



Committee: LICENSING ACT SUB-COMMITTEE
Date: WEDNESDAY, 14 SEPTEMBER 2016
Venue: LANCASTER TOWN HALL
Time: 10.30 A.M.

A G E N D A

1. **Hustle, 2 Spring Garden Street, Lancaster** (Pages 1 - 66)

Application for Variation of Premise Licence

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Terrie Metcalfe (Chairman), Sylvia Rogerson and Roger Sherlock

(ii) Queries regarding this Agenda

Please contact Jane Glenton, Democratic Services - telephone: (01524) 582068 or email jglenton@lancaster.gov.uk.

SUSAN PARSONAGE,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
LANCASTER, LA1 1PJ

Published on Tuesday, 6 September 2016.

Meeting of: LICENSING ACT SUB-COMMITTEE

Date: 14TH SEPTEMBER 2016

Report of: CHIEF OFFICER (ENVIRONMENTAL SERVICES)

Reference: DWE

Title: HUSTLE, 2 SPRING GARDEN STREET, LANCASTER

APPLICATION FOR VARIATION OF PREMISE LICENCE

Members of the Sub-Committee have the following documents attached to this report:

1. Application Form (pages 9 to 29)
2. Copy of Representations from Other Persons (pages 30 to 49)
3. Copy of Current Premises Licence (pages 50 to 61)
4. Notice of Hearing (pages 62 to 65)

Details of Application

SJ Leisure Lancaster Ltd have submitted an application under Section 34 of the Licensing Act 2003 to vary the premises licence for Hustle, 2 Spring Garden Street, Lancaster, LA1 1RQ.

The current premises licence permits the following:

Performance of Live Music:	Monday to Saturday	10.00 to 04.00	(indoors)
	Sunday	10.00 to 03.00	
Playing of Recorded Music	Monday to Saturday	10.00 to 04.00	(indoors)
	Sunday	10.00 to 03.00	
Performance of Dance	Monday to Saturday	10.00 to 04.00	(indoors)
	Sunday	10.00 to 03.00	
Late night refreshment	Monday to Saturday	23.00 to 04.00	(indoors)
	Sunday	23.00 to 03.00	
Sale of Alcohol	Monday to Saturday	10.00 to 04.00	(on & off)
	Sunday	10.00 to 03.00	

The current variation application is to add provision of plays, provision of films, indoor sporting events, boxing or wrestling entertainment, provision of anything similar of a similar description to live music , recorded music or performances of dance 10:00 to 04:00 Sunday to Thursday, 10:00 to 05:00 Friday and 10:00 to 06:00 Saturday.

The application is also to amend the terminal times of all existing licensable activities until 05.00 Saturday and 06.00 Sunday.

Details of the application to vary the premises licence are set out in the application form, which is Document 1 attached to this report. .

Representations

Under Section 35(3) of the Act, it is necessary for a hearing to be held to consider the application as representations have been received from a Responsible Authority and Other Persons.

A representation has been received from the Council's Senior Environmental Health Officer for Public Health and Protection, Mrs Rachel Stainton, with regard to this application in that she believes the public nuisance licensing objective would be severely undermined.

Additionally representations have been received from 6 Other Persons, some of whom reside in the vicinity of the premise, who all consider that the application principally undermines the public nuisance licensing objective in that there will be a significant increase in noise pollution further into the early hours of the morning, as well as an impact on the crime and disorder and public safety licensing objectives.

A copy of the representations are at Document 2.

Notice of Hearing

In accordance with the relevant Regulations, the parties have been given notice of the hearing. It was not felt necessary to request any clarification from the parties. The parties have been required in accordance with the Regulations to indicate at least five working days before the hearing whether they intend to attend and/or be represented at the hearing and if they wish any witness to appear at the hearing. Any responses and any further documentation submitted by any of the parties after the circulation of this agenda will be circulated to Members in advance of the meeting. Members are reminded that documentary or other information submitted on the day of the hearing may only be taken into account with the consent of the Sub-Committee and all the parties.

