

MEMBERS INTERESTS 2012

A Member with a disclosable pecuniary interest in any matter considered at a meeting must disclose the interest to the meeting at which they are present, except where it has been entered on the Register.

A Member with a non pecuniary or pecuniary interest in any business of the Council must disclose the existence and nature of that interest at commencement of consideration or when the interest becomes apparent.

Where sensitive information relating to an interest is not registered in the register, you must indicate that you have an interest, but need not disclose the sensitive information.

Please tick relevant boxes

Notes

| | General | | |
|----|--|--|--|
| 1. | I have a disclosable pecuniary interest. | <input type="checkbox"/> | <i>You cannot speak or vote and must withdraw unless you have also ticked 5 below</i> |
| 2. | I have a non-pecuniary interest. | <input type="checkbox"/> | <i>You may speak and vote</i> |
| 3. | I have a pecuniary interest because it affects my financial position or the financial position of a connected person or, a body described in 10.1(1)(i) and (ii) and the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest or it relates to the determining of any approval consent, licence, permission or registration in relation to me or a connected person or, a body described in 10.1(1)(i) and (ii) and the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest | <input type="checkbox"/> <input type="checkbox"/> | <i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i> <i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i> |
| 4. | I have a disclosable pecuniary interest (Dispensation 16/7/12) or a pecuniary interest but it relates to the functions of my Council in respect of: (i) Housing where I am a tenant of the Council, and those functions do not relate particularly to my tenancy or lease. (ii) school meals, or school transport and travelling expenses where I am a parent or guardian of a child in full time education, or are a parent governor of a school, and it does not relate particularly to the school which the child attends. (iii) Statutory sick pay where I am in receipt or entitled to receipt of such pay. (iv) An allowance, payment or indemnity given to Members (v) Any ceremonial honour given to Members (vi) Setting Council tax or a precept under the LGFA 1992 | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> | <i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i> |
| 5. | A Standards Committee dispensation applies (relevant lines in the budget – Dispensation 20/2/13 – 19/2/17) | <input type="checkbox"/> | <i>See the terms of the dispensation</i> |
| 6. | I have a pecuniary interest in the business but I can attend to make representations, answer questions or give evidence as the public are also allowed to attend the meeting for the same purpose | <input type="checkbox"/> | <i>You may speak but must leave the room once you have finished and cannot vote</i> |

'disclosable pecuniary interest' (DPI) means an interest of a description specified below which is your interest, your spouse's or civil partner's or the interest of somebody who you are living with as a husband or wife, or as if you were civil partners and you are aware that that other person has the interest.

Interest

Employment, office, trade, profession or vocation

Sponsorship

Prescribed description

Any employment, office, trade, profession or vocation carried on for profit or gain.

Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.

| | |
|---------------------|---|
| | This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992. |
| Contracts | Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged. |
| Land | Any beneficial interest in land which is within the area of the relevant authority. |
| Licences | Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer. |
| Corporate tenancies | Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest. |
| Securities | Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class. |

"body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest; "director" includes a member of the committee of management of an industrial and provident society;

"land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income; "M" means a member of a relevant authority;

"member" includes a co-opted member; "relevant authority" means the authority of which M is a member;

"relevant period" means the period of 12 months ending with the day on which M gives notice to the Monitoring Officer of a DPI;

"relevant person" means M or M's spouse or civil partner, a person with whom M is living as husband or wife or a person with whom M is living as if they were civil partners;

"securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

'non pecuniary interest' means interests falling within the following descriptions:

- 10.1(1)(i) Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- (ii) Any body (a) exercising functions of a public nature; (b) directed to charitable purposes; or (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
- (iii) Any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income.
- 10.2(2) A decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a connected person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward, as the case may be, affected by the decision.

'a connected person' means

- (a) a member of your family or any person with whom you have a close association, or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph 10.1(1)(i) or (ii).

'body exercising functions of a public nature' means

Regional and local development agencies, other government agencies, other Councils, public health bodies, council-owned companies exercising public functions, arms length management organisations carrying out housing functions on behalf of your authority, school governing bodies.

A Member with a personal interest who has made an executive decision in relation to that matter must ensure any written statement of that decision records the existence and nature of that interest.

NB Section 21(13) of the LGA 2000 overrides any Code provisions to oblige an executive member to attend an overview and scrutiny meeting to answer questions.

LICENSING SUB-COMMITTEE

HELD:23 JUNE 2014

Start: 10.30am

Finish: 1.30pm

PRESENT: Councillor Kay (In the Chair)

Councillors: Ms Melling
Owen
Oliver

Officers: Legal and Member Services Manager (Mr M Jones)
Senior Licensing Officer (Mrs M Murray)
Principal Member Services Officer (Mrs S Griffiths)

In attendance: Lancashire Constabulary (PS 1506 Sergeant Bushell)
Applicant (Ms C White)
Naphthens Solicitors (Ms S Faud)
Ormskirk Residents Group (Mr M Forth)

1. APOLOGIES

There were no apologies for absence received.

2. MEMBERSHIP OF THE COMMITTEE

There were no changes to Membership of the Committee.

3. URGENT BUSINESS

There were no items of urgent business.

4. DECLARATION OF PARTY WHIP

There were no declarations of Party Whip.

5. DECLARATIONS OF INTEREST

There were no declarations of interest.

6. MINUTES

RESOLVED: That the Minutes of the meetings held on 21 and 27 May 2014 be received as a correct record and signed by the Chairman.

7. LICENSING HEARING PROCEDURE

The Chairman outlined the Licensing Hearing Procedure.

8. APPLICATION FOR A PREMISES LICENCE IN RESPECT OF JUNK, 12 CHURCH STREET, ORMSKIRK, L39 3AN

Consideration was given to the report of the Assistant Director Community Services as contained on pages 9 to 52 of the Book of Reports in respect of an application under the Licensing Act 2003 for a Premises Licence in respect of Junk 12 Church Street, Ormskirk, L39 3AN.

In considering this matter the Sub – Committee had regard to its Licensing Policy and the guidance issued under S.182 of the Licensing Act. It considered the relevant Licensing Objectives on this occasion was the ‘prevention of crime and disorder’ and ‘prevention of public nuisance’.

