



Kim Webber B.Sc. M.Sc.
Chief Executive
52 Derby Street
Ormskirk
West Lancashire
L39 2DF

25 May 2017

TO: COUNCILLORS N DELANEY, T DEVINE, J KAY

Dear Councillor,

A meeting of the **LICENSING SUB-COMMITTEE** will be held in the **COUNCIL CHAMBER - 52 DERBY STREET** on **TUESDAY, 6 JUNE 2017** at **10.30 AM** at which your attendance is requested.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Kim Webber', written over a horizontal line.

Kim Webber
Chief Executive

AGENDA
(Open to the Public)

- 1. APOLOGIES**
- 2. MEMBERSHIP OF THE COMMITTEE**

To be apprised of any changes to the membership of the Committee in accordance with Council Procedure Rule 4.

- 3. URGENT BUSINESS**

Note: No other business is permitted unless, by reason of special circumstances, which shall be specified at the meeting, the Chairman is of the opinion that the item(s) should be considered as a matter of urgency.

4. DECLARATIONS OF PARTY WHIP

Party Whips are not to be used by this Committee in respect of functions concerning the determination of new Licence Applications, Revocations and Appeals. When considering any other matter which relates to a decision of the Cabinet or the performance of any Member of the Cabinet, in accordance with Regulatory Committee Procedure Rule 9, Members must declare the existence of the Committee's deliberations on the matter.

5. DECLARATIONS OF INTEREST

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If a Member requires advice on Declarations of Interest, he/she is advised to contact the Borough Solicitor in advance of the meeting. (For the assistance of Members a checklist for use in considering their position on any particular item is included at the end of this agenda sheet.)

6. LICENSING HEARING PROCEDURE

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7. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE IN RESPECT OF JYNX, WITHAM ROAD, SKELMERSDALE, WN8 8HP

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To consider the report of the Director of Leisure and Wellbeing.

We can provide this document, upon request, on audiotape, in large print, in Braille and in other languages.

FIRE EVACUATION PROCEDURE: Please see attached sheet.

MOBILE PHONES: These should be switched off or to 'silent' at all meetings.

For further information, please contact:-
Julia Brown on 01695 585065
Or email julia.brown@westlancs.gov.uk

**FIRE EVACUATION PROCEDURE FOR:
COUNCIL MEETINGS WHERE OFFICERS ARE PRESENT
(52 DERBY STREET, ORMSKIRK)**

PERSON IN CHARGE: Most Senior Officer Present
ZONE WARDEN: Member Services Officer / Lawyer
DOOR WARDEN(S) Usher / Caretaker

IF YOU DISCOVER A FIRE

1. Operate the nearest **FIRE CALL POINT** by breaking the glass.
2. Attack the fire with the extinguishers provided only if you have been trained and it is safe to do so. **Do not** take risks.

ON HEARING THE FIRE ALARM

1. Leave the building via the **NEAREST SAFE EXIT**. **Do not stop** to collect personal belongings.
2. Proceed to the **ASSEMBLY POINT** on the car park and report your presence to the **PERSON IN CHARGE**.
3. **Do NOT** return to the premises until authorised to do so by the **PERSON IN CHARGE**.

NOTES:

Officers are required to direct all visitors regarding these procedures i.e. exit routes and place of assembly.

The only persons not required to report to the Assembly Point are the Door Wardens.

CHECKLIST FOR PERSON IN CHARGE

1. Advise other interested parties present that you are the person in charge in the event of an evacuation.
2. Make yourself familiar with the location of the fire escape routes and inform any interested parties of the escape routes.
3. Make yourself familiar with the location of the assembly point and inform any interested parties of that location.
4. Make yourself familiar with the location of the fire alarm and detection control panel.
5. Ensure that the zone warden and door wardens are aware of their roles and responsibilities.
6. Arrange for a register of attendance to be completed (if considered appropriate / practicable).

IN THE EVENT OF A FIRE, OR THE FIRE ALARM BEING SOUNDED

1. Ensure that the room in which the meeting is being held is cleared of all persons.
2. Evacuate via the nearest safe Fire Exit and proceed to the **ASSEMBLY POINT** in the car park.
3. Delegate a person at the **ASSEMBLY POINT** who will proceed to **HOME CARE LINK** in order to ensure that a back-up call is made to the **FIRE BRIGADE**.
4. Delegate another person to ensure that **DOOR WARDENS** have been posted outside the relevant Fire Exit Doors.

5. Ensure that the **ZONE WARDEN** has reported to you on the results of his checks, **i.e.** that the rooms in use have been cleared of all persons.
6. If an Attendance Register has been taken, take a **ROLL CALL**.
7. Report the results of these checks to the Fire and Rescue Service on arrival and inform them of the location of the **FIRE ALARM CONTROL PANEL**.
8. Authorise return to the building only when it is cleared to do so by the **FIRE AND RESCUE SERVICE OFFICER IN CHARGE**. Inform the **DOOR WARDENS** to allow re-entry to the building.

NOTE:

The Fire Alarm system will automatically call the Fire Brigade. The purpose of the 999 back-up call is to meet a requirement of the Fire Precautions Act to supplement the automatic call.

CHECKLIST FOR ZONE WARDEN

1. Carry out a physical check of the rooms being used for the meeting, including adjacent toilets, kitchen.
2. Ensure that **ALL PERSONS**, both officers and members of the public are made aware of the **FIRE ALERT**.
3. Ensure that **ALL PERSONS** evacuate **IMMEDIATELY**, in accordance with the **FIRE EVACUATION PROCEDURE**.
4. Proceed to the **ASSEMBLY POINT** and report to the **PERSON IN CHARGE** that the rooms within your control have been cleared.
5. Assist the **PERSON IN CHARGE** to discharge their duties.

It is desirable that the **ZONE WARDEN** should be an **OFFICER** who is normally based in this building and is familiar with the layout of the rooms to be checked.

INSTRUCTIONS FOR DOOR WARDENS

1. Stand outside the **FIRE EXIT DOOR(S)**
2. Keep the **FIRE EXIT DOOR SHUT**.
3. Ensure that **NO PERSON**, whether staff or public enters the building until **YOU** are told by the **PERSON IN CHARGE** that it is safe to do so.
4. If anyone attempts to enter the premises, report this to the **PERSON IN CHARGE**.
5. Do not leave the door **UNATTENDED**.

Agenda Item 5

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		Notes
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 20/09/16) 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 20/09/16 – 19/09/20)	<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.



WEST LANCASHIRE BOROUGH COUNCIL LICENSING COMMITTEE (2003)

REVIEW HEARING PROCEDURE

- 1 Chairman introduces the Members and the main Officers
2. The Chairman refers to the procedure, which will be followed.
3. Chairman asks the Director of Leisure and Wellbeing (or his representative) to outline the application.
4. Applicant's case
 - (a) Introductions.
 - (b) The Applicant (or representative) will present their case. This will include general opening remarks followed by calling witnesses.
 - (c) The other parties to the hearing may then ask questions of the applicant and witnesses, commencing with the Premises Licence Holder and concluding with the Sub-Committee.
5. Relevant Representations – Interested Parties
 - (a) Introductions.
 - (b) They will be asked by the Chairman if they wish to elect a spokesperson (or speak individually). They will present their case. This will include general opening remarks followed by calling witnesses.
 - (c) The other parties to the hearing may then ask questions of the Interested Parties and witnesses, commencing with the Premises Licence Holder and concluding with the Sub-Committee.
6. Relevant Representations – Responsible Authorities
 - (a) Introductions.
 - (b) The Responsible Authority (or representative) will present their case. This will include general opening remarks followed by calling witnesses.

- (c) The other parties to the hearing may then ask questions of the Responsible Authority and witnesses, commencing with the Premises Licence Holder and concluding with the Sub-Committee.

7. Premises Licence Holder's Case

- (a) Introductions.
 - (b) The Premises Licence Holder (or representative) will present their case. This will include general opening remarks followed by calling witnesses.
 - (c) The other parties to the hearing may then ask questions of the Premises Licence Holder and witnesses, commencing with the Applicant and concluding with the Sub-Committee.
8. If several representations (objections) have been received, the Premises Licence Holder (or representative) will question the Interested Parties, Responsible Authorities and witnesses in turn in an order to be determined by the Chairman.
9. The Chairman to ask the parties and the Sub-Committee if they have any further relevant questions or comments arising from the hearing.
10. The Applicant and the Premises Licence Holder to make their closing address in that order (so that the Premises Licence Holder has the final say).
11. 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.
12. The Sub-Committee will retire with the Legal Adviser and Member Services Officer to determine the application.
13. When the Sub-Committee returns the Chairman will announce its decision and give reasons. The decision will be notified to all parties to the hearing in writing within five working days.

End.

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



AGENDA ITEM:

LICENSING SUB-COMMITTEE

Date: Tuesday 6 June 2017

Report of: Director Of Leisure And Wellbeing

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

SUBJECT: APPLICATION FOR THE REVIEW OF A PREMISES LICENCE IN RESPECT OF JYNX, WITHAM ROAD, SKELMERSDALE, WN8 8HP

Borough wide interest

1.0 PURPOSE OF REPORT

1.1 To consider an application under the Licensing Act 2003 (the Act) for the Review of a Premises Licence in respect of Jynx, Witham Road, Skelmersdale, WN8 8HP.

2.0 RECOMMENDATIONS

2.1 The Sub-Committee's instructions are requested.

3.0 PREMISES INFORMATION

- 3.1 Address of Premises: Jynx
Witham Road
Skelmersdale
WN8 8HP
- 3.2 Premises Licence Holders: Sarju Patel
50 Chisacre Drive
Wigan
WN6 8ER
- Daniel Kenyon
221 Millrose Close
Skelmersdale
WN8 9QT
- 3.3 Designated Premises Supervisor: David Bryan Webster
15B Witham Road
Skelmersdale
WN8 8HW

4.0 BACKGROUND INFORMATION

- 4.1 On 20 August 2015 an application for a new Premises Licence was received from Mr Sarju Patel and Mr Daniel Kenyon in respect of Jynx, Witham Road, Skelmersdale, which is attached as Appendix 1 to this report. Representations against the grant of the licence at that time were submitted by the Council's Environmental Protection and Community Safety Team and several members of the public. The application was determined by the Licensing Sub Committee on 21 October 2015 and the Committee decision is attached as Appendix 2 to this report. A copy of the full premise licence is also attached to this report as Appendix 3.
- 4.2 A location plan of the premises and the surrounding area is attached as Appendix 4 to this report.

5.0 THE APPLICATION FOR REVIEW

- 5.1 In accordance with the Act, on the on the 11 April 2017 an application for the review of the Premises Licence was submitted in respect of Jynx, Witham Road, Skelmersdale from the Council's Environmental Protection and Community Safety Team.
- 5.2 A copy of the full application for review is attached as Appendix 5 to this report.
- 5.3 In summary, the grounds for the Review as stated in the application, are that the operation of the premises is unreasonably interfering with the personal comfort of neighbouring residential premises. The application states that, since its opening in November 2016, the operation of Jynx has led to numerous complaints from the public to the Environmental Protection and Community Safety Team. The complaints have related to both entertainment noise and from patrons; with the noise from patrons being the main cause of the complaints. A Noise Abatement notice was served under the Environmental Protection Act 1990 on the 6th February 2017 in respect of noise from patrons in and around the smoking area, which was not subject to appeal. There is also evidence that the Notice has been breached six times and a prosecution file has therefore been instigated.
- 5.4 The review application also states that there is also evidence that the following condition on the licence has been breached: 'customers will not be permitted to congregate outside the premises at any time other than for the purposes of smoking and this will be subject to regular checks by the management to ensure any persons smoking are not causing a disturbance to residents'.
- 5.5 In accordance with Section 51(3) of the Act, the relevant Notices detailing the aforementioned grounds for Review, were displayed on the premises and in the immediate vicinity thereof, giving interested parties and responsible authorities, the right to make representations regarding the application for Review. The notice was also published on the Council's website. The Premises Licence Holder and Designated Premises Supervisor have been forwarded copies of the application for Review.