Matter for Decision

The Sub-Committee is requested to consider the application and the representation.

This is in accordance with Section 35(3) and (4) of the Act which provide as follows:

- (3) Where relevant representations are made, the authority must-
 - (a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and
 - (b) having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.

- (4) The steps are-
 - (a) to modify the conditions of the licence;
 - (b) to reject the whole or part of the application;and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added

Members are reminded that the licensing objectives are:

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

Government Guidance under Section 182 of the Licensing Act 2003

Members may wish to note that paragraph 2.33 of the Guidance issued by the Government under Section 182 of the Licensing Act 2003 states that public nuisance is “not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance perhaps affecting a few people living locally as well as major disturbance affecting the whole community”.

Relevant Parts of the Council’s Statement of Licensing Policy

With regard to the prevention of public nuisance, the Policy provides as follows:

8 Prevention of public nuisance

- 8.1 The most obvious aspect of public nuisance is noise. The primary source of noise is amplified music, either uncontained outdoors or emanating from premises, which do not have sufficient measures in place to contain the sound. Late at night or in the early hours of the morning, individuals shouting in the street or groups of people talking in an animated fashion generate a substantial level of noise and in some cases this is aggravated by offensive language.
- 8.2 As customers leave licensed premises, the sound of their conversation can disturb residents. Potentially greater problems arise when customers congregate or accumulate outside the licensed premises. However, it is clear that the person in control of the premises has a responsibility to ensure that disturbance to residents and businesses is kept to a minimum.
- 8.3 In considering licence applications where relevant representations are received, the Licensing Authority will consider the adequacy of measures proposed to deal with the potential for nuisance and disorder having regard to all the circumstances of the application. When addressing public nuisance, the applicant should identify any particular issues which are likely to adversely affect the promotion of the objective to prevent public nuisance, taking account of the location, size and likely clientele of the premises, and the type of entertainment (if any) to be provided. Such steps as are required to deal with these issues should be included within the applicant’s operating schedule, and may include:
 - The steps the applicant has taken or proposes to prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment and human voices. Such measures may include the installation of soundproofing, air conditioning, noise limitation devices and keeping windows closed during specified hours.
 - The steps taken to ensure that all staff involved in the management of the premises have the capability, responsibility and training to supervise other staff

and to ensure that the premises are operated in such a manner as to prevent public nuisance

- The steps the applicant has taken or proposes to prevent disturbance by patrons arriving at or leaving the premises, for example warning signs at exits, and warning announcements within the premises, and the use of door supervisors to pass on the message
- The steps the applicant has taken or proposes to prevent queuing, or if queuing is inevitable, to divert queues away from neighbouring premises, or otherwise manage and monitor the queue to prevent disturbance of obstruction, and to prevent patrons congregating outside the premises.
- The implementation of a last admission time, and how the last admission time relates to the closing time of the premises
- The steps the applicant has taken or proposes to take to manage queues so that patrons who will not gain admission before any last admission time are advised accordingly
- The steps the applicant has taken to reduce queuing outside the premises and to minimise the length of time people have to queue at the premises
- The steps the applicant has taken to advise patrons that they will not be admitted if they are causing a disturbance, and the steps taken to implement a procedure for banning patrons who continually leave or arrive at the premises in a manner which causes a public nuisance or disturbance.
- The arrangements made or proposed for parking by patrons and the effect of parking on local residents.
- The arrangements the applicant has made or proposes to make for security lighting at the premises, and the steps the applicant has taken or proposes to take to ensure that lighting will not cause a nuisance to residents.
- Whether there is sufficient provision for public transport for patrons, for example the provision of a free phone taxi service or other arrangements with taxi companies, and whether information is provided to patrons about the most appropriate routes to the nearest transport facilities.
- Whether taxis and private hire vehicles serving the premises or traffic flow from the premises are likely to disturb local residents.
- Whether routes to and from the premises pass residential premises.
- Whether other appropriate measures to prevent nuisance have been taken, such as the use of CCTV or the employment of an adequate number of licensed door supervisors.
- The measures proposed to prevent the consumption or supply of illegal drugs, including any search and disposal procedures.
- The procedures in place for ensuring that no customer leaves with bottles or glasses
- If the applicant has previously held a licence within the area of the Council, the history of any enforcement action arising from those premises.
- Whether the premises would result in increased refuse storage or disposal problems, or additional litter in the vicinity of the premises.
- The steps the applicant has taken or proposes to take in order to ensure that standards of public decency are maintained in any entertainment provided at the premises.
- If appropriate, whether music is played at a lower level towards the end of the evening in a "wind down period".
- The applicant's proposals for the length of time between the last sales of alcohol, and the closing of the premises
- The steps the applicant has taken to prevent noise and other public nuisance from occurring in any open air parts of the premises, beer gardens, smoking