On hearing evidence from the Applicant, Lancashire Constabulary and Ormskirk Residents Group the Sub–Committee:-

- RESOLVED:
- A. That the operation of the premises be undertaken by a Dedicated Premises Supervisor with the minimum of 12 months experience in control of licensed premises.
 - B. That the Premises shall be open to the public 10.00 hours to 01.30 hours Monday to Sunday.
 - C. That the supply of alcohol shall be permitted between 10.00 hours to 01.00 hours Monday to Sunday.
 - D. That late night refreshment shall be permitted between 23.00 hours to 01.00 hours Monday to Sunday.
 - E. That the provision of live music, recorded music, performance of dance and anything of a similar description shall be permitted to take place 10.00 hours to 01.00 hours Monday to Sunday.
 - F. That an additional hour on the last Friday before Christmas Eve, Christmas Day and on the Fridays, Saturdays, Sundays, and Mondays of Bank Holiday weekend and also from the end of permitted hours on New Year’s Eve to the start of the permitted hours on New Year’s Day be granted.
 - G. That CCTV, after consultation with the Police, will be installed internally at the premises and comply with the following criteria:
 - The system shall display on any recording the correct date and time of the recording
 - The system shall be recording at all times that the premises is open to the public
 - Recordings shall be held for a minimum of 28 days and shall be made available for inspection to any Responsible Authority upon request

- The CCTV will capture a head and shoulders image of any person entering the premises through the main public entrance
 - Appropriate signage alerting customers of the use of CCTV shall be displayed in a conspicuous position at the premises
- H. That all staff shall be trained in relation to the Licensing Objectives and that this shall be documented and made available to any Responsible Authority upon request.
- I. That notices shall be displayed at public exits, in a clear and prominent position, requesting that patrons respect the needs of local residents and leave the premises and the area quietly.
- J. That when regulated entertainment takes place, regular assessments shall be made of any noise emanating from the premises. Wherever said assessments indicate that noise is likely to cause nuisance to any local residents, remedial steps shall be taken to reduce the noise level.
- K. That a 'Challenge 25' policy shall be adopted and enforced at the premises whereby any person who appears under the age of 25 shall be required to provide identification to prove that they are over age 18. The acceptable forms of proof of identification shall be either a passport, UK Photocard Driving Licence, Official ID card issued by HM Forces or EU bearing a photograph and date of birth of the holder or any other form of identification agreed with the Police Licensing Unit.
- L. That staff involved in the sale of alcohol will be trained in relation to the 'Challenge 25' policy and will undertake refresher training at suitable intervals. The said training will be documented and made available for any Responsible Authority upon request.
- M. That no glasses shall be taken outside the premises at any time.
- N. That the curtilage of the premises shall be kept clean and tidy and free from litter.
- O. That before the premises commence trading the premises licence will be transferred from White Leisure Ltd. to Chloe White.
- P. That a risk assessment be undertaken on the necessity of the employment of door supervisors and kept under continuous review.

.....
CHAIRMAN



WEST LANCASHIRE BOROUGH COUNCIL

LICENSING AND GAMBLING COMMITTEE LICENSING SUB COMMITTEE

HEARING PROCEDURE

1. The Chairman introduces the Members and the main Officers.
2. The Chairman invites the other parties to the hearing to introduce themselves.
3. The Chairman refers to this procedure, which will be followed.
(NB. The Chairman will explain that he will allow the parties to proceed without specific time constraints).
4. The Chairman asks the Assistant Director Community Services (or their representative) to outline the application.
5. Applicant's case
 - (a) The Applicant (or representative) will present their case. This will include general opening remarks followed by calling witnesses.
 - (b) The other parties to the hearing may then ask questions of the Applicant and witnesses, commencing with each Responsible Authority (if present) and concluding with the Sub-Committee.
6. Relevant representations – Responsible Authorities (if present)
 - (a) Each Responsible Authority (or representative) will present their case. This will include general opening remarks followed by calling witnesses.
 - (b) The other parties to the hearing may then ask questions of each Responsible Authority and witnesses, commencing with the Applicant and concluding with the Sub-Committee.
7. Relevant Representations – Interested Parties (if present)
 - (c) Interested Parties will be asked by the Chairman if they wish to elect a spokesperson or representative (or speak individually). Interested Parties will

present their case. This will include general opening remarks followed by calling witnesses.

(d) The other parties to the hearing may then ask questions of the Interested Parties and witnesses, commencing with the Applicant and concluding with the Sub-Committee.

8. If several representations (objections) have been received, Interested Parties may question the Applicant and witnesses in turn in an order to be determined by the Chairman. The same order will follow when it comes to the Interested Parties being questioned.
9. The Chairman to ask all parties and the Sub-Committee if they have any further relevant questions or comments arising from the hearing.
10. Interested Parties, Responsible Authorities and the Applicant to make their closing address in that order (so that the Applicant has the final say).
9. The Chairman will ask the Legal Adviser whether there are any other matters to be raised or resolved before the hearing is closed for deliberations.
10. The Sub-Committee will retire to determine the application calling the Legal Advisor and Member Services Officer as needed.
11. When the Sub-Committee returns the Chairman will announce the decision and give reasons. All parties to the hearing will receive confirmation of the decision in writing within five working days.

End.

If any of the parties, representative or observers, wish to discuss any matters relating to the hearing, Officers will be available at the conclusion of the hearing.



AGENDA ITEM: 8

LICENSING SUB-COMMITTEE

Friday 12 September 2014

Report of: Assistant Director Community Services

Relevant Managing Director: Managing Director (People and Places)

Contact for further information: Miss Michaela Murray (Extn 5326)
(E-mail: michaela.murray@westlancs.gov.uk)

SUBJECT: APPLICATION FOR A PREMISES LICENCE IN RESPECT OF TOBY TAVERN BAR & GRILL, ASHURST ROAD, ASHURST, SKELMERSDALE WN8 6XN

Borough wide interest

1.0 PURPOSE OF REPORT

1.1 To consider an application under the Licensing Act 2003 (the Act) for a Premises Licence in respect of Toby Tavern Bar & Grill, Ashurst Road, Ashurst, Skelmersdale WN8 6XN.