6.0 RELEVANT REPRESENTATIONS – MEMBERS OF THE PUBLIC

- 6.1 Representations have been received from six members of the public against the Review application and are attached as Appendix 6 to this report. The representations state that they have no concerns with the operation of the premises and no problems with regards to any breach of the licensing objectives.
- 6.2 Representations have been received from five members of the public in support of the Review application and are attached as Appendix 7 to this report. The representations provide details of numerous problems of noise and disturbance both from the premises and patrons leaving the premises. The representations are made under the 'Prevention of Public Nuisance' and 'Crime and Disorder' licensing objectives.
- 6.3 A request has been made by three of the five members of public who submitted a representation supporting the Review application to remove their personal details from these proceedings. The reason for this request is because they have stated a fear of potential intimidation, which relates to an incident that occurred to a local neighbour. Confirmation has been received from Lancashire Constabulary that on 4 April 2017 at approximately 2am a local resident had a brick thrown through their window (Incident log: LC-20170404-0100). The Police were unable to identify the offender and therefore the case has now been closed.
- 6.4 For Members' information, the Statutory Guidance issued under Section 182 of the Act states:

"Disclosure of personal details of persons making representations

9.26 Where a notice of a hearing is given to an applicant, the licensing authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made.

9.27 In exceptional circumstances, persons making representations to the licensing authority may be reluctant to do so because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant.

9.28 Where licensing authorities consider that the person has a genuine and well-founded fear of intimidation and may be deterred from making a representation on this basis, they may wish to consider alternative approaches.

9.29 For instance, they could advise the persons to provide the relevant responsible authority with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations if appropriate and justified.

9.30 The licensing authority may also decide to withhold some or all of the person's personal details from the applicant, giving only minimal details (such as street name or general location within a street). However, withholding such details should only be considered where the circumstances justify such action."

6.5 Accordingly, the relevant personal details have been redacted from their representations. For the benefit of Members, Officers have been provided with the names and addresses of these individuals and can confirm that the representations are from residents who reside within the local vicinity of the premises.

7.0 LICENSING POLICY AND LEGAL CONSIDERATIONS

7.1 The Local Authority must have regard to the provisions of the Licensing Act 2003. In addition 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.

7.2 The Council's Licensing Policy provides that licence holders should be given sufficient warning of any concerns regarding problems, which have been identified at the premises, and the need to make improvements. Licensees are expected to respond to such warning and implement the necessary remedial action. The message is clear that any failure to respond to such warnings would more than likely lead to a request for review of the licence.

7.3 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

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

7.5 The Licensing Authority in determining a review 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 objective:

- (i) Modify the conditions of the licence
- (ii) Exclude a licensable activity from the scope of the licence
- (iii) Remove the Designates Premises Supervisor
- (iv) Suspend the licence for a period not exceeding three months
- (v) Revoke the licence

7.6 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.

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

Section 4	Prevention of Crime & Disorder	pages 10/12
Section 4	Public Nuisance	pages 14/17
Section 12	Review of Licences	pages 37/39

8.0 HUMAN RIGHTS ACT IMPLICATIONS

- 8.1 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.

9.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 9.1 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).

10.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 10.1 No additional financial or other resources are required.

11.0 RISK ASSESSMENT

- 11.1 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: 20 August 2015	(Appendix 1)
Sub Committee Decision: 21 October 2015	(Appendix 2)
Premise Licence	(Appendix 3)
Location Plan	(Appendix 4)
Review application	(Appendix 5)
Public Representations against the Review	(Appendix 6)
Public Representations supporting the Review	(Appendix 7)

West Lancashire Borough Council

**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.

We Sarju Patel and Daniel Kenyon

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Skelmersdale Social Club Witham Road			
Post town	Skelmersdale	Post code	WN8 8HP

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£11,500.00

Part 2 - Applicant Details

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

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (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

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Patel			First names Sarju		
I am 18 years old or over					<input checked="" type="checkbox"/> Please tick yes
Current postal address if different from premises address		50 Chisacre Drive			
Post Town	Wigan			Postcode	WN6 8ER
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Kenyon			First names Daniel		
I am 18 years old or over					<input checked="" type="checkbox"/> Please tick yes
Current postal address if different from premises address		221 Millrose Close			
Post Town	Skelmersdale			Postcode	WN8 8QT
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

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

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

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
A	S	A P

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

Day	Month	Year

A

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

The premises are a single storey building with a car park and smoking area to the front of the premises. There are several areas in the premises including bar and function areas which will be used for licensable activities. Alterations to the premises are to be made both internally and externally with the main entrance moving from the side to the front with a double lobby being constructed to that entrance. The premises have previously traded as a members club. The applicants are spending at least £150,000 in refurbishing them including removing non-structural partition walls to open up the premises. It is proposed that the premises will no longer trade as a members club but will be open the general public. The applicants have met with local residents to discuss the scheme on 2nd July 2015.

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

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

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

Provision of regulated entertainment

Please tick yes

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

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	10:00	01:00	Please give further details here (please read guidance note 3) Theatrical performances , panto's and other similar activities		
Tue	10:00	01:00			
Wed	10:00	01:00	State any seasonal variations for performing plays (please read guidance note 4)		
Thur	10:00	01:00			
Fri	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) From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. An additional hour to the standard and non-standard timings on the day when British Summertime commences. An additional hour to the standard and non-standard timings on the following notable days: On all Bank Holiday weekend Friday, Saturday, Sunday and Mondays		
Sat	10:00	02:00			
Sun	10:00	01:00			

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	10:00	01:00	Please give further details here (please read guidance note 3) Showing music DVD's and recorded events of similar description		
Tue	10:00	01:00			
Wed	10:00	01:00	State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur	10:00	01:00			
Fri	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) From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. An additional hour to the standard and non-standard timings on the day when British Summertime commences. An additional hour to the standard and non-standard timings on the following notable days: On all Bank Holiday weekend Friday, Saturday, Sunday and Mondays		
Sat	10:00	02:00			
Sun	10:00	01:00			

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3) Snooker, Darts and other similar activities.
Day	Start	Finish	
Mon	10:00	01:00	
Tue	10:00	01:00	State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed	10:00	01:00	
Thur	10:00	01:00	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	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
Sun	10:00	01:00	An additional hour to the standard and non-standard timings on the day when British Summertime commences.
			An additional hour to the standard and non-standard timings on the following notable days: On all Bank Holiday weekend Friday, Saturday, Sunday and Mondays

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)	
Day	Start	Finish	Indoors	<input checked="" type="checkbox"/>
Mon	10:00	01:00	Outdoors	<input type="checkbox"/>
Tue	10:00	01:00	Both	<input type="checkbox"/>
Wed	10:00	01:00	Please give further details here (please read guidance note 3) Boxing, kickboxing, karate, wrestling and other forms of martial arts.	
Thur	10:00	01:00		
Fri	10:00	02:00	State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)	
Sat	10:00	02:00		
Sun	10:00	01:00	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)	
			From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	
			An additional hour to the standard and non-standard timings on the day when British Summertime commences.	
			An additional hour to the standard and non-standard timings on the following notable days: On all Bank Holiday weekend Friday, Saturday, Sunday and Mondays	

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	10:00	01:00	Please give further details here (please read guidance note 3) Live music provided by bands playing unamplified and amplified music.		
Tue	10:00	01:00			
Wed	10:00	01:00		State any seasonal variations for the performance of live music (please read guidance note 4)	
Thur	10:00	01:00			
Fri	10:00	02:00		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	02:00		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	
Sun	10:00	01:00		An additional hour to the standard and non-standard timings on the day when British Summertime commences. An additional hour to the standard and non-standard timings on the following notable days: On all Bank Holiday weekend Friday, Saturday, Sunday and Mondays	

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	10:00	01:00	Please give further details here (please read guidance note 3) Amplified and unamplified music through an in-house sound system.		
Tue	10:00	01:00			
Wed	10:00	01:00		State any seasonal variations for the playing of recorded music (please read guidance note 4)	
Thur	10:00	01:00			
Fri	10:00	02:00		Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat	10:00	02:00		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	
Sun	10:00	01:00		An additional hour to the standard and non-standard timings on the day when British Summertime commences. An additional hour to the standard and non-standard timings on the following notable days: On all Bank Holiday weekend Friday, Saturday, Sunday and Mondays	

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	10:00	01:00	Please give further details here (please read guidance note 3) Dancing by staff and performers throughout the premises.	Both	<input type="checkbox"/>
Tue	10:00	01:00			
Wed	10:00	01:00	State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur	10:00	01:00			
Fri	10:00	02:00	Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5) From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. An additional hour to the standard and non-standard timings on the day when British Summertime commences. An additional hour to the standard and non-standard timings on the following notable days: On all Bank Holiday weekend Friday, Saturday, Sunday and Mondays		
Sat	10:00	02:00			
Sun	10:00	01:00			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	10:00	01:00			Outdoors
Tue	10:00	01:00	Both		<input type="checkbox"/>
Wed	10:00	01:00	Please give further details here (please read guidance note 3) Anything similar to music or dancing.		
Thur	10:00	01:00			
Fri	10:00	02:00	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Sat	10:00	02:00			
Sun	10:00	01:00			
			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 (please read guidance note 5) From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. An additional hour to the standard and non-standard timings on the day when British Summertime commences. An additional hour to the standard and non-standard timings on the following notable days: On all Bank Holiday weekend Friday, Saturday, Sunday and Mondays		

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day				Outdoors	<input type="checkbox"/>
Start	Finish			Both	<input type="checkbox"/>
Mon	23:00	01:00	Please give further details here (please read guidance note 3) Food provided as and when required including functions or events.		
Tue	23:00	01:00			
Wed	23:00	01:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	23:00	01:00			
Fri	23:00	02:00	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) From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. An additional hour to the standard and non-standard timings on the day when British Summertime commences. An additional hour to the standard and non-standard timings on the following notable days: On all Bank Holiday weekend Friday, Saturday, Sunday and Mondays		
Sat	23:00	02:00			
Sun	23:00	01:00			

J

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 checked="" type="checkbox"/>
Day				Off the premises	<input type="checkbox"/>
Start	Finish			Both	<input type="checkbox"/>
Mon	10:00	01:00	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Tue	10:00	01:00			
Wed	10:00	01:00			
Thur	10:00	01:00	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) From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. An additional hour to the standard and non-standard timings on the day when British Summertime commences. An additional hour to the standard and non-standard timings on the following notable days: On all Bank Holiday weekend Friday, Saturday, Sunday and Mondays		
Fri	10:00	02:00			
Sat	10:00	02:00			
Sun	10:00	01:00			

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

Name
David Bryan Webster

Address 15B Witham Road Skelmersdale	
Postcode	WN8 8HW
Personal Licence number (if known) LN/000005590	
Issuing licensing authority (if known) West Lancashire Borough Council	

K

<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>None</p>
--

L

<p>Hours premises are open to the public Standard days and timings (please read guidance note 6)</p> <table border="1"> <thead> <tr> <th>Day</th> <th>Start</th> <th>Finish</th> </tr> </thead> <tbody> <tr> <td>Mon</td> <td>10:00</td> <td>01:30</td> </tr> <tr> <td>Tue</td> <td>10:00</td> <td>01:30</td> </tr> <tr> <td>Wed</td> <td>10:00</td> <td>01:30</td> </tr> <tr> <td>Thur</td> <td>10:00</td> <td>01:30</td> </tr> <tr> <td>Fri</td> <td>10:00</td> <td>02:30</td> </tr> <tr> <td>Sat</td> <td>10:00</td> <td>02:30</td> </tr> <tr> <td>Sun</td> <td>10:00</td> <td>01:30</td> </tr> </tbody> </table>			Day	Start	Finish	Mon	10:00	01:30	Tue	10:00	01:30	Wed	10:00	01:30	Thur	10:00	01:30	Fri	10:00	02:30	Sat	10:00	02:30	Sun	10:00	01:30	<p>State any seasonal variations (please read guidance note 4)</p>
Day	Start	Finish																									
Mon	10:00	01:30																									
Tue	10:00	01:30																									
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Fri	10:00	02:30																									
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Sun	10:00	01:30																									
<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>An additional hour to the standard and non-standard timings on the day when British Summertime commences.</p> <p>An additional hour to the standard and non-standard timings on the following notable days: On all Bank Holiday weekend Friday, Saturday, Sunday and Mondays</p> <p>Until 0200 Sunday to Thursday and 0300 Friday and Saturday for those customers awaiting a taxi pickup.</p>																											

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)

As box b), d) and e) below.

b) The prevention of crime and disorder

<ol style="list-style-type: none"> No intoxicating liquor shall be supplied for consumption off the premises. A tamper proof CCTV system will be installed, operated and maintained in liaison with and to the satisfaction of Lancashire Constabulary, the system will record for 24 hrs each and every day and images will be retained for a minimum of 28 days. There will be, at all times a licensable activity is provided, someone at the premises who can operate and download images from the system and these will be provided to any responsible authority on

reasonable request.