shelters or areas that are used on an ad-hoc basis by patrons with the management consent for smoking

The above list is not intended to be exhaustive, and the applicant should consider all aspects of the operation that may affect public nuisance.

With regard to the prevention of crime and disorder, the Policy provides as follows:

9. The prevention of crime and disorder

- 9.1 The central concerns of licensing in relation to law and order are acts of violence and vandalism brought about by consumption of alcohol and the use of licensed premises as part of a distribution network for illegal drugs.
- 9.2 It is not the function of licensing to impose good practice in the adoption of wider crime reduction measures, such as those for securing premises outside of trading hours. It is also not a purpose of licensing to require that measures be put in place to enhance the opportunities for gathering evidence in relation to crime of a general nature. However, the Licensing Authority recognises that CCTV cameras at premises have an important role in preventing crime and disorder.
- 9.4 The Licensing Authority's starting point is to seek a reduction in crime and disorder throughout the area, consistent with its statutory duty under section 17 of the Crime and Disorder Act 1998. Licences may be granted if applicants can demonstrate that a positive reduction in crime and disorder will result, or that it will not increase, as a result of the application being granted.
- 9.5 Where there are relevant representations, the Licensing Authority will generally not grant a licence where it is likely that the premises will be used for unlawful purposes or where it is considered that the use of the premises is likely to cause an increase in crime and disorder in the area or the premises and this cannot be prevented by the imposition of conditions. When addressing crime and disorder, the applicant should identify any particular issues which are likely to adversely affect the promotion of the objective to prevent crime and disorder, taking account the location, size and likely clientele of the premises, and the type of entertainment (if any) to be provided. Such steps as are required to deal with these issues should be included within the applicant's operating schedule, and may include:
- Use of CCTV inside and outside the premises. The Lancashire Constabulary has produced suggested minimum requirements for CCTV and these are available from the Lancashire Constabulary or from the Licensing Authority's administrative staff
 - Use of metal detection or other search equipment or procedures
 - Crime and disorder risk assessment in relation to the proposed activities
 - Measures to prevent the use or supply of illegal drugs and procedures for searching customers
 - Ensuring that all staff are appropriately trained
 - Ensuring that all staff involved in the management of the premises have the capability, responsibility and training to supervise other staff and to ensure that the premises are operated in such a manner as to prevent crime and disorder
 - Employment of sufficient security staff where appropriate, controlling admission, monitoring capacity within the premises as a whole and in separate rooms/levels and patrolling the interior and exterior of the premises (any such staff must be licensed by the Security Industry Authority). The Licensing Authority recognises

that there is a greater need for security staff in some premises than in others. For example there will be a greater need for security staff in a town centre nightclub than in a village pub. It will be for the applicant to consider the appropriate number of doorstaff required for the particular premises.