2.0 RECOMMENDATIONS

2.1 The Sub-Committee's instructions are requested.

3.0 PREMISES INFORMATION

| | | |
|-----|--|--|
| 3.1 | Address of Premises: | Toby Tavern Bar & Grill Ashurst Road Ashurst Skelmersdale WN6 6XN |
| 3.2 | Applicant | David Garfield Roy 9 Kingsbury Court Ashurst Skelmersdale WN8 6XW |
| 3.3 | Proposed Designated Premises Supervisor: | David Garfield Roy 9 Kingsbury Court Ashurst Skelmersdale WN8 6XW |

4.0 THE APPLICATION

- 4.1 On 18 July 2014 an application for a Premises Licence was received, a copy of which is attached as Appendix 1 to this report.
- 4.2 The premises currently hold a Premise Licence. This application is to licence an additional building 'the house' which has recently been renovated. A new application has been submitted to bring the existing licenced area and the new building onto one licence.
- 4.3 On 22 July 2014, the applicant provided details of a change to the opening times and clarified the areas to which the new application refers. A copy of this correspondence is attached as Appendix 2 to this report.
- 4.4 A location plan is attached at Appendix 3 to this report.
- 4.5 There have been 3 relevant representation received against the grant of the application that have been received from local residents. Copies are attached as Appendices 4, 5 & 6 to this report.
- 4.6 On 31 July 2014 the Environmental Protection Manager and on 12 August Lancashire Constabulary submitted a representation against the grant of the application, copies are attached as Appendix 7 and Appendix 8 to this report. Both representations requested a number of conditions to be added to the licence advising that if the conditions were accepted the representation would be withdrawn.
- 4.7 On 18 August 2014 the applicant accepted both Lancashire Constabulary and the Environmental Protection Managers conditions. Both representations have now been withdrawn.

5.0 RELEVANT REPRESENTATIONS - MEMBERS OF THE PULIC

- 5.1 The representations from local residents (Appendix 4, 5 & 6) raised concerns regarding disturbance from noise both from music and patrons. The representation is made under the 'prevention of crime and disorder' and 'prevention of public nuisance' Licensing Objectives.

6.0 LICENSING POLICY AND LEGAL CONSIDERATIONS

- 6.1 Section 4 of the Licensing Act 2003 provides that a Licensing Authority must have regard to its Statement of Licensing Policy and to the guidance issued by the Secretary of State under Section 182 of the Act.

6.2 As Members will be aware, the four licensing objectives are as follows:

- The Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- The Protection of Children from Harm

6.3 The Act provides that before determining the application, the Licensing Authority must hold a hearing to consider it and relevant representations.

6.4 The Licensing Authority in determining the application, having had regard to the application and any representations, may take the following steps if it considers it necessary for the promotion of the Licensing Objectives:

- (i) Modify or add conditions to the licence
- (ii) Exclude a licensable activity from the scope of the licence
- (iii) Remove the designated premises supervisor.

6.5 In deciding which of the powers to use it is expected that the Licensing Authority should, as far as possible, seek to establish the causes of the concerns that the representations identify. Any action the Committee may wish to take should generally be directed at these causes and should always be no more than an appropriate response in the cause of promoting the licensing objectives.

6.6 In particular, Members' attention is drawn to the following sections of the Policy, which must be read in conjunction with this report:

| | | |
|------------|--------------------------------------|-------------|
| Section 14 | The Prevention of Crime & Disorder | pages 22-23 |
| Section 15 | Public Safety | pages 34-35 |
| Section 16 | Prevention of Public Nuisance | pages 26-28 |
| Section 17 | The Protection of Children from harm | pages 39-41 |
| Section 19 | Licensed Operating Hours | page 34 |

7.0 HUMAN RIGHTS ACT IMPLICATIONS

7.1 The Human Rights Act 1988 makes it unlawful for a Local Authority to act in a way that is incompatible with the European Convention on Human Rights. The Council will have particular regard to the following convention rights;

Article 6

that in the determination of civil rights and obligations everyone is entitled to a fair 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 family life;

Article 1 of the First Protocol

that every person is entitled to the peaceful enjoyment of his/her possessions including for example, possession of a licence.

8.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

8.1 The recommendations contained in this report have limited sustainability and/or community strategy implications. However, the Council's Licensing Policy (required under the Licensing Act 2003), which underpins the Committee's decision, impacts upon many areas within the Community. The Licensing Objectives contained in the Policy fit closely with many aspects of the Community Strategy and has the following links with the Community Strategy: Community Safety (issues A, C and E); Economy and Employment (issue D); Health and Social Care (issue A).

9.0 FINANCIAL AND RESOURCE IMPLICATIONS

9.1 No additional financial or other resources are required.

10.0 RISK ASSESSMENT

10.1 The Council has a legal duty to administer the Licensing Act 2003 and is under a legal duty to determine the matter contained in this report. A failure to determine this matter would result in potential legal challenge.

Background Documents

There are no background documents (as defined in Section 100 D (5) of the Local Government Act 1972) have been relied on to a material extent in the preparation of this report.

Equality Impact Assessment

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore no Equality Impact Assessment is required.

Appendices

| | |
|---|--------------------|
| Premises licence application | (Appendix 1) |
| Premise licence application changes | (Appendix 2) |
| Location plan | (Appendix 3) |
| Public representations | (Appendix 4,5 & 6) |
| Environmental Protection representation | (Appendix 7) |
| Lancashire Constabulary | (Appendix 8) |



West Lancashire Borough Council Licensing Service

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

Robert Hodge Centre
Stanley Way
Skelmersdale
Lancashire
WN8 8EE
Tel: 01695 577177
Fax: 01695 585126
Email: licensing.enquiries@westlancs.gov.uk
Website: www.westlancs.gov.uk/licensing

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/We [DAVID G. ROY] apply for a premises licence under section 17 of the
(insert name(s) of applicant)
Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we
are making this application to you as the relevant licensing authority in accordance with
section 12 of the Licensing Act 2003

Part 1 – Premises Details

| | |
|--|---------|
| Postal address of premises or, if none, ordnance survey map reference or description | |
| TOBY TAVERN, BAR AND GRILL ASHURST ROAD ASHURST SKELMERSDALE | |
| Post town | WIGAN |
| Post code | WN8 6XN |

Telephone number at premises (if any)

01695 557729.

Non-domestic rateable value of premises

£11,400.00

Part 2 – Applicant details

Please state whether you are applying for a premises licence as

- | | Please tick <input checked="" type="checkbox"/> (yes) |
|---|---|
| a) An individual or individuals* | <input checked="" type="checkbox"/> Please complete section (A) |
| b) A person other than an individual* | <input checked="" type="checkbox"/> Please complete section (B) |
| i. as a limited company | <input checked="" type="checkbox"/> Please complete section (B) |
| ii. as a partnership | <input checked="" type="checkbox"/> Please complete section (B) |
| iii. as an unincorporated association or | <input checked="" type="checkbox"/> Please complete section (B) |
| iv. other (for example a statutory corporation) | <input checked="" type="checkbox"/> Please complete section (B) |
| c) A recognised club | <input checked="" type="checkbox"/> Please complete section (B) |
| d) A charity | <input checked="" type="checkbox"/> Please complete section (B) |
| e) The proprietor of an educational establishment | <input checked="" type="checkbox"/> Please complete section (B) |
| f) A health service body | <input checked="" type="checkbox"/> Please complete section (B) |
| g) A person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital | <input checked="" type="checkbox"/> Please complete section (B) |

ga) A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that part) in an independent hospital in England Please complete section (B)

h) The chief officer of police of a police force in England and Wales Please complete section (B)