4. Customers will not be permitted to take any glasses or bottles out of the premises
5. No alcohol purchased for consumption on or off the premises shall be consumed in any outside area of the premises, including any area set aside for smoking.
6. No performance involving striptease or nudity will take place without the prior approval of the Licensing Authority.
7. SIA Registered Doorstaff will be employed from 2100 at a ratio of 1:100 on Friday, Saturday and Bank Holiday Sundays.
8. The premises licence holder will ensure that anyone who is intoxicated is refused permission into the premises and that anyone on the premises who is intoxicated will be asked to leave but will be shown care and attention to ensure they can get home safely.

c) Public safety

As box b), d) and e)

d) The prevention of public nuisance

1. Live music shall not be permitted on consecutive days, except where the licensed hours are continuous from one day to another (ie Christmas Eve into Christmas Day which crosses midnight).
2. Live music by amplified instruments under the authority of the premises licence shall be permitted on no more than 26 occasions per calendar year.
3. All exits and entrance doors used by customers will be fitted with automatic door closure devices, these doors shall be kept closed at all times other than access or egress.
4. Regulated entertainment incorporating any sort of amplification will be controlled with a noise limiting device. The permitted noise level of this device will be determined by a Senior Environmental Health Officer of the Licensing Authority.
5. The management shall ensure that regulated entertainment does not cause disturbance to local residents.
6. Signage will be displayed asking customers to respect the needs of the local residents by leaving in a quiet and orderly manner.
7. The main smoking area for the premises shall be located in the car park to the front of the premises, this area to be utilised at all times the premises are trading.
8. Customers will not be permitted to congregate outside the premises at any time other than for the purposes of smoking and this will be subject to regular checks by the management to ensure any persons smoking are not causing a disturbance to residents.
9. A written record of these checks will be maintained by the management on the premises and made available for inspection by any responsible authority on reasonable request.
10. The premises will have a dispersal policy which will outline the methods to be used to disperse people from the premises at closing time and any customers waiting for taxis will be asked to remain inside the premises until the taxi arrives.

e) The protection of children from harm

1. The premises will operate a policy that prevents the sale of alcohol to persons under 18 to the satisfaction of the police and local authority. This policy shall state that any person, who does not appear to be at least 21 years of age, will not be served unless they can produce a recognised proof of age card accredited under the Proof of Age Standards Scheme (PASS), photocard driving licence, passport or Military ID.
2. The DPS will ensure all staff are trained with regards to preventing sales of age restricted product to underage persons. This training will be ongoing with refresher training taking place on a regular basis, will be recorded and copies of these records will be made available on request to any responsible authority.

Please tick yes

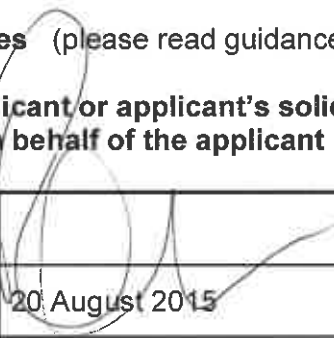
- I have made or enclosed payment of the fee or
- I have not made or enclosed payment of the fee because the application has been made in relation to the introduction of the late night levy

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

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

Part 4 – Signatures (please read guidance note 10)

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

Signature	
Date	20 August 2015
Capacity	Poppleston Allen – Solicitors for and on behalf of the applicant

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 postal address for correspondence associated with this application (please read guidance note 13)

Angela Gardner
 Poppleston Allen Solicitors
 37 Stoney Street
 The Lace Market

Post town	Nottingham	Post code	NG1 1LS
Telephone number (if any)	0115 9349 157		
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			
a.gardner@popall.co.uk			

Notes for Guidance

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 the 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.

Skelmersdale Social Club

Dispersal Procedure for Skelmersdale Social Club, Witham Road, Skelmersdale, WN8 8HW

Dispersal Procedure Document

1. End of Evening Operational Policies:

During the last thirty minutes;

Volume levels will be reduced and the music tempo slowed, lighting levels will be raised to encourage the gradual dispersal of patrons during the last part of trading.

DJ announcements will be used to both encourage a gradual dispersal of customers and to remind customers to show consideration to neighbours.

The points in each bar will be reduced and certain staff reallocated to collecting glasses or offer customer service in the cloakroom to assist customer departure.

2. Cloakroom:

The cloakroom is situated in order to assist the swift return of coats. Management and operation of the cloakroom plays an important part in the dispersal process. (Staffing and control systems are increased in the period prior to bar closure.)

3. Notices at Exit:

Notices will be displayed in prominent positions at the exit of the premises requesting customers to leave quickly and quietly.

4. Door Supervisors:

- On Fridays, Saturdays and Bank Holidays Sundays a member of doorstaff or a member of management will be positioned on the perimeter of the smoking area / car park to the front of the premises to ensure the quiet dispersal of customers from that area. That member of doorstaff / management will be positioned there half an hour before bar closes and remain there until half an hour after the bar closes
- SIA doorstaff will:-
 - wear high visibility jackets, to BS EN 471 or equivalent standard but not in yellow, (to avoid being mistaken for emergency services staff), with appropriate holders for SIA badges to allow for clear identification
 - Draw the attention of exiting customers to the notices in the foyer and ask them to be considerate;
 - Ensure the removal of all bottles and glasses from any customer inside the premises who attempts to leave the venue carrying one.
 - Actively encourage customers not to assemble outside the venue;
 - Direct customers to the nearest taxi ranks or other transportation away from the area.
- The premises will remain open until half an hour after the closing time on any trading evening for those people waiting to be collected by a taxi from the premises.

6. Measures to Promote Customer Dispersal and Safety:

- The main source of dispersal is at the front of the building. This will be monitored by CCTV throughout the night.

Skelmersdale Social Club

- The venue will have a direct relationship with a local company so customers can book a private hire car. Door Supervisors or Management will assist in helping the right customer to the right car.

7. Training:

Training at all levels is conducted to ensure understanding and implementation of this Dispersal Procedure.

Training records regarding the dispersal procedure will be maintained and will be signed and dated by the member of staff receiving the training. Records of training will be kept on the premises for 18 months and be made available immediately to police or representatives of the licensing authority upon request.

**CONSENT OF INDIVIDUAL TO BEING SPECIFIED AS
PREMISES SUPERVISOR**

To be completed in block capitals

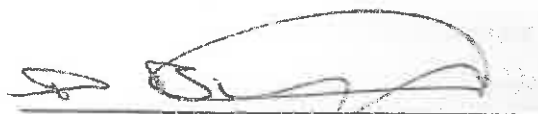
I David Bryan Webster of 15B Witham Road, Skelmersdale, WN8 8HW hereby confirm that I give my consent to be specified as the Designated Premises Supervisor in relation to the application for a New Premise Licence by Sarju Patel and Daniel Kenyon relating to a Premises Licence for Skelmersdale Social Club, Witham Road, Skelmersdale, WN8 8HP and any premises licence to be granted or varied in respect of this application made by Sarju Patel and Daniel Kenyon concerning the supply of alcohol at Skelmersdale Social Club, Witham Road, Skelmersdale, WN8 8HP

I also confirm that I hold a personal licence, details of which I set out below:

Personal Licence Number:- LN/000005590

Personal Licence Issuing Authority:- West Lancashire Borough Council

Signed



Name Printed

DAVID BRYAN WEBSTER

Dated

20/8/15

24. APPLICATION FOR A PREMISES LICENCE IN RESPECT OF SKELMERSDALE SOCIAL CLUB, WITHAM ROAD, SKELMERSDALE, WN8 8HP

On the 21 October 2015 the Licensing Sub-Committee considered an application for a new Premises Licence from Mr S Patel and Mr D Kenyon submitted under Section 17 of the Licensing Act 2003. This application was in respect of Skelmersdale Social Club, Witham Road, WN8 8HP

With the permission of the panel and in accordance with the council's hearing procedure the Licensing Officer introduced the application. The applicant was represented by Mr Jonathan Smith from Poppleston Allen Solicitors who addressed the panel. The Environmental Health Officer and Local Residents accompanied by their ward councillor also made their representations.

Prior to the hearing the applicant had confirmed that after consultation with the police they were amending their application in relation to the hours applied for and as such the Police had withdrawn their representation.

During the hearing the applicant offered to amend their application and add the following conditions to those already present on the operating schedule:

1. The noise limiter shall be reset at a level to be determined by a Senior Environmental Health Officer of WLBC following completion of the refurbishment.
2. No new patrons will be allowed entry to the premises after 01.00 hours.
3. The premises licence holder shall ensure that a sign is displayed on the exterior of the premises providing a contact telephone number for members of the public to use in order to raise issues arising from the premises. The premises licence holder shall ensure that someone is available to answer the calls whenever the premises are open to the public.
4. The application be amended to remove the non-standard timings in respect of the additional hours requested for Bank Holidays.
5. The Premises will facilitate a residents meeting once every four months at the premises in order that any issues can be discussed

The Committee welcomed the offer of the conditions and felt that it was appropriate and proportionate given the evidence before them that these are added to the licence.

The Applicant also confirmed that they will surrender the previous Licence No. LN/000002073 upon completion of the refurbishment works outlined in the application and plan.

Having fully considered the representations (written and oral) made by the local residents, Environmental Health Officer and the application made by the applicant, the panel retired to reach its decision.

In reaching its decision the panel took into account the following:

- both written and oral evidence presented in connection with the hearing
- Licensing Act 2003
- S182 Amended Guidance of the Licensing Act 2003 and taken into account the

references to the guidance made by both parties

- West Lancashire Borough Council's Licensing Policy

Consideration was also given to the report of the Assistant Director Community Services as contained on pages 117 to 300 of the Book of Reports.

Decision

When considering whether the four Licensing Objectives has been undermined the Committee concluded that on this occasion the 'prevention of public nuisance' and "prevention of crime and disorder" were potentially an issue.

Crime and Disorder

The Councillors considered the issue of crime and disorder and the issues raised by the local residents. The Councillors believed that it was not beyond the bounds of reasonableness that the premises operating at the times applied for may lead to increased crime and disorder given people would be leaving late having had longer periods to consume alcohol. It was noted that the residents had raised issues of low level crime and disorder as had the local councillor but there had been no complaints to the responsible authorities. The issues had only been raised within the consideration of this application.

They noted that the applicant had already been operating under a different licence, they had benefitted from TENS for hours in excess of those currently applied for and since David Webster had been appointed as DPS there had been no issues. In addition, that despite the fact the Police had initially put in a representation that this had later been withdrawn when they had apparently become satisfied with the new proposed hours. The Committee took on board the statements from the residents that in their opinion there was no point complaining to the police as they never responded but the Committee felt that if this was actually the case they needed to take it up with the Police Authority directly.

The Committee also noted that residents had complained about issues with the running of the premises historically. The only complaints since the current DPS had been appointed on the evidence where to environmental health and that the applicant had stated that after those incidents they had personally taken steps to address the issues such as removing/moving the smoking area.

On a balance of probabilities they did not feel that all the examples of problems raised could be directly attributed to this premise.

They did not accept the evidence from the residents and Councillor that the only reason why the Police were not present at the hearing was because they were under resourced. The Police are statutorily bound to respond to licensing applications if there is evidence that the prevention of Crime and Disorder objective was being undermined. They had in fact done so by submitting a representation against the application but after negotiation with the Applicant had come to a position where they felt the application would not undermine the four licensing objectives if granted and they subsequently withdrew their representation.

The Committee considered para 9.12 of the S182 Guidance as well as para 2.1 which states that LA should look to the police as the main source of advice on crime and

disorder. This was considered alongside the case of Daniel Thwaites (as provided by the applicant) and the examples of crime and disorder in the representations. The committee considered the conditions the applicant had put forward in their operating schedule to see whether what they had proposed went far enough to balance any undermining of the crime and prevention objective.

When taking into account all of the above they concluded that they gave greater weight to the fact that the Police had no objections to the amended application, that the premises had operated on TENS without incident and the conditions put forward by the applicant were considered to be sufficient to ensure that the crime and prevention objective was not undermined.

Public Nuisance

The Committee felt that common sense would say given the location of the premises in relation to nearby residents and the road infrastructure there was the potential of public nuisance. They took on board the comments of the Environmental Health Officer and the fact that they have no statutory powers to deal with noise on the street and that in their opinion there was a certain level of noise when people dispersed and if the hours the premises were open to the public are increased the later in the evening that disturbance would occur. The Committee accepted that the nature of the area had changed considerably since the club had first opened.

The Committee noted that there had not been any complaints or representations regarding noise issues generated by the regulated entertainment either currently taking place or being proposed. They noted the conditions in the operating schedule that had been offered in order to deal with public nuisance arising from regulated entertainment and concluded that they did not feel that there was any evidence that would support the requirement for them to take action in this respect.