- Ensuring that a register of doorstaff and their working times is maintained
- Participation in Pub Watch, Best Bar None or other relevant schemes and using radio links/pages as a means of connecting to other licensed premises.
- Use of plastic or polycarbonate glasses and bottles, where appropriate, or toughened glass. Applicants are advised that the Government believes that a risk-based, rather than blanket, approach to requiring licensed premises to use safer alternatives is the best way to tackle the problem of glass-related injuries
- Wherever possible, agreed protocols with police and other organisations and a commitment to co-operate and provide such evidence as the Police require.
- Adopting the “Night Safe Initiative” and “Safer Clubbing Guide” as statements of best practice
- Following the trade codes of practice, for example BBPA and Portman Group, and not carrying out any irresponsible drinks promotions
- Providing a suitable environment for customers having regard to the activities going on in the premises, in particular appropriate levels of seating
- Ensuring that there are sufficient transport facilities available to ensure that customers can leave the premises safely and swiftly.
- Maintaining an incident log
- The steps the applicant has taken to prevent crime and disorder issues from occurring in any open air parts of the premises, beer gardens, smoking shelters or areas that are used on an ad-hoc basis by patrons with the management consent for smoking, due to location, control within and management of such areas.

It should be noted that this list is not intended to be exhaustive. It may be appropriate for the applicant to consider other steps. Equally, the Licensing Authority recognises that not all the items in the list will be applicable to all premises.

Following the receipt of relevant representations, the Licensing Authority will not normally allow a person to be specified as a designated premises supervisor where that is likely to undermine the prevention of crime and disorder by reason of that person’s known past conduct. A person is likely to be considered unsuitable if he has previous unspent convictions for a relevant offence, notwithstanding that he may on his own merits in the light of representations received

10. The promotion of public safety

- 10.1 The Act complements but does not seek to duplicate the statutory requirements of other legislation, which affect those who have responsibility for the conduct of licensed premises such as the Health and Safety at Work Etc. Act 1974.
- 10.2 One of the things which the licensing system can provide is agreement in advance on a standard layout for furniture, location of stage, placing of linked seats etc. so that licensees can be confident about their practical arrangements, provided that they stick to that way of doing things. With other legislative controls, there may be no official inspection of the arrangements made, unless there is an investigation when something has gone wrong.
- 10.3 As a consequence of the many common features of leisure businesses, such as the operation of door policies, competition for taxis and the interaction with people on the

street late at night, individual premises necessarily function as part of a network of businesses, sharing information on crime and disorder issues which affect them all.

- 10.4 The Licensing Authority recognises that participation in forums such as Pub Watch and the proper use of network radios are key to the safe operation of the majority of leisure businesses. It may be appropriate for an operating schedule to include these practical matters.
- 10.5 Fire safety requirements are determined principally by specific fire safety legislation. The overall standard of fire safety is an important consideration in determining the suitability of premises for licensable activities.
- 10.6 The Licensing Authority will not use the licensing process to secure routine compliance with fire safety requirements, which arise from other legislation. Nevertheless in circumstances where fire safety inadequacies indicate that premises pose a risk to the health and safety to those who enter them and where specific fire safety enforcement does not provide a sufficient or sufficiently rapid remedy, the Licensing Authority will take appropriate steps to ensure that the risk is removed including, where necessary, and where a review of the licence is requested, revocation of the licence.
- 10.7 In addition the Licensing Authority will also consider and deal with the introduction of further hazards to public safety as part of an event and the exercise of controls over occupancy, so that premises can be cleared safely and efficiently, in the event of an emergency.
- 10.8 Where an applicant identifies an issue with regard to public safety (including fire safety) which is not covered by existing legislation, the applicant should indicate in the operating schedule the steps which will be taken to ensure public safety. Depending on the location, size and likely clientele of the premises, and the type of entertainment (if any) to be provided, the following issues may be of relevance:
 - The maximum capacity of the premises, and the arrangements for ensuring that a capacity limit is not exceeded and for monitoring capacity. This applies to the premises as a whole and to different rooms or levels within the premises.
 - Steps taken to ensure that all staff involved in the management of the premises have the capability, responsibility and training to supervise other staff and to ensure that the premises are operated in such a manner as to ensure the safety of the public
 - The design of the premises and in particular the capability of the structure to bear the likely loads to be imposed at maximum occupancy.
 - The structural condition of the premises and state of repair.
 - The condition of the electrical and gas services, and arrangements for temporary electrical installations.
 - The lighting, heating and ventilation systems.
 - The fire resisting and fire separation properties of the premises.
 - The means of escape from the premises.
 - The adequacy of the sanitary arrangements.
 - The use of flame retardant materials on fixtures and fittings.
 - The protection and safety of the audience, particularly at any indoor sporting event or boxing or wrestling entertainment.
 - The availability of qualified first aiders when the premises are open.
The protection and safety of performers of entertainment.