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

Please tick (yes)

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr Mrs Miss Ms Other
(for example, Rev)

Surname: Roy
First Names: DAVID GARFIELD

I am 18 years old or over

Please tick Yes

Current postal address if different from premises address

9 KINGSBURY COURT
ASHURST,
SKELMERSDALE

Post Town

WIGAN

Postcode

WN8 6XW

Daytime contact telephone number

01585 504405

E-mail address (optional)

dave@kjrail.co.uk

This section is intentionally blank

SECOND INDIVIDUAL APPLICANT (IF APPLICABLE)

Mr Mrs Miss Ms Other
(for example, Rev)

Surname

First Names

I am 18 years old or over

Please tick Yes

Current postal
address if different from
premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address
(optional)

E-mail address
(optional)

This section is intentionally blank

(B) OTHER APPLICANTS

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

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

Part 3 Operating Schedule

When do you want the premises licence to start?

| Day | Month | Year |
|-----|-------|----------|
| 1 | 7 | 08 20 14 |

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

| Day | Month | Year |
|-----|-------|------|
| | | |

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

Please give a general description of the premises (please read guidance note 1)

THIS PART OF THE 'TOBY' WAS TRADITIONALLY KNOWN AS THE 'HOUSE' AND CATERED FOR OLDER CUSTOMERS. THE HOUSE IS A SEPERATE BUILDING, FROM THE OLD TOBY AND WE INTEND IT TO BE FOR PEOPLE OVER 21 AND WE WILL USE A CHALLANGE 25 POLICY.

'THIS' WILL ALLOW US TO MAKE THE OLD TOBY MORE FAMILY BASED AND UTILISE THE HOUSE FOR OLDER PATRONS.

THE HOUSE WILL BE OPEN PLAN, SPLIT LEVEL WITH A CURVED BAR IN ONE CORNER. WE HAVE ENDEAVURED TO KEEP THE CHARM BUT TO BRING THE BUILDING INTO THE 21ST CENTURY WITH EXCELLENT FACILITIES.

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

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

Provision of regulated entertainment:

- 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 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 K, L and M

Please tick A

(yes)

A

| | | | | | |
|--|--------------|---------------|--|----------|--|
| Plays Standard days & timings (Please read guidance note 6) | | | Will the performance of a play take place indoors or outdoors or both – please tick [A] (Please read guidance note 2). | Indoors | |
| | | | | Outdoors | |
| | | | | Both | |
| Day | Start | Finish | Please give further details here (please read guidance note 3) | | |
| Mon | 10.00 | 00.00 | | | |
| Tue | 10.00 | 00.00 | | | |
| Wed | 10.00 | 00.00 | State any seasonal variations for performing plays (please read guidance note 4) | | |
| Thurs | 10.00 | 00.00 | | | |
| Fri | 10.00 | 02.00 | | | |
| Sat | 10.00 | 02.00 | Non-standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5) | | |
| Sun | 10.00 | 00.00 | | | |
| | | | | | |

B

| | | | | | |
|--|--------------|---------------|---|----------|--|
| Films Standard days & timings (Please read guidance note 6) | | | Will the exhibition of films take place indoors or outdoors or both – please tick [A] (Please read guidance note 2). | Indoors | |
| | | | | Outdoors | |
| | | | | Both | |
| Day | Start | Finish | Please give further details here (please read guidance note 3) | | |
| Mon | 10.00 | 00.00 | | | |
| Tue | 10.00 | 00.00 | | | |
| Wed | 10.00 | 00.00 | State any seasonal variations for the exhibition of films (please read guidance note 4) | | |
| Thurs | 10.00 | 00.00 | | | |
| Fri | 10.00 | 02.00 | | | |
| Sat | 10.00 | 02.00 | 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) | | |
| Sun | 00.00 | 00.00 | | | |
| | | | | | |

C

| | | | |
|---|-------|--------|--|
| Indoor sporting events Standard days & timings (Please read guidance note 6) | | | Please give further details here (please read guidance note 3) |
| Day | Start | Finish | |
| Mon | 10.00 | 00.00 | |
| | | | |
| Tue | 10.00 | 00.00 | State any seasonal variations for indoor sporting events (please read guidance note 4) |
| | | | |
| Wed | 10.00 | 00.00 | |
| | | | |
| Thurs | 10.00 | 00.00 | Non-standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5) |
| | | | |
| Fri | 10.00 | 02.00 | |
| | | | |
| Sat | 10.00 | 02.00 | |
| | | | |
| Sun | 10.00 | 00.00 | |
| | | | |

D

| | | | | | | |
|--|-------|--------|---|--|----------|--------------------------|
| Boxing or wrestling entertainment Standard days & timings (Please read guidance note 6) | | | Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick <input checked="" type="checkbox"/> A (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) | | | |
| | | | | | | |
| Thurs | | | | | | |
| 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 & timings (Please read guidance note 6) | | | Will the performance of live music take place indoors or outdoors or both – please tick [A] (Please read guidance note 2). | | Indoors | |
| | | | | | Outdoors | |
| | | | | | Both | <input checked="" type="checkbox"/> |
| Day | Start | Finish | Please give further details here (please read guidance note 3) | | | |
| Mon | 10.00 | 23.30 | Outside off by 20.00 | | | |
| Tue | 10.00 | 23.30 | | | | |
| Wed | 10.00 | 23.30 | State any seasonal variations for performing of live music (please read guidance note 4) NEW YEARS EVE AND CHRISTMAS EVE EXTENSION DEPENDING ON DAY. | | | |
| Thurs | 10.00 | 23.30 | | | | |
| Fri | 10.00 | 00.00 | Non-standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5) | | | |
| Sat | 10.00 | 00.00 | | | | |
| Sun | 10.00 | 23.00 | | | | |

This section is intentionally blank

F

| | | | | | | |
|---|--------------|---------------|---|--|----------|-------------------------------------|
| Recorded music Standard days & timings (Please read guidance note 6) | | | Will the playing of recorded music take place indoors or outdoors or both – please tick [A] (Please read guidance note 2). | | Indoors | <input type="checkbox"/> |
| | | | | | Outdoors | <input type="checkbox"/> |
| | | | | | Both | <input checked="" type="checkbox"/> |
| Day | Start | Finish | Please give further details here (please read guidance note 3) | | | |
| Mon | 10.00 | 00.00 | All outside music off by 20.00 | | | |
| Tue | 10.00 | 00.00 | | | | |
| Wed | 10.00 | 00.00 | State any seasonal variations for playing of recorded music (please read guidance note 4) | | | |
| Thurs | 10.00 | 00.00 | | | | |
| Fri | 10.00 | 02.00 | Non-standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5) | | | |
| Sat | 10.00 | 02.00 | | | | |
| Sun | 10.00 | 00.00 | | | | |