The evidence in fact indicated that the only noise and nuisance issues generated were from patrons leaving the premises.

In respect of parking the committee felt that this was more an issue for the planning committee/highways authority rather than licensing and therefore gave those representations less weight although did accept noise from cars could be a problem. Again they could not conclude that all the examples given could be specifically attributed to the premises

They noted that the environmental health officer had issues with potential noise problems that may be generated if the application was granted but also noted that there was no evidence of complaints other than three complaints received prior to the DPS taking control of the premises. They also noted that the Licensing Authority had had no issues with the premises even when TENS were being used and that the hours were for later hours than what was currently applied for. There was no evidence of issues other than representations from local residents when extended hours had been taking place. There were additional conditions put forward in the operating schedule and at the hearing to provide more resilience. The applicant had in fact done what had been suggested in the WLBC Licensing Policy in order to prevent nuisance.

They took into account the information contained in the S182 Guidance from Para 2.14 to 2.20 regarding nuisance and considered how long after a patron leaves a premises shall the premises be responsible for their actions. They also once again considered the “Thwaites” case and went on to look at what actual evidence was available to show the prevention of public nuisance objective was being undermined. They accepted that although this was an application for a new licence, a licence was already in place and evidence had been given by both parties on how they believed the activity at the premises under the present licence demonstrated how the premises was or was not undermining the prevention of public nuisance objective.

They concluded that there was insufficient evidence of public nuisance to warrant them not granting the licence. The applicant had put sufficient provision in place to satisfy the committee that no further conditions than those offered where required.

In the event there were issues in the future those affected by them had the opportunity of following the Review procedure as outlined in the Licensing Act 2003.

In light of the above the Committee came to the following conclusion:

The application for a premises licence be granted as follows:

- RESOLVED:
- A. That the premises shall be open to the public:-
- | | |
|---------------|--|
| Mon to Wed | 10.00 hours to 12.30 hours or 01.30 if any day falls on a bank holiday |
| Thurs and Sun | 10.00 hours to 01.30 hours |
| Fri and Sat | 10.00 hours to 02.00 hours |
- In addition to the above the patrons will be permitted to remain in the premises for a maximum of an additional thirty minutes to allow waiting time for collection by taxis. No alcohol shall be consumed within this thirty minute period.
- B. Non Standard Timings in respect of the opening hours are as follows:
- From the end of the permitted hours on New Year’s Eve to the start of permitted hours on New Years Day.
- An additional hour to the standard and non-standard timings on the day when British Summertime commences.
- C. That the sale of alcohol shall be permitted ON THE PREMISES ONLY:-
- | | |
|---------------|--|
| Mon to Wed | 10.00 hours to 00.00 hours(midnight) or 01.00 if any day falls on a bank holiday |
| Thurs and Sun | 10.00 hours to 01.00 hours |
| Fri and Sat | 10.00 hours to 01.30 hours |

- D. That the performance of plays, films, indoor sporting events, boxing or wrestling, provision of live music, recorded music, performance of dance and anything of a similar description shall be permitted to take place INDOORS ONLY:-

Mon to Wed	10.00 hours to 00.00 hours(midnight) or 01.00 if any day falls on a bank holiday
Thurs and Sun	10.00 hours to 01.00 hours
Fri and Sat	10.00 hours to 01.30 hours

- E. That late night refreshment shall be permitted as follows:-

Mon to Wed	10.00 hours to 00.00 hours(midnight) or 01.00 if any day falls on a bank holiday
Thurs and Sun	10.00 hours to 01.00 hours
Fri and Sat	10.00 hours to 01.30 hours

- F. Non-standard timings for all the licensable activities in points C, D. and E. above are as follows:

From the end of the permitted hours on New Year's Eve to the start of permitted hours on NewYears Day.

An additional hour to the standard and non-standard timings on the day when British Summertime commences.



West Lancashire Borough Council

COMMUNITY SERVICES, ROBERT HODGE CENTRE, STANLEY WAY, SKELMERSDALE, WEST LANCASHIRE, WN8 8EE

Tel: 01695 577177 Fax: 01695 585126 email: licensing.enquiries@westlancs.gov.uk

Licensing Act 2003

Premises Licence

LN/000006916

Part 1 – Premises Details

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

Skelmersdale Social Club

Witham Road, Skelmersdale, WN8 8HP

Telephone: -

WHERE THE LICENCE IS TIME LIMITED THE DATES:

N/A

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE:

Alcohol Sale/Supply	Film exhibition	Boxing/Wrestling	Recorded Music
Dance performance	Indoor Sporting Event	Live Music	
Late Night Refreshment	Play performance	Similar Entertainment	

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES:

Activity	Location (if known)		Time From	Time To
Alcohol Sale/Supply Play performance Film exhibition Indoor Sporting Event Boxing/Wrestling Live Music Recorded Music	Whole Premises	Monday	10:00	00:00
		Tuesday	10:00	00:00
		Wednesday	10:00	00:00
		Thursday	10:00	01:00
		Friday	10:00	01:30
		Saturday	10:00	01:30
		Sunday	10:00	01:00
Dance performance Similar Entertainment	Whole Premises	Monday	10:00	00:00
		Tuesday	10:00	00:00
		Wednesday	10:00	00:00
		Thursday	10:00	01:00
		Friday	10:00	01:30
		Saturday	10:00	01:30
		Sunday	10:00	01:00
Late Night Refreshment	Whole Premises	Monday	23:00	00:00
		Tuesday	23:00	00:00
		Wednesday	23:00	00:00
		Thursday	23:00	00:00
		Friday	23:00	01:30
		Saturday	23:00	01:30
		Sunday	23:00	01:00

THE OPENING HOURS OF THE PREMISES:

Description	Days	Time From	Time To
On Sales	Monday	10:00	00:30
	Tuesday	10:00	00:30
	Wednesday	10:00	00:30
	Thursday	10:00	01:30
	Friday	10:00	02:00
	Saturday	10:00	02:00
	Sunday	10:00	01:30

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

On Sales



West Lancashire Borough Council

COMMUNITY SERVICES, ROBERT HODGE CENTRE, STANLEY WAY, SKELMERSDALE, WEST LANCASHIRE, WN8 8EE

Tel: 01695 577177 Fax: 01695 585126 email: licensing.enquiries@westlancs.gov.uk

Licensing Act 2003

Premises Licence

LN/000006916

Part 2

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

Name: Mr Sarju Patel & Mr Daniel Kenyon
Address: Skelmersdale Social Club, Witham Road, WN8 8HP
Telephone:
Email:

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 FOR THE SUPPLY OF ALCOHOL:

Name: David Bryan Webster
Address: 15B Witham Road, Skelmersdale, WN8 8HW,
Telephone:

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: LN/5590 Issued by: West Lancashire Borough Council



West Lancashire Borough Council

COMMUNITY SERVICES, ROBERT HODGE CENTRE, STANLEY WAY, SKELMERSDALE, WEST LANCASHIRE, WN8 8EE

Tel: 01695 577177 Fax: 01695 585126 email: licensing.enquiries@westlancs.gov.uk

Licensing Act 2003

Premises Licence

LN/000006916

ANNEX 1 - MANDATORY CONDITIONS

The licence is granted subject to the Mandatory conditions for sale of alcohol as set out in the Licensing Act 2003 as amended by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and Order 2014.

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. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.
3.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.
 - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
 - (a) a holographic mark or
 - (b) an ultraviolet feature.

6. The responsible person shall ensure that –
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1 –

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) “permitted price” is the price found by applying the formula –

$$P = D + (D \times V)$$

Where –

(i) P is the permitted price

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –

(i) The holder of the premises licence

(ii) The designated premises supervisor (if any) in respect of such a licence, or

(iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

If the Premises Licence allows Exhibition of Films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.

3. Where

(a) The film classification body is not specified in the licence, or

(b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4. In this section “children” means any person aged under 18; and
“film classification body” means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

If the Premises Licence has conditions in respect of Door Supervision except theatres, cinemas, bingo halls and casinos

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:
- (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) be entitled to carry out that activity by virtue of section 4 of the Act.
2. But nothing in subsection (1) requires such a condition to be imposed:
- (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or
 - (b) in respect of premises in relation to:
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
3. For the purposes of this section:
- (a) “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and
 - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

The Mandatory Conditions on this licence are those that were in force at the time the Licence was printed, but that they are subject to amendment by Central Government. Current Mandatory Conditions can be viewed at www.gov.uk.

The premises licence holder should be warned that it is a requirement that they must comply with the Mandatory Condition in force not merely the ones contained on the licence.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

No intoxicating liquor shall be supplied for consumption off the premises.

A tamper proof CCTV system will be installed, operated and maintained in liaison with and to the satisfaction of Lancashire Constabulary, the system will record for 24 hrs each and every day and images will be retained for a minimum of 28 days.

There will be, at all times licensable activity is provided, someone at the premises who can operate and download images from the system and these will be provided to any responsible authority on reasonable request.

Customers will not be permitted to take any glasses or bottles out of the premises

No alcohol purchased for consumption on or off the premises shall be consumed in any outside area of the premises, including any area set aside for smoking.

No performance involving striptease or nudity will take place without the prior approval of the Licensing Authority.

SIA Registered Doorstaff will be employed from 21:00 at a ratio of 1:100 on Friday, Saturday and Bank Holiday Sundays.

The premises licence holder will ensure that anyone who is intoxicated is refused permission into the

premises and that anyone on the premises who is intoxicated will be asked to leave but will be shown care and attention to ensure they can get home safely.

Live music shall not be permitted on consecutive days, except where the licensed hours are continuous from one day to another (i.e. Christmas Eve into Christmas Day which crosses midnight)

That live music by amplified instruments under the authority of the premises licence shall be permitted on no more than 26 occasions per calendar year.

All exit and entrance doors used by customers will be fitted with automatic door closure devices, these doors shall be kept closed at all times other than for access or egress.

Regulated entertainment incorporating any sort of amplification will be controlled by a noise limiting device. The permitted noise level of this device will be determined by a Senior Environmental Health Officer of the Licensing Authority.

The management shall ensure that regulated entertainment does not cause disturbance to local residents.

Signage will be displayed asking members and guests to respect the needs of local residents by leaving in a quiet and orderly manner.

The main smoking area for the premises shall be located in the car park to the front of the premises, this area to be utilised at all times the premises are trading.

Customers will not be permitted to congregate outside the premises at any time other than for the purposes of smoking and this will be subject to regular checks by the management to ensure any persons smoking are not causing a disturbance to residents.

A written record of these checks will be maintained by the management on the premises and made available for inspection by any responsible authority on reasonable request.

The premises will have a dispersal policy which will outline the methods to be used to disperse people from the premises at closing time and any customers waiting for taxi's will be asked to remain inside the premises until the taxi arrives.

The premises will operate a policy that prevents the sale of alcohol to persons under 18 to the satisfaction of the police and local authority. This policy shall state that any person, who does not appear to be at least 21 years of age, will not be served unless they can produce a recognised proof of age card accredited under the Proof of Age Standards Scheme (PASS), photocard driving licence, passport or military ID.

The DPS will ensure all staff are trained with regards preventing sales of age restricted product to underage persons this training will be ongoing with refresher training taking place on a regular basis, this training will be recorded and copies of these records will be made available on request to any responsible authority.

No new patrons will be allowed entry to the premises after 01:00 hours.

The premises licence holder shall ensure that a sign is displayed on the exterior of the premises providing a contact telephone number for members of the public to use in order to raise issues arising from the premises. The premises licence holder shall ensure that someone is available to answer the calls whenever the premises are open to the public.

The premises will facilitate a residents meeting once every four months at the premises in order that any issues can be discussed.

Non Standard Timings

From the end of permitted hours on New Year's eve to the start of permitted hours on New Year's Day.

An additional hour to the standard and non-standard timings on the day when British Summertime commences.

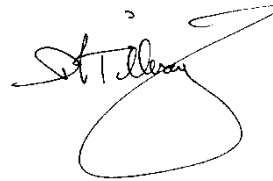
Until 02:00 Sunday to Thursday and 03:00 Friday and Saturday for those customers awaiting a taxi pickup

An additional hour is permitted to all timings on bank holidays.

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

None.