The above list is not intended to be exhaustive, and the Licensing Authority will expect the applicant to consider all aspects of the operation that may affect crime and disorder

It should be noted that this list is not intended to be exhaustive. It may be appropriate for the applicant to consider other steps. Equally, the Licensing Authority recognises that not all the items in the list will be applicable to all premises.

Members will of course be mindful that the Policy covers all types of premises in all types of location, and that not all the measures referred to above will be relevant to all premises.

Members are reminded that they should consider each application on its merits, and in the light of all the written and oral information before them at the hearing.

Natural Justice and Human Rights

Members are reminded that they must follow the rules of natural justice, and must also consider human rights implications.

In particular, in accordance with Article 6, all parties are entitled to a fair hearing.

Consideration also needs to be given to the right to respect for private and family life and home, contained within Article 8, although this is a qualified right, and interference is permitted where this is in accordance with the law, or is necessary in a democratic society in the interests of public safety or the prevention of crime and disorder, or for the protection of the rights and freedoms of others. Article 1 of the possessions, although again this right is qualified in the public interest.

Conclusion

Members should consider whether to grant the application for variation, modify any conditions of the licence or to reject the whole or part of the application. Members are reminded that they should state the reasons for their decision.

RECEIVED
05 JUL 2016
Card 315.00



Lancaster
Application to vary a premises licence
Licensing Act 2003

For help contact
licensing@lancaster.gov.uk
Telephone: 01524 582033

* required information

Form errors

Some data entered into this form is invalid. Please resolve before continuing.

Section 1 of 17

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

Samuel

* Family name

Jones

* E-mail

~~XXXXXXXXXXXX@XXXXXX~~

Main telephone number

~~XXXXXXXXXX~~

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

* Is your business registered in the UK with Companies House?

- Yes No

* Registration number

09431971

* Business name

SJ Leisure Lancaster Ltd

If your business is registered, use its registered name.

You must enter a valid VAT number

Continued from previous page...

* VAT number	<input type="text" value="-"/>	<input type="text"/>	Put "none" if you are not registered for VAT.
* Legal status	<input type="text" value="Public Limited Company"/>		
* Your position in the business	<input type="text" value="Managing Director"/>		
Home country	<input type="text" value="United Kingdom"/>		The country where the headquarters of your business is located.
Registered Address	Address registered with Companies House.		
* Building number or name	<input type="text" value="Hustle"/>		
* Street	<input type="text" value="Spring Garden Street"/>		
District	<input type="text"/>		
* City or town	<input type="text" value="Lancaster"/>		
County or administrative area	<input type="text"/>		
* Postcode	<input type="text" value="LA1 1RQ"/>		
* Country	<input type="text" value="United Kingdom"/>		

Section 2 of 17

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name	<input type="text" value="Hustle"/>
Street	<input type="text" value="Spring Garden Street"/>
District	<input type="text"/>
City or town	<input type="text" value="Lancaster"/>
County or administrative area	<input type="text" value="Lancashire"/>
Postcode	<input type="text" value="LA1 1RQ"/>
Country	<input type="text" value="United Kingdom"/>

Continued from previous page...