G

| | | | | | | |
|---|--------------|---------------|--|--|----------|--------------------------|
| Performance of dance Standard days & timings (Please read guidance note 6) | | | Will the performance of dance take place indoors or outdoors or both – please tick [A] (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 | 10.00 | 00.00 | | | | |
| Tue | 10.00 | 00.00 | | | | |
| Wed | 10.00 | 00.00 | State any seasonal variations for performing of dance (please read guidance note 4) | | | |
| Thurs | 10.00 | 00.00 | | | | |
| Fri | 10.00 | 02.00 | Non-standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 5) | | | |
| Sat | 10.00 | 02.00 | | | | |
| Sun | 10.00 | 00.00 | | | | |

H

| | | | | | |
|---|-------|--------|---|----------|-------------------------------------|
| Anything of a similar description to that falling within (e), (f) or (g) Standard days & timings (Please read guidance note 6) | | | Please give a description of the type of entertainment you will be providing | | |
| Day | Start | Finish | Will the this entertainment take place indoors or outdoors or both – please tick [A] (Please read guidance note 2). | Indoors | <input checked="" type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Mon | 10.00 | 00.00 | Please give further details here (please read guidance note 3) | | |
| Tue | 10.00 | 00.00 | | | |
| Wed | 10.00 | 00.00 | | | |
| Thurs | 10.00 | 00.00 | State any seasonal variations for entertainment (please read guidance note 4) | | |
| Fri | 10.00 | 02.00 | Non-standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5) | | |
| Sat | 10.00 | 02.00 | | | |
| Sun | 10.00 | 00.00 | | | |

This section is intentionally blank

| | | | | |
|---|-------|--------|---|---|
| Late night refreshment Standard days and timings (please read guidance note 6) | | | Will the provision of late night refreshment take place indoors or outdoors or both – please tick [A] (Please read guidance note 2). | Indoors <input checked="" type="checkbox"/> |
| | | | | Outdoors <input type="checkbox"/> |
| | | | | Both <input type="checkbox"/> |
| Day | Start | Finish | | |
| Mon | 23.00 | 00.00 | Please give further details here (please read guidance note 3) | |
| Tue | 23.00 | 00.00 | | |
| Wed | 23.00 | 00.00 | | |
| Thurs | 23.00 | 00.00 | State any seasonal variations for the provision of late night refreshment (please read guidance note 4) | |
| Fri | 23.00 | 01.00 | | |
| Sat | 23.00 | 01.00 | Non-standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list (please read guidance note 5) | |
| Sun | 23.00 | 00.00 | | |
| | | | | |

This section is intentionally blank

J

| | | | | | |
|--|-------|--------|--|------------------|-------------------------------------|
| Supply of alcohol Standard days and timings (please read guidance note 6) | | | Will the supply of alcohol be for consumption – please tick [A] (Please read guidance note 7). | On the premises | |
| | | | | Off the premises | |
| | | | | Both | <input checked="" type="checkbox"/> |
| Day | Start | Finish | | | |
| Mon | 09.00 | 00.30 | <u>State any proposed seasonal variations for the supply of alcohol</u> (please read guidance note 4) Christmas Eve and New Years Eve depending on what day they fall on. | | |
| Tue | 09.00 | 00.30 | | | |
| Wed | 09.00 | 00.30 | | | |
| Thurs | 09.00 | 00.30 | <u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within J or K</u> (please read guidance note 5) | | |
| Fri | 09.00 | 02.30 | <u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 10) | | |
| Sat | 09.00 | 02.30 | | | |
| Sun | 09.00 | 00.30 | | | |

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

Name DAVID GARFIELD ROY.

Address 9 KINGSBURY COURT.
 ASTHURST, SKELMERSDALE

Postcode WN8 6XW.

Personal Licence Number (if known) PERS/312

Issuing Licensing Authority (if known) WEST LANCS DISTRICT COUNCIL

K

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)

WE HAVE TWO LICENSED GAMING MACHINES WHICH ARE WELL SIGNED FOR OVER 18S ONLY. STAFF REGULARLY CHECK THE AREA AND THEY ARE AWAY FROM WHERE CHILDREN CONGREGATE.

L

| 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 | 09.00 | 00.30 | <p><u>Non-standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</u></p> |
| Tue | 09.00 | 00.30 | |
| Wed | 09.00 | 00.30 | |
| Thurs | 09.00 | 00.30 | |
| Fri | 09.00 | 02.30 | |
| Sat | 09.00 | 02.30 | |
| Sun | 09.00 | 00.30 | |
| | | | |

M

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

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

WE RUN THE 'TOBY' IN A PROFESSIONAL BUSINESS MANNER AND DO ALL WE CAN TO PROMOTE ALL 4 LICENSING OBJECTIVES, WE DO NOT SERVE ANYONE WHO APPEARS TO BE EITHER DRUNK OR UNDER AGE AND STAFF PATROL ALL AREAS THROUGHOUT OPENING TIMES.

b) The prevention of crime and disorder

THE TOBY TAVERN BAR AND GRILL HAS A ZERO TOLERANCE TOWARDS VIOLENCE, DRUGS AND ANY OTHER ANTI-SOCIAL BEHAVIOUR. WE EXPECT OUR CUSTOMERS AND STAFF TO TREAT EACH OTHER AND OUR NEIGHBOURS WITH RESPECT AND TRAVEL TO AND FROM THE TOBY QUIETLY AND WITH CARE.

c) Public safety

WE HAVE ENDEAVOURED TO PROMOTE PUBLIC SAFETY BY PUTTING IN STATE OF THE ART CCTV, FIRE ALARMS AND NEW FIRE DOORS. IN VERY BUSY PERIODS WE UTILISE PLASTIC GLASSES AND THE CAR PARK IS A GLASS FREE AREA.

d) The prevention of public nuisance

WE HAVE NOW IMPLEMENTED A NO AMPLIFIED MUSIC OUTSIDE POLICY WITHOUT PRIOR NOTICE TO OUR NEIGHBOURS. WE CLOSE OFF OUTSIDE AREAS EARLIER AND CLOSE CERTAIN DOORS TO KEEP ANY NOISE INSIDE. WE ASK CUSTOMERS AND STAFF TO LEAVE QUIETLY.

e) The protection of children from harm

THE HOUSE WILL BE FOR OVER 21'S ONLY BUT WE HAVE PUT CHILD FRIENDLY FLOORING IN OUR PLAY AREAS AND CLOSE OFF THE AREA IN A TIMELY FASHION. WE HAVE HIGH CHAIRS AND BABY CHANGING IN THE MAIN PUB.