Dated: 19 May 2017



Assistant Director Community Services



West Lancashire Borough Council

COMMUNITY SERVICES, ROBERT HODGE CENTRE, STANLEY WAY, SKELMERSDALE, WEST LANCASHIRE, WN8 8EE

Tel: 01695 577177 Fax: 01695 585126 email: licensing.enquiries@westlancs.gov.uk

Licensing Act 2003

Premises Licence

LN/000006916

ANNEX 4 - PLANS



JYNX



Date: 08/05/2017

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 Centre of map: 346731:406282



West Lancashire Borough Council Licensing Service

Application for the review of a premises licence or club premises certificate 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 the review of a premises licence or club premises certificate 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,Andrew Hill.....
(insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

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

Jynx
Witham Road
Skelmersdale

Post town
Skelmersdale

Post code (if known)
WN8 8HP

Name of premises licence holder or club holding club premises certificate (if known)

Mr Sarju Patel and Mr Daniel Kenyon
Jynx, Witham Road, Skelmersdale, WN8 8HP

Number of premises licence or club premises certificate (if known)

000006916

This section is intentionally blank

Part 2 - Applicant details

I am

Please tick (yes)

- 1) an interested party (please complete (A) or (B) below)
- (a) a person living in the vicinity of the premises
 - (b) a body representing persons living in the vicinity of the premises
 - (c) a person involved in business in the vicinity of the premises
 - (d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr Mrs Miss Ms Other
(for example, Rev)

Surname

First Names

Please tick ✓ Yes

I am 18 years old or over

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Andrew Hill Environmental Protection and Community Safety Manager West Lancashire Borough Council The Robert Hodge Centre Stanley Way Skelmersdale West Lancashire WN8 8EE
Telephone number (if any) 01695 585243
E-mail address (optional) a.hill@westlancs.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 1)

The Council's Statement of Licensing Policy 2015 states "The Authority is committed to ensuring that the operation of licensed premises does not unreasonably interfere with the personal comfort or amenity of immediate neighbours or the nearby community." (Paragraph 4.22). The Policy also makes numerous references to the need to control potential noise nuisance from patrons, particularly those using outside areas for smoking (Paragraphs 4.24, 4.26, 4.30 and Licensing Principle 2, Paragraph 8.13).

I have serious concerns that the operation of the Jynx bar is unreasonably interfering with the personal comfort of neighbouring residential premises.

Since the opening of the premises as Jynx in November 2016 the operation of the premises has led to numerous complaints from the public to the Environmental Protection and Community Safety Team.

There is also evidence that the following condition on the licence has been breached.

'Customers will not be permitted to congregate outside the premises at any time other than for the purposes of smoking and this will be subject to regular checks by the management to ensure any persons smoking are not causing a disturbance to residents'.

Despite repeated communication from ourselves, complaints have continued. The complaints to the Council have related to both entertainment noise and also noise from patrons; the noise from patrons being the main cause of the complaints.

A Noise Abatement Notice was served on the 6th February 2017 (under the Environmental Protection Act 1990) in respect of noise from patrons in and around the smoking area, which was not subject to appeal. A combination of officer visits and the use of recording equipment has demonstrated that there is evidence that the Notice has been breached six times (at the time of writing). A prosecution file has therefore been started to address this.

I therefore feel it is necessary to review the Premises Licence, as all other warnings from us have thus far not resulted in any tangible improvements in the situation for the residents.

Please provide as much information as possible to support the application
(please read guidance note 2)

When Mr Patel and Mr Kenyon applied for a new Premises Licence in September 2015, the Environmental Protection and Community Safety Team expressed grave concerns. This was due to the later opening hours requested and their intention to refurbish the premises into a popular entertainment venue. The concerns were borne, to some degree, from problems the venue experienced in the past, when regular complaints were received about noise from music and patrons. This required significant intervention from our Service and the Police, including the service of a Noise Abatement Notice for music noise, the issuing of formal cautions (as an alternative to prosecuting the operators) and applying for a review of the licence (where the consent to have live entertainment was removed from the licence). Patron noise was also an issue; however, the main entrance was in a different location at that time.

Our objection to the new licence application was on the grounds that there was a risk to the prevention of the public nuisance licensing objective in that the applicant wanted to open later than the previous licence allowed and also change the character of the premises from a members social club to a bar and entertainment venue - effectively a nightclub, with DJs, live entertainment and a dance floor. The concern was that by investing in a complete refurbishment of the premises, which would involve a lot of money, the applicant would need to attract a lot of patrons to repay that investment.

Jill Antrobus, Principal Environmental Health Officer, attended the application hearing on 21 October 2015 and put forward our objection at the hearing. After consideration, the Licensing Sub-Committee granted the licence with the operational hours as applied for. The hours included alcohol sale/supply, live music and recorded music until 01.30 Friday and Saturday, with the opening hours until 02.00 on those days. The premises also opens on Thursdays and Sundays.

The premises started to operate (after refurbishment) on the weekend of Friday 18th and Saturday 19th November 2016.

We first received the first complaints on Tuesday 22nd November 2016 about the opening weekend. The three complaints concerned patron and music noise as well as noise from staff using the bottle bin and taxis sounding horns. The operator was advised of this by telephone. During a further conversation on 23rd November 2016, we also arranged to visit the premises to set a level on the premises music noise limiter. This meeting took place on Thursday 8th December 2016.

After the following weekend of 25th and 26th November 2016, we received feedback from the first complainant that the noise was bad/worse on Saturday night, particularly from music and patron noise until 02.30 and taxis sounding horns. In addition, we received three further complaints from three other households about bass noise from music, rowdy patrons and noise from taxi horns. Then from December 17th 2016 we started to receive regular complaints about noise from patrons in the smoking area, shouting and taxis sounding horns. These complaints were initially received by telephone, and from early January 2017, we started to receive diary sheets (Evidence Reference 1). This resulted in a letter being sent to the Manager of Jynx (Daniel Kenyon) on 3rd January 2017 (Evidence Reference 2), as he was our main point of contact and the person we were liaising with about these complaints at that time.

On Friday 27th January 2017, two Senior Environmental Health Officers visited a neighbouring property and witnessed a statutory noise nuisance from Jynx. They witnessed raised voices, shouting, screeching and swearing noise from patrons using the smoking shelter area of the premises, which was so loud that it would have prevented persons sleeping and interfered with the use of their property.

On 6th February 2017 a Noise Abatement Notice (Evidence reference 3) was served on Mr Patel of Bar Jynx Limited as the Company Director. The Notice was served via first class post and was not appealed. On the 7th February 2017, Mr Patel met with representatives of the Council's Licensing Service and Lancashire Constabulary along with one of the Council's Senior Environmental Health Officers to discuss the Notice and its implications. As suggestions for compliance were made by Mr Patel, the Senior Environmental Health Officer agreed to allow a few weeks so that measures could be put in place to comply with the Notice.

Unfortunately further complaints were made about the next two weekends, which suggested that no productive measures were implemented.

On 24th February 2017, Mr Patel met with one of the Senior Environmental Health Officers (Mr Chris Carpenter) to discuss the matter again and Mr Carpenter handed over a letter (Evidence Reference 4). The letter clearly stated that they need to ensure that they do not breach any licence conditions that relate to control of noise and disturbance to residents. The letter also stated our intention to review the Premises Licence if licence conditions continued to be breached or if there were other noise problems.

That same night (Friday 24th February 2017) two Environmental Health Officers (1 Principal, 1 Senior) visited one of the complainant's properties. Noise from patrons using the smoking area was witnessed, consisting of raised voices, shouting and screeching between approximately 22.15 and 23.30. This went on for the duration of the visit, being constant and was, in the professional opinion of the officers, a statutory noise nuisance as it was so loud as to prevent reasonable use of the property.

The Council's noise recording equipment was also left in a neighbouring property that night and recordings indicate that the noise from patrons became even louder and remained fairly constant until after 02.30am. In the professional opinion of the officers, this was a breach of the abatement notice.

Recordings are available and will be played during the hearing. The information (recordings) will be provided to the premises beforehand.

The recording equipment was also left on the following night (Saturday 25th February 2017) and again the noise recorded indicates that the problem persisted until the premises closed and was again, in the officer's professional opinion, a breach of the abatement notice.

Recordings are available and will be played during the hearing. The information will be provided to the premises beforehand.

A Senior Environmental Health Officer spoke to Daniel Kenyon following that weekend. Mr Kenyon stated that he had not been made aware of the letter that had been given to Mr Patel or that we had discussed the potential consequences of further problems.

Following that weekend (24th and 25th February), 5 further complaints were received from 5 different properties. 2 complaints were also received concerning the weekend of the 3rd and 4th March 2017, although officers did not visit that weekend.

As a result, a further visit was made by two Environmental Health officers (1 Principal, 1 Senior) on the night of Friday 10th March 2017. During this visit it was noticed that, whilst there were some people using the smoking shelter, the noise witnessed was not deemed to be as loud as previously witnessed and was not a statutory nuisance at that time. However, the recording equipment was installed in a neighbouring residential property and after the officers left at approx. 23:00, the subsequent recordings taken later that night and the following Saturday night (11th March) after this, indicated that patron noise was loud and intrusive once again. The recordings demonstrate that, in the professional opinion of the officers, the noise on both these nights was a statutory nuisance until around 02.30 (Sunday) as it was so loud as to interfere with reasonable use of the property.

Recordings are available and will be played during the hearing. The information will be provided to the premises beforehand.

On the night of Friday 17th March 2017, further monitoring was carried out, and two Environmental Health Officers (1 Principal, 1 Senior) visited two of the complainant's properties. The noise from patrons using the smoking shelter area, and around the main entrance of the premises, was constant from around midnight until 12:45, at which point the Officers left. They witnessed raised voices, shouting and screeching noise from patrons which interfered with the reasonable use of the property and was in their professional opinion, a statutory noise nuisance again.

During this visit the officers noted that there did not seem to be any noticeable effort made to deal with the statutory noise nuisance from the patrons by staff.

The Council's noise recording equipment was again installed during this monitoring period (on the 17th March). Recordings indicate that the noise increased and went on until after 02.00am on Friday night/Saturday morning.

Recordings are available and will be played during the hearing. The information will be provided to the premises beforehand.

Two Environmental Health Officers (1 Principal, 1 Senior) visited on Saturday 25th March 2017 between 23.00 and 00.00. During the visit the noise level from patrons was acceptable. However, the recording equipment was left at a complainant's property and when the recordings were reviewed they showed that, in the professional opinion of the officers, at 00.33 a statutory noise nuisance from patrons was evident. The noise from the patrons was so loud that it would interfere with the reasonable use of the complainant's property.

Recordings are available and will be played during the hearing. The information will be provided to the premises beforehand.

On 29th March 2017 evidence reference 5 was sent to us by the legal representative for Jynx bar. On 30th March I emailed evidence reference 6 in reply and at the time of writing I have not received a response.

Further complaints have been received regarding the weekends of the 31st March and 1st April (1 complaint) and also 7th/8th April (2 complaints). On Friday 7th April a fence was installed next to the premises (without planning permission) in an attempt to reduce patron noise. As can be seen, complaints were still received following this installation. Any such barrier obviously still relies on patrons being situated behind it, but it does also appear to have channelled the noise in a different direction as a complaint from a new complainant was received.

Whilst noise from Entertainment was originally mentioned by complainants, the patron noise has been generally more problematic. However, on the 24th February and 17th of March entertainment noise was noticed by the officers. Mr Patel was interviewed under caution in relation to the first five alleged

breaches of the Noise Abatement Notice on the 22nd March. He was accompanied by his legal representative. On this date the noise from entertainment was mentioned to him. Entertainment noise was again witnessed on the 25th March. On Tuesday 4th April, the letter provided as evidence reference 7 was sent, specifically concerning noise from entertainment. The complaints received concerning the weekend of 7th and 8th April related to both patron and entertainment noise. Once again it is disappointing that a letter is sent warning the premises that has no positive result for the public.

In summary, at the time of writing, the operation of the premises has resulted in a total of 52 complaints being received from 10 sources. These have related to the following dates:-

November – 18th, 19th, 25th and 26th

December – 16th and 17th

January – 6th, 7th, 13th, 14th, 21st and 27th

February – 10th, 11th, 17th, 18th, 24th and 25th

March – 3rd, 4th, 10th, 11th, 17th, 18th, 24th, 25th and 31st

April – 1st and 8th

We are satisfied that (in the professional opinion of the officers) we have witnessed or recorded breaches of the Noise Abatement Notice on the 24th and 25th February 2017 and on the 10th, 11th, 17th and 25th March 2017.

On Monday 3rd April a local resident had a brick thrown through their window and as a result some of our complainants have become very scared to be further involved in this case.

