- d. each toilet

**Other Floors**

- e. all rooms on other floors not currently fitted with automatic fire detection

3.2 All music systems must be muted automatically on operation of the fire alarm.

**Fire Fighting Equipment**

4.1 Firefighting equipment should be provided throughout the premises at suitable locations, and be appropriate to the risk to comply with BS 5306 Part 8: Selection and Installation of Portable Fire Extinguishers.

**Emergency Lighting**

5.1 Emergency lighting independent of the mains supply in accordance with BS 5266 Part 1 1999 Emergency Lighting, should be provided throughout the basement, stairways and external exit routes. The installation indicated on the drawing is not considered adequate and further luminaires should be fitted to make installation in accord with the British Standard. If luminaires are not to be included in each toilet cubicle, the design of the cubicles should allow illumination to enter from the general emergency lighting provided in the toilet circulation areas.

**Fire Procedures**

6.1/ Printed notices should be displayed at conspicuous positions in the basement stating in concise terms the essentials of the action to be taken upon discovering a fire and upon hearing the alarm. The notices should be permanently fixed in position and suitably protected to prevent loss or defacement.

**Fire Precautions (Workplace) Regulations 1997 As Amended 1999**

7.1 On occupation of the premises where there are 5 or more persons employed, the employer must record the significant findings of the fire risk assessment to comply with the requirements of the fire regulations.

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**INTERNAL MEMORANDUM**

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<b>From:</b> Planning Services	<b>Please ask for:</b> Margaret Easton
<b>To:</b> City Solicitor & Secretary – Licensing	<b>Extension:</b> 7183
<b>FAO:</b> Jim Messenger	<b>E-mail:</b>
	<b>Your ref:</b> Licensing JAM
	<b>Our ref:</b> ACC/ME
	15 <sup>th</sup> April 2003

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**NEW PUBLIC ENTERTAINMENT LICENCE**

The Basement, 10/14 Lowther St., Carlisle

As long as they can be assured that a lift will be installed to overcome the steps in the main entrance area from Crosby Street, Carlisle Access has no objection to the application.

**M Easton**

Access Officer

APP'H'

# CUMBRIA CONSTABULARY

ASU Facsimile: 01768 218299  
Telephone: 01228 528191  
Email: [mark.pannone@cumbria.police.uk](mailto:mark.pannone@cumbria.police.uk)

Area Commander  
North Cumbria Area  
Superintendent B Horn



Please ask for: Mark Pannone

County Police Station  
Rickergate  
Carlisle  
Cumbria CA3 8QW

My Reference:  
Your Reference:

Licensing Department  
Environmental Protection Services  
Carlisle City Council  
Civic Centre  
Carlisle CA3 8QG

16 April, 2003

Dear Sir,

**The Basement, 10/14 Lowther Street, Carlisle**

Thank you for your letter dated 7<sup>th</sup> April 2003 regarding the above premises. I believe that the application for a new Public Entertainment Licence in respect of these premises will be made before the Licensing and Regulatory Panel on 30<sup>th</sup> April 2003.

Cumbria Constabulary has some concerns regarding the safety of people using the premises in its new format, as proposed by Mr Van Lierop the proposed licensee and tenant. Our concerns are focused solely on issues of safety, specifically on the entrance and exit of the premises as proposed.

- 1) The main entrance to the venue is below street level on Lowther Street. The front door to the premises is under ground, with access to the front entrance down steep sandstone steps from Lowther Street through a passageway to the main entrance. This is of concern due to the inability of the management of the premises being able to prevent undesirable clientele entering the premises at street level. The first opportunity that staff has to prevent unwelcomed guests will be at the door, in a close confined area. From a safety perspective, being able to prevent people from entering licensed premises at ground level is much safer. I will expand on this argument at the Licensing Panel on 30<sup>th</sup> April.
- 2) One of the entrances to the proposed premises is on Crosby Street. This is a small back street, which links Lonsdale Street and Warwick Road. Cumbria Constabulary has concerns about people queuing, entering from and exiting onto Crosby Street due to it being a quiet and currently poorly lit back street.

Cumbria Constabulary will not object to the proposed provisional grant of a Public Entertainment Licence if two special conditions are imposed on the licence for the premises.

- 1) "The licensee shall ensure that whenever the licensed premises are open to the public for the sale of intoxicating liquor or for the provision of public



'H2'

entertainment after 6.00 p.m. on any day of the week two registered door supervisors will be on Lowther street, Carlisle at the entrance to the steps leading to the basement at the point marked 'A' on the approved plans to control admission to the premises and to prevent queuing on the steps and / or the passageway leading to the entrance at basement level."

- 2) "The entrance on Lowther Street is the only entrance and exit point for members of the public except for emergency situations when all exits are available for use. The only exception to this is for disabled access for which the most appropriate entrance point can be used."

The purpose of these conditions is due to the need to ensure safety and to reduce the likelihood of crime and disorder on and around the premises.

These conditions have been agreed with Mr Barnes of Cartmell Shepherd solicitors on behalf of Mr Van Lierop as special conditions to the provisional grant of a Public Entertainment Licence if the Licensing and Regulatory panel is in agreement, for the purpose of promoting and ensuring public safety.

Yours Sincerely,



Mark Pannone  
Carlisle City Sergeant