Please tick
▲ (yes)

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

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

Part 4 – Signatures (please read guidance note 10)

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

Signature:

Date: 15/07/2014

Capacity: PREMISES SUPERVISOR

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

Signature:

Date:

Capacity:

| | |
|---|------------------|
| Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13) | |
| Post town | Post code |
| Telephone number | |
| If you would prefer us to correspond with you by e-mail your e-mail address (optional) | |



West Lancashire Borough Council
Licensing Service

Robert Hodge Centre
Stanley Way
Skelmersdale
Lancashire
WN8 8EE
Tel: 01695 577177
Fax: 01695 585126

Email: licensing.enquiries@westlancls.gov.uk
Website: www.westlancls.gov.uk/licensing

Consent of individual to being specified as premises supervisor

I, DAVID GARFIELD ROY
[insert full name of prospective premises supervisor]

of:
9 KINGSBURY COURT ASHURST
SKELMERSDALE WN8 6XW
[insert home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for:

NEW PREMISE LICENSE APPLICATION
[Type of application]

by:
DAVID GARFIELD ROY
[insert name of applicant]

relating to a premises licence: NA
[insert number of existing licence, if any]

For:
TOBY TAVERN BAR AND GRILL
ASHURST ROAD SKELMERSDALE
[insert name and address of premises to which the application relates] WN8 6XW

and any premises licence to be granted or varied in respect of this application made by:

DAVID GARFIELD ROY

[Insert name of applicant]

Concerning a supply of alcohol at:

Toby TAVERN

[Insert name and address of premises to which application relates]

I also confirm that I am applying for, intend to apply for, or currently hold a personal licence, details of which I set out below:

Personal licence number:

PERS / 312

[Insert personal licence number, if any]

Personal licence issuing Authority:

WEST LANCAHIRE COUNCIL

[Insert name and address and telephone number of personal licence issuing authority, if any]

Signed:



Name (please print):

DAVID GARFIELD ROY

Dated:

17/07/14

Jordan, Samantha

From: [REDACTED]
Sent: 21 July 2014 17:00
To: Murray, Michaela
Cc: 'Karl Jones'
Subject: License

Michaela

As per our New Premise Licence Application. Section J should read premise opening hours till 12.30 Sunday to Thursday, 02.30 Friday –Saturday.
Serving Alcohol till 12.00 Sun-Thurs. 02.00 Fri-Sat.

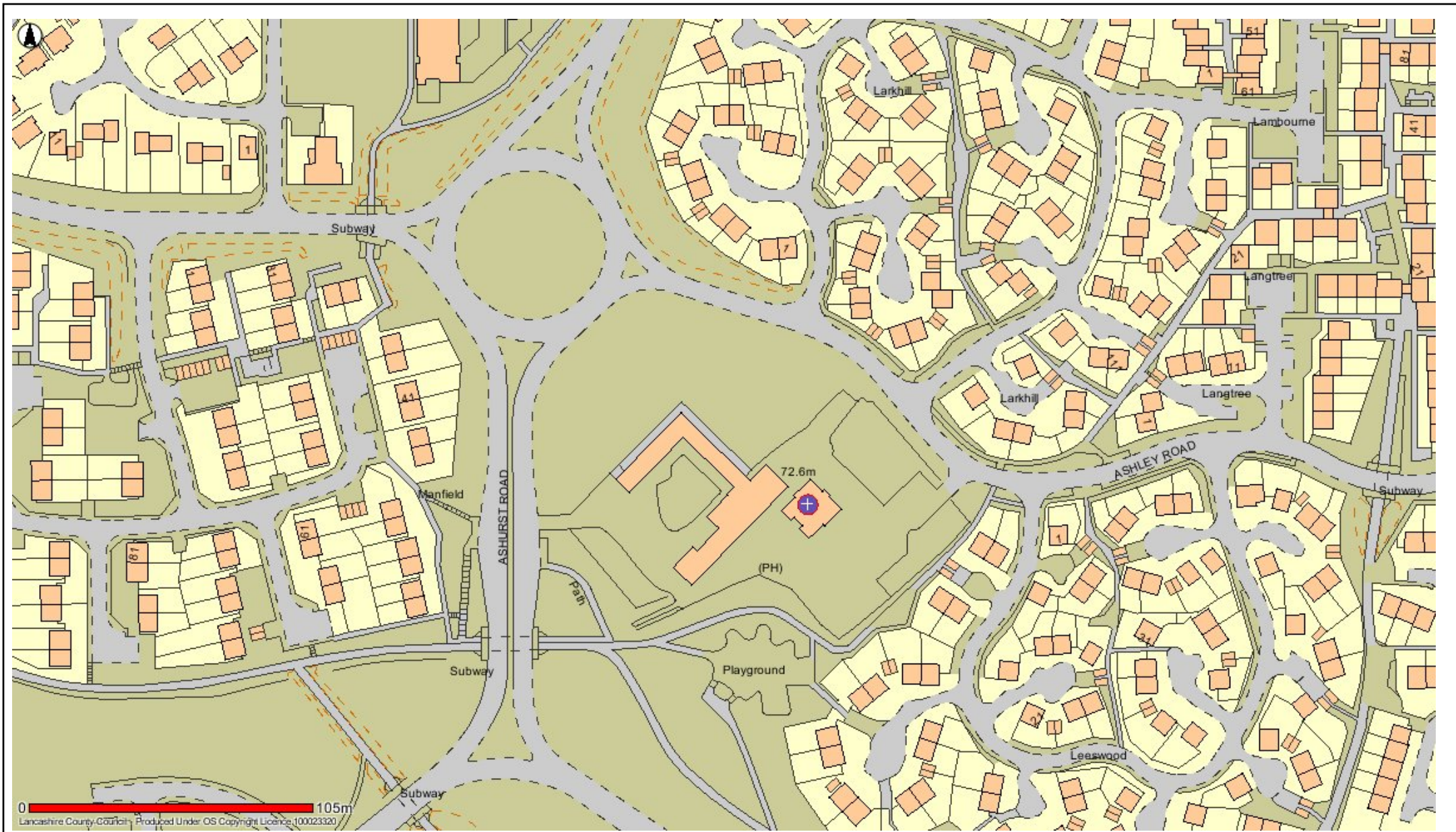
Also the premise license is to cover the existing areas that you already have a plan for as well as the house.