It is rare that prosecutions are taken against entertainment venues as operators normally work with us to prevent future problems. Nevertheless, due to the seriousness, I feel we have no alternative and to also call for a review of the licence, and thus try to remedy the situation for the residents who have suffered to date. It is clear that a major licence condition (mentioned previously) has been ignored and breached in the same way the Noise Abatement Notice has. It is clear that the premises has caused a public nuisance and is significantly affecting the lives of the people who live nearby. A prosecution for the alleged breaches of the Abatement Notice may result in financial penalties against the premises, which may or may not be an incentive for change, but only the Licensing Review process can instigate changes in the details of the premises licence and thus the operation of the premises..

Recommendation

The location of the premises renders it unsuitable as a premises which effectively operates as a late night entertainment venue (dancefloor, late licence, young clientele encouraged). In addition the use of the smoking area has also been difficult to patrol and control. It is difficult to place restrictions on the licence in relation to numbers of people or hours of use.

As such I would recommend that the Premises Licence is revoked, to stop the operation of the premises unreasonably interfering with the personal comfort or amenity of immediate neighbours or the nearby community.

Please tick (yes)

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day		Month		Year			

If you have made representations before relating to this premises please state what they were and when you made them

Representations were made against the grant of the original Premises Licence at the hearing on 21 October 2015.

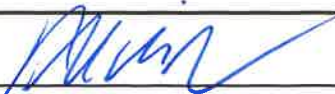
Please tick (yes)

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- 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 3 – Signatures (please read guidance note 3)

Signature of notice giver or notice giver’s solicitor or other duly authorised agent (please read guidance note 4). **If signing on behalf of the notice giver please state in what capacity.**

Signature	
Date	11.4.17
Capacity	Environmental Protection and Community Safety Manager

For joint notices signature of 2nd notice giver or 2nd notice giver’s solicitor or other authorised agent (please read guidance note 3). **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 notice (please read guidance note 5)			
Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

EVIDENCE
REFERENCE: 1

DIARY OF EVENTS

NAME: [REDACTED] ER: CC
ADDRESS: [REDACTED]
ADDRESS OF NOISE SOURCE: Jynx, Witham Road, Skelmersdale, Lancashire, WN8 8HP

DATE	START TIME	FINISH TIME	NATURE OF NOISE	COMMENTS (How Loud? e.g. woke me up, had to turn my television up to hear it.)
13/01/17	11:30	11:45	People Talking shouting loud	
13/01/17	11:45	12:01	" "	
13/01/17	12:01	12:16	" "	
13/01/17	12:24	1:15	" "	Fighting about 2:00ish as I went down stairs my Husband heard it but didn't record It was he had to be up for work about 4:30
14/01/17	11:06	11:20	people smoking outside	
14/01/17	11:20	11:40	" "	
14/01/17	11:40	11:56	" "	
14/01/17	11:56	12:12	" "	
14/01/17	12-12	12-29	Listen Carefully	you can hear the Bass of the music
14/01/17	12-29	2-00	" "	

NOTE: It would be helpful if you could keep a record of the date and times when you experience the problem. You should log down the start and finish times and a brief description of the noise. Do not forget to complete the declaration of record details.

Declaration of True Record

I (Name) [REDACTED] confirm that the above list is a true record of events recorded

from (Date) 13/01/17 by [REDACTED]

(Address) [REDACTED]

Date: 14/01/17

Signature: [REDACTED]

I am/am not * prepared to appear in court to give evidence if required. (* please delete as appropriate) /Cont'd.....

DIARY OF EVENTS

NAME: [REDACTED] Job No: WK/000223782 OFFICER: CC
 ADDRESS: [REDACTED]
 ADDRESS OF NOISE SOURCE: [REDACTED] 8HP

DATE	START TIME	FINISH TIME	NATURE OF NOISE	COMMENTS (How Loud? e.g. woke me up, had to turn my television up to hear it.)
06/01/17	8.50	9.05	laughing out side Smoking are.	(in bed with Al)
06/01/17	11.23	11.42	Talking loud	
06/01/17	12.45	2.30	Talking Loud.	
07/01/17	10.10	11.13	Talking Loud	
07/01/17	10.21	10.26	Talking Loud	
07/01/17	10.28	10.33	Talking Loud	car doors Slaming
07/01/17	10.43	10.50	Talking	cars doors Slaming
07/01/17	11-11	11.17	Talking	car doors
07/01/17	11-20	11.22	Talking Loud	Laughing
07/01/17	11.34	11.39	Talking Loud	
07/01/17	12.03	12.17	Talking Loud	
07/01/17	12.06	12.22	Talking Loud	{ Fighting Swearing }
07/01/17	12.22	12.42	Talking Loud	{ I Rang the police }
07/01/17	12.42	1.02	Talking Loud	Laughing
07/01/17	1.02	2.02	Talking	{ (Fighting) }

NOTE: It would be helpful if you could keep a record of the date and times when you experience the problem. You should log down the start and finish times and a brief description of the noise. Do not forget to complete the declaration of record details.

Declaration of True Record

I (Name) [REDACTED] confirm that the above listed events recorded
 from (Date) 06/01/17 by persons residing at [REDACTED]
 (Address) [REDACTED]
 Date: [REDACTED]
 Signature: [REDACTED]

I am/am not * prepared to appear in court to give evidence if required. (* please delete as appropriate)

EVIDENCE REFERENCE:

DIARY OF EVENTS

NAME: [REDACTED] Job No: WK/000224223 OFFICER: CC
 ADDRESS: [REDACTED]
 ADDRESS OF NOISE SOURCE: Jynx, Witham Road, Skelmersdale, Lancashire, WN8 8HP

DATE	START TIME	FINISH TIME	NATURE OF NOISE	COMMENTS (How Loud? e.g. woke me up, had to turn my television up to hear it)
16/12/16	00.05	2.30pm	PEOPLE SHOUTING and taxis banging	woke me up, and had to shut windows.
17/12/16	1.30pm	2.30pm	SHOOTING AND TAXIS	woke me up, windows had to be shut
23/12/16	9pm.	2.00pm	SHOUTING AND TAXIS	
			doors slamming	Had to close windows
26/12/16	11.45pm	12.30pm	AN ARGUMENT, LAUGH SCREAMING	woke me up, had to close windows!
7/1/17	10.30pm	1.45pm	SHOUTING AND ARGUMENTS	woke me up, had to close windows!
15/1/17	2.00pm	2.30pm	Arguing outside the club	woke me up had to close windows!
14.1.17	00.00	1.30pm	argument outside club, glass on road	woke up, had to close window
20.1.17	12.30pm	1.15pm	Shouting and banging	woke me up, closed windows

NOTE: It would be helpful if you could keep a record of the date and times when you experience the problem. You should log down the start and finish times and a brief description of the noise. Do not forget to complete the declaration of record details.

Declaration of True Record

I (Name) [REDACTED] confirm that the above list is a true record of events recorded

from (Date) 16/12/16 by persons residing at

(Address) [REDACTED]

Date: 4/2/17

Signature: [REDACTED]

I am/are ~~not~~ prepared to appear in court to give evidence if required. (* please delete as appropriate)

I AM NOT GOING TO MONITOR ANY MORE AS Sick of NOISE, AND HAVE DONE ANOTHER COUNCIL SITTING CARRY OUT SURVEY AT 12.2AM.

[REDACTED]

21.1.17. 12.00pm to 12.45pm

Noise outside smoke heard.
shouting, taxis banging doors
cars pulling up with loud
music playing

woke me up,
had to close
windows

27.1.17 11.00 pm - 2.00 pm

Noise outside smoke seen,
shouting and arguing,
cars pulling up with loud
music, car doors banging

woke me up,
had to close
windows

[REDACTED]

[REDACTED]

[REDACTED]

EVIDENCE

REFERENCE: 2

Daniel Kenyon
Jynx
Witham Road
Skelmersdale
Lancashire
WN8 8HP

chris.carpenter@westlancs.gov.uk

3rd January 2017

223782
Chris Carpenter

Ext 5427

Dear Sir/ Madam

**ENVIRONMENTAL PROTECTION ACT 1990, SECTION 79
COMPLAINT OF NOISE FROM Music/People**

I write concerning complaints about noise from Patrons and Music alleged to be coming from your premises. The complainants allege loud noise from patrons around your premises and also that music could be heard. They state that this went on throughout the holiday period up until 02:30 in the mornings on nights you were operating.

I am therefore writing to advise you of the complaints and to advise you to ensure that noise breakout from your premises does not cause a nuisance in neighbouring homes. When you have entertainment on you should control the volume of the music, ensure that windows and doors are kept closed and that noise levels outside the premises are checked during the entertainment. The aim should be that music is not audible at the boundary of neighbouring residential premises. I also advise that you remind yourself of the conditions attached to your premises licence to ensure you do not breach any conditions that relate to control of noise.

You should also try to ensure patrons outside and leaving the premises keep noise down to a reasonable level.

If complaints continue, further investigations will be carried out over the next three months. These investigations will take the form of officer visits and/or the use of a tape recorder and if these reveal that a statutory noise nuisance is occurring, I would have to consider taking further action.

Should you have any queries or wish to discuss this matter please contact me.

We can provide this document upon request on audio tape, in large print, in Braille and in other languages. Telephone 01695 577177 or visit our website www.westlancs.gov.uk

Yours faithfully

Chris Carpenter
Senior Environmental Health Officer

SR428

WEST LANCASHIRE BOROUGH COUNCIL

**ENVIRONMENTAL PROTECTION ACT 1990, section 80
Noise Abatement Notice in respect of Statutory Nuisance**

To: Bar Jynx Limited

Of: 124 Liverpool Road, Rufford, Ormskirk, Lancashire, L40 1SB.

West Lancashire Borough Council hereinafter known as 'The Council' are satisfied of the likely recurrence of a statutory nuisance under section 79 (1)(g) of that Act at the premises known as Jynx Bar, Witham Road, Skelmersdale, WN8 8HP, within the Borough of West Lancashire arising as a result of noise from patrons within the curtilage of the premises boundary adjacent to Witham Road, Skelmersdale.

Under the provisions of the Environmental Protection Act 1990 the Council **HEREBY REQUIRE YOU** as the person responsible for the nuisance, immediately from the service of this notice, to **HEREBY PROHIBIT** the recurrence of the same.

This is a notice to which paragraph (2) of regulation 3 of the Statutory Nuisances (Appeals) Regulations 1995 applies. In the event of an appeal this notice shall NOT be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the Council, the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

IF without reasonable excuse you fail to comply with or contravene any requirements of this notice you will be guilty of an offence under Section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding level 5 on the standard scale together with a further fine of an amount equal to [one-tenth of the greater of £5,000 or level 4 on the standard scale] for each day on which the offence continues after conviction. A person who commits an offence on industrial, trade or business premises will be liable on summary conviction to a fine.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this notice, the Council may execute the works and recover from you the necessary expenditure incurred.

Dated 6th February 2017

(Signed)

D P TILLERAY

DIRECTOR OF LEISURE AND WELLBEING

(The officer appointed for this purpose)

West Lancashire Borough Council
Leisure and Wellbeing Services
Robert Hodge Centre, Stanley Way
Skelmersdale, Lancashire, WN8 8EE

N.B. The person served with this notice may appeal against the notice to a magistrate's court within twenty-one days beginning with the date of service of the notice. See notes on the reverse of this form.

We can provide this document upon request on audio tape, in large print, in Braille and in other languages. Telephone 01695 577177 or visit our website www.westlancs.gov.uk

The Statutory Nuisance (Appeals) Regulations 1990 provide as follows:-

APPEALS UNDER SECTION 80(3) OF THE ENVIRONMENTAL PROTECTION ACT 1990 ('the 1990 Act')

- 2.
- (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act against an abatement notice served upon him by a local authority.
- (2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case.
- a) that the abatement notice is not justified by section 80(3) of the 1990 Act;
- b) that there has been some informality, defect or error in, or in connection with, the abatement notice;
- c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;
- d) that the time, or, where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
- e) where the nuisance to which the notice relates -
- i) is a nuisance falling within section 79(1)(a),(d),(e),(f) or (g) of the 1990 Act and arises on industrial, trade or business premises, or
- ii) is a nuisance falling within section 79(1)(b) of the 1990 Act, and the smoke is emitted from a chimney,
- f) that the best practicable means were used to prevent, or to counteract the effects of, the nuisance;
- g) that, in the case of a nuisance under section 79(1)(g) of the 1990 Act, the requirements imposed by the abatement notice by virtue of section 80(1)(a) of that Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of -
- i) any notice served under section 60 or 66 of the Control of Pollution Act 1974 ('the 1974 Act'),
- ii) or any consent given under section 61 or 65 of the 1974 Act, or
- iii) any determination made under section 67 of the 1974 Act;
- h) that the abatement notice should have been served on some person instead of the appellant, being
- i) the person responsible for the nuisance, or
- ii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
- iii) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
- i) that the abatement notice might lawfully have been served on some person instead of the appellant being -
- i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
- ii) in the case where the appellant is the occupier of the premises, the owner of the premises,
- and that it would have been equitable for it to have been so served;
- ii) that the abatement notice might lawfully have been served on some person in addition to the appellant, being -
- i) a person also responsible for the nuisance,
- ii) a person who is also an owner of the premises, or
- iii) a person who is also an occupier of the premises,
- and that it would have been equitable for it to have been so served.
3. If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
4. Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(f) or (i) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which this regulation applies he may serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which this regulation applies he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises in question.
5. On the hearing of an appeal the court may -
- a) quash the abatement notice to which the appeal relates, or
- b) vary the abatement notice in favour of the appellant, in such manner as it thinks fit, or
- c) dismiss the appeal;
- and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.
6. Subject to paragraph (7) below, on the hearing of appeal the court may make such order as it thinks fit -
- a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
- b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.
7. In exercising its powers under paragraph (6) above, the court -
- a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
- b) shall be satisfied, before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

SUSPENSION OF NOTICES

- 3.(1) Where -
- a) an appeal is brought against an abatement notice served under section 80 of the 1990 Act, and-
- b) either -
- i) compliance with the abatement notice would involve any person in expenditure on the carrying out of works before the hearing of the appeal, or
- ii) in the case of a nuisance under section 79(1)(g) of the 1990 Act, the noise to which the abatement notice relates is noise caused in the course of the performance of some duty imposed by law on the appellant, and
- c) either paragraph (2) does not apply, or if it does apply but the requirements of paragraph (3) have not been met, the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.
- (2) This paragraph applies where -
- a) the nuisance to which the abatement notice relates -
- i) is injurious to health, or
- ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or
- b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.
- (3) Where paragraph (2) applies the abatement notice -
- a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and
- b) shall include a statement as to which the grounds set out in paragraph (2) apply.

EVIDENCE
REFERENCE: ...4...

Mr Sarju Patel
124 Liverpool Road
Rufford
Ormskirk
Lancashire
L40 1SB

01695 585126
chris.carpenter@westlancs.gov.uk

24th February 2017

225687

Mr C Carpenter
01695 585257
5427

Dear Mr Patel

**ENVIRONMENTAL PROTECTION ACT 1990, SECTION 79.
LICENSING ACT 2003**

**RE: NOISE FROM JYNX BAR, WITHAM ROAD, SKELMERSDALE, LANCASHIRE, WN8
8HP.**

I write concerning further complaints about alleged patron noise from the smoking shelter area of your premises. These complaints were received in relation to the weekends of the 10th & 11th and 17th & 18th February.

During our meeting prior to these dates (7th February) we agreed that we would allow a two week period in order for you to try and deal with the issue of noise from patrons in this area of the premises. Whilst my colleague Jill Antrobus has spoken to Mr Kenyon about this, it does unfortunately seem that any action taken has not achieved the desired effect.

As a result, I am writing to advise you of the complaints and to advise you to ensure that noise breakout from your premises does not cause a disturbance to residents in neighbouring homes.

I must remind you that a Noise Abatement Notice is still outstanding and further monitoring will be carried out by the Council, and should a noise nuisance be witnessed as a breach of the noise abatement notice the Council will have to pursue enforcement action.

I also remind you of the conditions attached to your premises licence to ensure you do not breach any conditions that relate to control of noise and disturbance to residents. This Service will apply to have the premises licence reviewed if conditions are being breached or if there are other noise problems.

Should you have any queries or wish to discuss this matter please do not hesitate to contact me.

We can provide this document upon request on audio tape, in large print, in Braille and in other languages. Telephone 01695 577177 or visit our website www.westlancs.gov.uk

Yours sincerely

**MR CHRISTOPHER CARPENTER
SENIOR ENVIRONMENTAL HEALTH OFFICER
(ENVIRONMENTAL PROTECTION)**

Mr C Carpenter
Environmental Health Officer
Environmental Protection Unit
West Lancashire District Council
Robert Hodge Centre
Stanley Way
Skelmersdale
WN8 8EE

Date: 28 March 2017
Our ref: SMB/NAP/P46568-7
Doc Ref: 2145857089
Your ref:
E-mail: s.burnett@popall.co.uk
Direct line: 0203 859 7759

Dear Mr Carpenter

Jynx (formerly Skelmersdale Social Club), Witham Road, Skelmersdale
Interview Under Caution

As you are aware, I act on behalf of Bar Jynx Ltd and write with specific reference to our meeting and subsequent interview under caution with Mr Patel on the 23rd March 2017.

This interview related to a number of suspected breaches of an abatement notice served on the 6th February 2017.

I am aware from discussions with my client Sarju Patel, that he has a good working relationship with your department and at no stage has he deliberately encouraged or caused noise to emanate from his outdoor smoking area, thereby causing local residents a nuisance. To the contrary, he has continually sought to manage the area through consultation with yourself and his own contractors.

Please be assured of my client's continued commitment to work with your department and the immediate neighbour to promote the licensing objectives and especially the 'Prevention of Nuisance.'

You will see that Mr Patel has sought to address the issues raised at his own expense not only by instructing qualified contractors to assess and erect a sound barrier but also by instructing an acoustic engineer to assess and advise generally on the issues and to formulate a plan of action.

You will appreciate that Mr Patel is doing everything he can to work with and 'live with' his neighbours. He will look to you and your department to update the nearby residents and facilitate the acoustic consultant.

I am sure you will agree that we are all aiming for the same outcome, namely to operate the outside area without there being issues caused to the local residents. It is believed that all concerns can be addressed by working in partnership with yourself and the neighbours to prevent any public nuisance.

In light of the above, can I respectfully suggest that no further action is taken against my client in relation to the alleged breaches, obviously subject to him making a resolute and documented effort to resolve the situation.

I look forward to your comments, but should you have any queries then please feel free to contact me.

Yours sincerely


Mr S Burnett
Poppleston Allen

Hill, Andrew

From: Hill, Andrew
Sent: 30 March 2017 10:29
To: 'S.Burnett@popall.co.uk'
Cc: Carpenter, Chris
Subject: Jynx Bar

EVIDENCE
REFERENCE: 6

Dear Steve

Mr Carpenter has shown me your letter and I acknowledge receipt.

As you know, your client was interviewed under caution in relation to 5 alleged breaches of the noise abatement notice which was served on him in February. This interview took place on the 22nd March 2017, with you in attendance. Some 3 days later on the 25th March 2017 we gathered further evidence that the notice was again allegedly breached. As such, we will shortly be writing to your client to offer him the opportunity to discuss this (and any other subsequent breaches) again under caution.

To date the Council is satisfied with the evidence it has gathered in relation to 6 alleged breaches of the abatement notice. The ongoing nature of these alleged breaches demonstrates a poor attitude to compliance and suggests that the patrons simply cannot be controlled. Whilst I note the attempts your client appears to now be making to comply with the notice, this has no bearing on the Council's decision to prosecute your client for the alleged offences to date. Your client's business is causing numerous local residents to have their lives detrimentally affected.

I am also in the process of finalising the paperwork for the review of your client's licence, with the recommendation that the licence be revoked.

As such our current position is somewhat opposite to that you have suggested. We would like your client to surrender the licence, otherwise we will take the prosecution and the review forward as soon as possible.

If I can assist further please do not hesitate to contact me.

Yours sincerely

Andrew Hill B.Sc., P.G. Dip, E. Dip. (Man.), MCIEH
Environmental Protection and Community Safety Manager
West Lancashire Borough Council

Tel: 01695 577177 ext 5243
West Lancashire Borough Council
Robert Hodge Centre, Stanley Way, Skelmersdale, West Lancashire, WN8 8EE

www.westlancs.gov.uk

Think before you print – save energy, paper and ink

EVIDENCE
REFERENCE: 7

Mr S Patel
Bar Jynx Limited
124 Liverpool Road
Rufford
L40 1SB

Jill.antrobus@westlancs.gov.uk

4th April 2017

QDOC166/WK/000223782
Jill Antrobus

Ext 5251

Dear Mr Patel

**ENVIRONMENTAL PROTECTION ACT 1990, SECTION 79
MUSIC NOISE AT JYNX, WITHAM ROAD, SKELMERSDALE**

I write concerning the issue of noise from music, particularly bass noise coming from your premises.

I am writing to advise you that on the occasions of 24th February, 17th March and 25th March, whilst observations were being made of noise from patrons at Jynx, it was noted that bass music was also audible in the homes of nearby residents. When you have entertainment on you must control the volume of the music, particularly the bass, ensure that doors are kept closed and that noise levels outside the premises are checked during the entertainment. The aim should be that music is not audible at the boundary of neighbouring residential premises.

I acknowledge that the noise limiter was set in agreement with Environmental Health Officers. Limiters are difficult to set to account for bass whilst allowing a reasonable level of entertainment music. During the visit to set the levels I advised that DJs need to manually limit the bass output.

Should bass music noise continue to be heard in residents' homes at a level that is considered to be a statutory nuisance I would have to serve an abatement notice. We will also need to re-set the noise limiter to a lower level or an alternative setting to account more for bass noise. If you would like us to visit to set a lower level then please contact me to make an appointment.

Should you have any queries or wish to discuss this matter please contact me.

We can provide this document upon request on audio tape, in large print, in Braille and in other languages. Telephone 01695 577177 or visit our website www.westlancs.gov.uk

Yours sincerely

**Jill Antrobus
Principal Environmental Health Officer**

15c Witham Rd

WN8 8HW

Dear Sirs/Madam

I would like to Comment on the review on Jyak Skem.

Even though some of the other neighbours knock on my door and ask me to complain, I felt I should write in support of the Club.

At no time has the noise disturbed me whether the noise is coming from inside or outside the Club.

I hope this helps

Thank you

Leanne Fitzgibbons, 13b Witham Road, WN8 8HP

03/05/17

Licencing Department

I believe that the premises licence is being reviewed by the council
I live 3 doors away from the club and have no issues with the club at all
I don't find that the people congregating outside of venue cause me any
issues.

There has always been a high level of late night noise on Witham road, even
before the bar opened. This is due to people walking from the Vic pub ,the
Village inn or the Market gate walking home and the number of vehicles
travelling up and down witham road.

The level of night time noise has not changed and is not enough to cause a
nuisance to myself or my family.

I understand that there has been many complaints about the bar, but I
know that if I have any problems that need resolving that I can easily
contact Dave, Sarj or Dan immediately, even late at night.

I cannot hear any music from the venue at night and the sound insulation is
better that it ever was before.

Thank you

Ms L Fitzgibbons



MR. A.P. Smith
13d Witham Road
Stelmersdale
LANCASHIRE
WN8 8HP.

4th May 2017.

To whom it may concern,

I am writing this letter by way of support regarding the Licensed premises JYXX on Witham Road Stelmersdale.

The property where I reside is actually the nearest residential property to the main entrance and smoking area to the licensed premises.

Where as I am aware of other residents not being in favour of the public house I myself have no issues at all.

Obviously there is going to be some all be it little unavoidable issues relating to background noise and Patron's waiting on taxi's at the end of the evening. To be fair the management, owner's and doorstaff constantly patrol, monitor and control noise levels, and behaviours effectively with professionalism.

Although I myself did not think the sound barrier which the owners have had recently installed outside the property around the smoking was actually needed there has been an improvement. Again another act shown by the owners to eliminate further upset with local residents.

Another example of the team trying to problem solve within the neighborhood was they tried to arrange a meeting with the neighbors to see how they could improve and eliminate some of their issues, Unfortunately out of the neighbors only myself and one other actually turned up.

(The one other living not so close to the club). All of the JYNX management / staff attended again to no avail.

The bar in my ~~own~~ opinion is just what our town needs. Creating jobs and entertainment. The owners, door staff and all other staff are friendly, helpful, professional and any issues are dealt with efficiently. I fully promote and support the growth of this establishment.

Yours Sincerely,



MR. A.P. SMITH.

Debbie Delooze
80 Hutton Road
Skelmersdale
Lancashire
WN8 8HF
2nd May 2017

To West Lancashire Council – Licencing Dept

I write in support of Jynx Bar, Withan Road, Skelmersdale

I have been made aware of the upcoming licence review of Jynx. I would like to make the following comments/observations.

The late night bar seems to have become a blessing for the people in Skelmersdale, Skelmersdale has very little nightlife and Jynx is a fantastic venue for all kinds of parties.