Thanks again for all your help.

With Regards
David G. Roy
Training Director.

[REDACTED]
Unit 1 Warrington Road Ind. Est.
Stephens Way
Wigan
WN3 6PH
Tel: 01942326061





Toby Tavern



Date: 20/08/2014

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 Centre of map: 348624:407446

Objection to Application for Variation of Premises Licence For The Toby Tavern Skelmersdale

This objection is in response to the application from the Toby Tavern, Ashley Road, Skelmersdale to vary its licence hours for the sale of alcohol, live and recorded music on all days that are indicated in the application dated 17/07/14.

Entertainment

The Toby tavern is sited in a residential area; it must be remembered that the people who live in this part of Ashurst may not want to listen to the music from the premises. We have a right to be able to use our homes for our enjoyment and to live our lives peacefully. Historically there has been a problem with the disturbance from the level of the music and this includes the present owner; however recently, due to enforcement by the authority, this has been reduced to an acceptable level. Prior to this enforcement we suffered an unreasonable amount of disturbance from both recorded and live music.

Objection section E 'Live music' has a time frame from 10:00 to 23:00 with further details stating 'outside off by 20:00'. This is unacceptable, why should we have to listen to this music between these hours? All music should not be audible beyond the boundary of the premises.

Objection section F 'recorded music' has a time frame from 10:00 to 00:00 except Friday, Saturday and Sunday which is 02:00 with further details stating 'outside off by 20:00'. This is unacceptable; all music played outside must not be audible beyond the premises boundary and what controls with bass music will be in place? We are more than aware that the bass sound waves travel further than the treble sound waves.

Playing music outside can be maintained at a reasonable level, but who will control the patrons from singing along and shouting, thus effectively increasing the noise volume. We already hear considerable human noise from the outside drinking area when the weather is warm and dry; this is one reason why we cannot have our bedroom windows at the front of the house open in the evening regardless of the temperature.

Objection section H Any other entertainment

The application request an operational time of 10:00-00:00 yet there are no details stated on the application. What is the applicant requesting; if it is entertainment it cannot be left blank as entertainment covers a broad spectrum?

Refreshment and the sale of alcohol

Objection section I late night refreshment

The application requests an operational time of 23:00-00:00 excluding Friday and Saturday which is 01:00 no details are stated on the application. What is the applicant requesting?

Objection section J supply of alcohol

The application requests that alcohol be sold from 09:00 until 00:30 except Fridays and Saturdays which is 02:30. Being open to sell alcohol over such a long time span may be acceptable in a holiday resort for example, but this is a residential area. I have already witnessed people leaving the premises early afternoon having consumed too much alcohol. Opening times like these not only have a detrimental effect of the health of people but the health of the area and those who live there. We live next to a public path and we hear the constant noise of people going to and leaving the premises. I accept that when people are going there the noise can be acceptable and the type of language appropriate but this is not always the case; however this cannot be said about a large proportion of people who leave the premises and make unacceptable noise and use inappropriate language. I have notes in my diary from Friday 01 August 2014 from being woken up on three occasions after 24:00 by noise from people leaving the premises; the noise is raised voices, occasional shouting and sometimes screeching all as a result of alcohol consumption.

Comments relating to other sections

Section M (b)

States '....and our neighbours with respect and travel to and from the Toby quietly and with care'. This statement is not possible to implement and should be removed as the management can have no control over patrons as they go to the Toby or make their way home.

Section M (c)

'In busy periods we utilise plastic glasses and the car park is a glass free area', however this does not stop people leaving the premises with glasses containing drink and discarding them on the way home as is evident in the bushes surrounding my house. If the car park is a glass free area why can patrons be seen sitting on the walls drinking and why is there occasionally broken glass in the highway?

Section M (d)

'We have now implemented a no amplified music outside policy without prior notice to our neighbours'. The statement appears to meet the concerns that we all have yet it prompts more questions.

- Does the issuing of a polite notice (prior notice to our neighbours) justify the right to have an unreasonable level of music? Maybe we should issue a polite notice to the Toby Tavern to have a peaceful life without the nuisance factors the premises brings.
- Section E live music, but how are customers going to hear any music that is not amplified.
- Section F recorded music, how are customers going to hear recorded music, it must be amplified to be able to hear it; all CD players, recorders etc have amplifiers fitted to enable us to hear the music?

General comments which need to be considered with the application from the Toby Tavern

Since the improvements by the new owners to the Toby Tavern have been made it is evident that more people use the premises; this evidence is supported by the number of people who pass our property. People walking on the public footpath pose no additional nuisance factor; however after the consumption of alcohol some people are unable to go home quietly and we are disturbed well into the early hours by this nuisance factor most weekends.

During the weekend evenings and nights the bus stop outside the house becomes a pseudo taxi rank; this is an increased nuisance factor, not only from additional conversational noise, but the closing of taxi doors and vehicle movements. Another problem with some taxi drivers is the music from the vehicles themselves which can occasionally be heard in the house.

The building of the play area on the opposite side of the road to our house has greatly increased the noise nuisance from the premises. We do not object to children playing in fact we encourage the activity; but we do object to having a play area constructed opposite our house; the level of the noise which includes shouting, screaming and balls being kicked against the metal fence. This means that on any given day of reasonable weather all we can hear is shouting and screaming from the play area.

The outside drinking area is the source of a lot of noise throughout opening times during good weather and very little consideration was given to the neighbours of the premises when it was constructed. There is also an unreasonable amount of light pollution from this area. Because of the outside drinking area we cannot open the bedroom windows in the front of the house regardless of the temperature because of the noise, and we have installed blackout blinds because of the light.

Mr Garfield in his application for a premise license in section M (c) states 'we expect our customers and staff to treat each other and our neighbours with respect....' Very little consideration or respect for their neighbours has been shown to date, if their intention for respect of their neighbours had been considered then they would of taken into consideration the impact on the development of the site and the nuisance potential.

If their intention for respect of their neighbours had been considered the proper procedures would have been followed and planning permission with a proper and meaningful consultation with their neighbours been undertaken.

Some questions for the Licensing Department

Should we have the right to enjoy our homes for the purpose we purchased them for?

Should we have the right to undisturbed sleep?

Should we be able to sit in our garden on a sunny afternoon and evening in peace and quiet?

Should we be able to have the bedroom window open in the summer?