I am the closest neighbour to the bar (12 inches away) and I have no issues with the noise from people smoking outside or from the music. Although I can hear a faint amount of bass, I would not say that is it sufficient to cause a nuisance.

I have young children and never have any of my children woken up or has it caused a disturbance to us.

The management (Dan & Sarj) are extremely friendly and approachable people. I know that if I ever did have any issues, that they would address them immediately.

On the rare occasional I have been to the bar, there has always been a door man positioned outside with the smokers and Dan has always been behind the bar.

Kind regards


Debbie Delooze

Donna Massam-Waterman
31A Wutham Road,
Skelmersdale
WN8 8HW

4-5-2017

To Michaela Murray,

I have been made aware that Jynx Bar is undergoing a licensing review. I am writing to you to offer them my full support.

I have been aware that some neighbours have complained about noise, this however I feel is unwarranted. My family and I have never been disturbed by any noise allegedly coming from Jynx.

Since the current owners refurbished the bar it looks so much better, and I can say feels more secure knowing the building has CCTV all around.

Yours Sincerely.



Dear W.L licencing dept

I am writing to support Jynx bar on witham Road.

I live in the flats beside the Bar at 98 Uppingham.

In my opinion, the noise that is emanating from the new bar is not as bad as what some of the other neighbours seem to feel. I am one of the closest neighbours and not once has the music or patron noise from the bar disturbed me.

There are always bouncers in and patrolling around the bar. I know that if I do have any problems,

I can always call Dave Webster and he will sort out any issues

The bar seem to be well insulated against the music. Occasional burst of music can be heard, when all doors are open, but this is only for a split second.

Should you require any further information, please do not hesitate to contact me.



Iain Murphy
98 Uppingham
Skern.

Murray, Michaela

From: Carpenter, Chris
Sent: 08 May 2017 11:34
To: Denton, Antony
Cc: Murray, Michaela
Subject: FW: Jinx Bar Hearing 26th May 2017

[REDACTED]
Sent: 27 April 2017 18:40
To: Carpenter, Chris <Chris.Carpenter@westlancs.gov.uk>
Subject: Fwd: Jinx Bar Hearing 26th May 2017

Hi Chris
Below is what I have sent in
Regards
Mike Martin

Get [Outlook for iOS](#)

[REDACTED]
Sent: Thursday, April 27, 2017 6:38 pm
Subject: Jinx Bar Hearing 26th May 2017
To: <licencing.enquires@westlancs.gov.uk>

I would like to attend hearing on Jinx Bar on 26th May 2017 to have my say my reasons are set out below.

This Statement is as accurate as I can make it.

I live at 13C Witham Road for last 3years Two doors down from the Jinx Bar. I have been keeping records of all disturbance from Noise Begining of December but my first Hard copy starts 16/12/2016 to today 9th April 2017 .Which I have sent in to the council Environmental Health Dept offices and emails sent of noise disturbances . Every Friday and Saturday we get woken up by noises outside Jinx Bar all the area round smoke hut and front door and main foot path to road .We get woken every weekend . We have noise from bands that are playing. Inside the club which is very noisy like last night 8thApril 17 .Also people shouting ,swearing taxis pulling up beeping horns .And noise from poeple coming and going every Friday and Saturday night .This is a residential area . Poeple who own the club would not like this out side there house every weekend .The noise is starting to affect my health I am 66 and I am not getting correct sleep or my wife ,due to noise created by Jinx bar being opened its always 11 pm to 2am .

These hours are not acceptable for a venue to be open in a residential area .

In my option this club should have its licence revoked . We never had any of these problems before it was opened as Jinx Bar .Awaiting your reply


Regards

Mr M.Martin

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Murray, Michaela

From: Denton, Antony
Sent: 08 May 2017 13:43
To: Murray, Michaela
Subject: FW: Jynx bar


Sent: 08 May 2017 12:00
To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>
Subject: Jynx bar

I would like to attend the hearing in regards to the jynx bar on Witham Road. I am a resident on that road (no. 13) and have been affected by various noise disturbances since it opened. This includes music from the club itself continuing past midnight on various occasions, and ongoing noise from customers outside of the club either using the smoking shelter, or when leaving. This includes shouting, fighting, taxis beeping, car music systems playing, etc. This noise regularly disturbs the sleep of myself, my husband and our young children and it has become a regular occurrence that I sleep in my daughters bed with her as she is at the back of the house with considerably less noise. I have also been affected by customers using my doorway as a shelter for smoking and other purposes, including urinating and vomiting. I believe our lives have being great affected at the weekends since the opening of the Jynx bar, especially in relation to the late opening hours.

I am happy to give further information as required.

Rebecca Shaw
13 Witham road
Skelmersdale
WN8 8HP

New Sit

I have lived in [REDACTED] [REDACTED] approx 50 years. The club has been there for years with no trouble until 10 years ago. When it was really bad under the other owners. It was closed due to the noise.

There are now new owners called the Gyroc Bar. The noise until 2:45 AM with howling shouting singing loud music horns blowing doors banging vibrating on the fence. How on earth did they get extended licence knowing the trouble we have had now and in the past in a residential area.

I don't think they would like it on their doorstep. They put a smoking area up they are mostly outside.

than in the club.

It has got that
bad you pray for it to
rain I am writing
anonymous the reason is
I dont want reproussions
like one of the neigbours
had had. Hopemg you
consider.

Respectfully

[Redacted signature and address]

F.A.O. Chris Carpenter

Robert Hodge Centre Stanley Way
Skelmersdale
Lancashire
WN8 8EE

I lived in this area a long time and have never experience a noise like the Jinx Bar, this is the second time we have had trouble club now and before when it was the comrades club this was closed down.

What choice have we got if we wanted to sell are house if we wanted to when we have the interference from the Jinx Bar 3-4 nights a week this can go on till 2.45 early hours in the morning keeping every one awake and getting no sleep, it starts at about 9.30 to 2.45 all we hear is shouting, swearing, singing to the top of the voices, car/ taxi doors and horns beeping all hours, laughing, constant loud music, glass on the floor, vomiting, urinating on the fence this is anomalous letter as I don't want them to know who I am because of repercussions that a neighbour has had.

There is also little gas sliver bottle that contain gas which we have seen young lads and girls from the Jinx Bar using with a balloon and the next morning they are every were, how do we protect are children from this we are frighten are children would cut themselves on broken glass, picking up the sliver bottles and slipping in the vomiting it is discussing and degrades the area which at one point I thought was a lovely area.

Questions:

Why have they got the right to cause up evil in other people's lives?

Why were they granted a licence in a residential area?

How would they feel if they were in are shoes?

Signed:



Murray, Michaela

From: Denton, Antony
Sent: 04 May 2017 09:31
To: Murray, Michaela
Subject: FW: JYNX bar licensing hearing 26th May 2017

From: [REDACTED]
Sent: 04 May 2017 09:08
To: Licensing Enquiries <Licensing.Enquiries@westlancs.gov.uk>
Subject: JYNX bar licensing hearing 26th May 2017

Dear Sir or Madam

I am writing with regards to the licensing hearing for JYNX bar on Witham Road, Skelmersdale, 26th May 2017.

I do not feel that I am able to attend the hearing following recent events in the area as I am aware that a property has been the target of potential intimidation tactics from the JYNX bar and as I regularly have my 6 year old daughter staying with me I do not wish to put her at any risk from any actions. I would however like my views on the matter to be considered and include them below.

I am still amazed that anyone would even consider the site where JYNX bar is to be a suitable location for a late night licensed premises, right in the middle of a well-established housing area such as Witham Road. Pretty much every Friday and Saturday evening I am disturbed by the ongoing background noise from the bar, whether it be the ongoing noise of people talking and shouting outside and more recently music from the bar. This is I feel only going to get worse as we move into summer if something is not done about it now. The noise is not as bad if you close your windows but of course many people will not be able to sleep with this in summer. Since the bar opened there has also been a vast increase in the amount of people in the area on a Friday and Saturday evening, resulting in the noise from drunken people in the street, noise from vehicles and a large increase in the amount of litter as well, something which I feel is a direct result of JYNX bar.

To me there seems to have been no consideration at all about local residents in both the allowing of this premises to be opened and also in the building of it as well. People have worked hard to buy homes in this area and the presence of this bar is not welcome and is something which surely would be more suited in a town centre. I was aware that planning permission had been granted to build flats on this site, I believe that in the application submitted by the current owner, noise from patrons was mentioned as a reason why the former Skelmersdale social club was not a suitable site for a licensed premises and therefore find it difficult to believe that this would have not been a far better business strategy, for both the owners and residents.

A very concerned and affected local resident.

[REDACTED] (Please do not disclose this address)

Andrew

RE: Jynx Bar

We started getting complaints about noise for the weekend of Friday 18th (1 Complaint) and Saturday 19th (2 Complaints) November 2016. I have to assume this was the weekend that the bar opened (possibly private functions).

We had 3 complaints about Saturday the 26th November 2016. One of the complainants states that this was the Jynx Bar opening night and this was announced by the club on Twitter. (see below)



The following complaints in relation to patron noise have been received since these two weekends and are as follows:

2016

Friday 25th November 1 Complaint
Worksheet, 223782

Saturday 26th November 3 Complaints
Worksheets, 223510, 223710, 223782

Friday 16th December 2 Complaints
Worksheet, 223782, 224223

Saturday 17th December 2 Complaints
Worksheet, 223782, 224223

There were some complaint about Christmas/New Year following these, including New Year's Eve, these have been excluded.

2017

Friday 6th January 1 Complaint
Worksheet, 223782

Saturday 7th January 2 Complaints
Worksheet, 223782, 224223

Friday 13th January 3 Complaints
Worksheet, 223510, 223782, 224223

Saturday 14th January 3 Complaints
Worksheet, 223510, 223782, 224223

Saturday 21st January 1 Complaint
Worksheet, 224223

Friday 27th January Witnessed by CC and GP, Notice served on 6th Feb as a result.

Friday 10th February 1 Complaint
Worksheet, 223782

Saturday 11th February 1 Complaint
Worksheet, 223782

Friday 17th February 1 Complaint
Worksheet, 223782

Saturday 18th February 2 Complaints
Worksheet, 223782, 224223

Friday 24th February Witnessed by CC and JA plus 3 complaints
Worksheet, 224223, 226266, 226374

Saturday 25th February Recorded plus 2 Complaint
Worksheet, 223782, 224223

Friday 3rd March 4 Complaints
Worksheet, 223782, 224223, 226266, 226374

Saturday 4th March 4 Complaints
Worksheet, 223782, 224223, 226266, 226374

Friday 10th March Visit CC and JA, no issue during visit, taped later plus 1 Complaint
Worksheet, 224223,

Saturday 11th March Recorded plus 3 Complaints
Worksheet, 224223, 226266, 226374

Friday 17th March	Witnessed by CC and JA plus 1 Complaint
Worksheet, 224223	
Saturday 18 th March	Recorded plus 1 Complaint
Worksheet, 224223	
Friday 24 th March	2 Complaints
Worksheet, 223782, 224223	
Saturday 25th March	Visit CC and JA, no issue during visit, recorded later plus 1 Complaint
Worksheet, 224223	
Friday 31 st March	2 Complaints
Worksheet, 224223, 223510	
Saturday 1 st April	1 Complaint
Worksheet, 224223	
Saturday 8 th April	7 Complaints re: live music (bass) and patron noise.
Worksheet, 223510, 223710, 223782, 224223, 226266, 226450, (227435 NewComplainant)	
Easter Sunday 16 th April	Recorded plus 2 Complaints
Worksheet, 226450, 227435	
Saturday 22 nd April	1 Complaint
Worksheet, 223510, 227811	
Friday 28 th April	1 Complaint
Worksheet, 224223	
Saturday 29 th April	1 Complaint
Worksheet, 223510	

Friday 5th May 1 Complaint

Worksheet, 227435

Saturday 6th May 1 Complaint

Worksheet, 227435

Friday 12th May 2 Complaints

Worksheet, 224223, 226374

The following are a list of the separate complaint numbers on this list. Each complaint number indicates a DIFFERENT COMPLAINANT.

223782

223510

223710

224223

226266

226374

226450

227435

227811

There were a total of 18 complaints from 4 complainants prior to the Notice being served.

There has been a total of 47 complaints from 9 complainants since the notice was served.

Since the service of the notice we have had 14 weekends of complaints (every weekend apart from 20/21st May). 9 of these 14 weekends have received complaints of patron noise for both the Friday and the Saturday.

The total number of complaints received from the complainants is 65 to date on Monday 22nd May.