Mr & Mrs Sykes
49 Manfield
Ashurst
Sklemersdale

**Objection to Application for Variation of Premises Licence For
The Toby Tavern Skelmersdale**

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Section M (c)

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Section M (d)

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During the weekend evenings and nights the bus stop outside the house becomes a pseudo taxi rank; this is an increased nuisance factor, not only from additional conversational noise, but the closing of taxi doors and vehicle movements. Another problem with some taxi drivers is the music from the vehicles themselves which can occasionally be heard in the house.

The building of the play area on the opposite side of the road to our house has greatly increased the noise nuisance from the premises. We do not object to children playing in fact we encourage the activity; but we do object to having a play area constructed opposite our house; the level of the noise which includes shouting, screaming and balls being kicked against the metal fence. This means that on any given day of reasonable weather all we can hear is shouting and screaming from the play area.

The outside drinking area is the source of a lot of noise throughout opening times during good weather and very little consideration was given to the neighbours of the premises when it was constructed. There is also an unreasonable amount of light pollution from this area. Because of the outside drinking area we cannot open the bedroom windows in the front of the house regardless of the temperature because of the noise, and we have installed blackout blinds because of the light.

Mr Garfield in his application for a premise license in section M (c) states 'we expect our customers and staff to treat each other and our neighbours with respect....' Very little consideration or respect for their neighbours has been shown to date, if their intention for respect of their neighbours had been considered then they would of taken into consideration the impact on the development of the site and the nuisance potential.

If their intention for respect of their neighbours had been considered the proper procedures would have been followed and planning permission with a proper and meaningful consultation with their neighbours been undertaken.

Some questions for the Licensing Department

Should we have the right to enjoy our homes for the purpose we purchased them for?

Should we have the right to undisturbed sleep?

Should we be able to sit in our garden on a sunny afternoon and evening in peace and quiet?

Should we be able to have the bedroom window open in the summer?

Miss S. Ball
Mr S. Ray
55 Manfield
Ashurst
Sklemersdale

51 Manfield
Ashurst
Skelmersdale
WN8 6SU

10th August 2014

To Whom It May Concern

Ref - Objection to Toby Tavern Licencing Application
Dated 17th July 2014

The applicant has requested a licence for music on Friday and Saturday until 2am, as they close at midnight I don't understand why they would ask for this and feel that if they are granted this later licence we will be disturbed by patrons leaving the premises from approximately 23.30 to 3am. As you are probably aware, people don't all leave at the same time and we are then woken at various times until everyone has left and it is bad enough now without having to put up with it until later, and for this reason I would like to object to this late music licence.

The applicant has requested the sale of alcohol until 2am on Friday and Saturday and for the reasons already stated in the above paragraph I would like to object to this late alcohol licence application.

The applicant has also requested a licence for outside music until 8pm, as I understood there to be an agreement in place between the applicant, the police and the council that there would be no amplified music outside this application is surely pointless, unless the applicant is planning to ignore the agreement that is in place, therefore I would like to object to the licence for outside music regardless of what time it starts and finishes.

Yours faithfully


Linda J Williamson (Mrs)



Memorandum

To Senior Licensing Officer Ref:193347
From Environmental Protection and Community Ref:PLA
Safety Manager
Subject Re: Application for new premises licence.
Name: David G Roy
Premises: Toby Tavern Bar & Grill, Skelmersdale, Lancashire
Date 31st July 2014

I have received an application for a new premises licence for the above premises. I will object to this unless the following conditions are attached:

Non-standard timings shall be as follows:-

Sale of alcohol permitted between 09:00 - 02:00 on Christmas Eve, Boxing Day and all Bank Holidays.

The premises may open for the public from 09:00 - 02:30 on Christmas Eve, Boxing Day and all Bank Holidays.

New Year's Eve 09.00 - 09.00 New Year's Day.

Noise from music and associated sources (including DJs and amplified voices) shall not be audible at the boundary of any neighbouring residential premises after 18:00 hours any day.

Regulated Entertainment is only permitted in the outside area of the premises between 12:00 and 18:00 hours on any day

The volume of amplified sound used in connection with the entertainment provided shall at all times be under the control of the Designated Premises Supervisor or Management and the controlling mechanism shall be operated from a part of the premises not accessible to the public.

There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises quietly.

Door supervisors and other members of staff to request customers to leave quietly and have respect for their residential neighbours.

The Designated Premises Supervisor shall ensure that staff arriving early morning or departing late at night when the business has ceased trading

conduct themselves in such a manner to avoid disturbance to nearby residents.

The placing of refuse, such as bottles, into receptacles outside the premises shall take place between 08.00 and 22.00 so as to prevent disturbance to nearby premises.

If regulated live entertainment is being provided, a noise limiter shall be fitted and set in liaison and agreement with the Council's Environmental Department.

Bottles and receptacles shall only be allowed in the outside area of the premises when confined to the beer garden.

The fencing surrounding the beer garden shall be maintained to ensure that it is an enclosed secured area.

.....

Chris Carpenter
Senior Environmental Health Officer
Ext 5427

Denton, Antony

From: Robson, Linda <[REDACTED]>
Sent: 08 August 2014 17:00
To: Licensing Enquiries
Cc: Bushell, Anthony
Subject: Toby Tavern, Bar & Grill, Ashurst Road, Skelmersdale - New Licence Application

I wish to make a representation with regard to the above application.

Under the Crime and Disorder Objective the Police do not feel that the Operating Schedule sufficiently details how the premises will promote the Licensing Objectives and therefore we would ask that the licence conditions on the existing premises licence number LN/000001190 are transferred in their entirety to this new licence. Furthermore the Police would ask for further conditions being applied to the licence.

As a result of an incident that occurred at the premises and as a result of the meeting held with David Roy on Wednesday 2nd July 2014 the conditions are outlined below:-

1. Any outside area used for the consumption of alcohol shall cease to be used at 22.00 each day.
2. The Premises Licence Holder/DPS shall ensure that the provision for and number of door supervisors at the premises will be carried out on a weekly risk assessed basis. This risk assessment will reflect the potential for crime and disorder posed by the number of customers on any particular trading day or as a result of local or national events.
3. Any risk assessment will be in a written format, kept at the premises and produced for inspection by any responsible authority on reasonable request
4. The DPS will ensure the premises maintains an incident book which will contain a record of all incidents relating to the premises, its staff and customers, including time, date, nature of incident and outcome to the satisfaction of Lancashire Constabulary and the Local Authority. This record will be available on request to any responsible authority.

Once we have received acceptance of these conditions from the applicant we will then withdraw our representations.

*Linda Robson
Licensing Officer
Southern Division Licensing Unit
Chorley Police Station
St Thomas's Road
Chorley PR7 1DR
01257 246215
Mob 07946177855*

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