Premises Contact Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 17

VARIATION

Do you want the proposed variation to have effect as soon as possible? Yes No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

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

Describe Briefly The Nature Of The Proposed Variation

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.

Extension of opening times:
 Friday 10am until 5am
 Saturday 10am until 6am
 Sunday 10am until 4am

Section 4 of 17

PROVISION OF PLAYS

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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.

Continued from previous page...

TUESDAY

Start End
 Start End

WEDNESDAY

Start End
 Start End

THURSDAY

Start End
 Start End

FRIDAY

Start End
 Start End

SATURDAY

Start End
 Start End

SUNDAY

Start End
 Start End

Will the performance of a play take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

Provide further details here.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

As current license states

State any seasonal variations for performing plays.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

As current license states

Continued from previous page...

Non standard timings. Where the premises will be used for the performance of a play at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

As current license states

Section 5 of 17

PROVISION OF FILMS

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the exhibition of films take place indoors or outdoors or both?

- Indoors
 Outdoors
 Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

As current license states

State any seasonal variations for the exhibition of film.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

As current license states

Non standard timings. Where the premises will be used for the exhibition of film at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

As current license states

Section 6 of 17

PROVISION OF INDOOR SPORTING EVENTS

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes
 No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

Continued from previous page...

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

As current license states

State any seasonal variations for indoor sporting events.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

As current license states

Non-standard timings. Where the premises will be used for indoor sporting events at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

As current license states

Section 7 of 17

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

Yes

No

Continued from previous page...

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the boxing or wrestling entertainment take place indoors or outdoors or both?

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

- Indoors Outdoors Both

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

As current license states

State any seasonal variations for boxing and wrestling entertainment.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

As current license states

Continued from previous page...

Non-standard timings. Where the premises will be used for the boxing or wrestling entertainment at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

As current license states

Section 8 of 17

PROVISION OF LIVE MUSIC

Will the schedule to provide live music be subject to change if this application to vary is successful?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the performance of live music take place indoors or outdoors or both?

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

- Indoors Outdoors Both

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

As current license states

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

As current license states

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed, above below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

As current license states

Section 9 of 17

PROVISION OF RECORDED MUSIC

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

End

Start

End

Continued from previous page...

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

- Indoors
 Outdoors
 Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

As current License states

State any seasonal variations for playing recorded music.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

As current License states

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

As current license states

Continued from previous page...

Section 10 of 17

PROVISION OF PERFORMANCES OF DANCE

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the performance of dance take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

As current license states

Continued from previous page...

State any seasonal variations for the performance of dance.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

As current license states

Non-standard timings. Where the premises will be used for the performance of dance at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

As current license states

Section 11 of 17

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Continued from previous page...

FRIDAY

Start 00:00

End 04:00

Start 10:00

End 00:00

SATURDAY

Start 00:00

End 05:00

Start 10:00

End 00:00

SUNDAY

Start 00:00

End 06:00

Start 10:00

End 00:00

Provide a description of the type of entertainment that will be provided.

As current license states

Will this entertainment take place indoors or outdoors or both?

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

- Indoors Outdoors Both

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

As current license states

State any seasonal variations for entertainment.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

As current license states

Non-standard timings. Where the premises will be used for entertainment at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

As current license states

Section 12 of 17

Continued from previous page...

PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

As current license states

Continued from previous page...

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

As current license states

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

As current license states

Section 13 of 17

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption?

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

As current license states

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

As current license states

Section 14 of 17

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide 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 etc gambling machines etc.

As current license states

Section 15 of 17

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

Continued from previous page...

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

As current license states

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

As current license states

Continued from previous page...

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

As current license states

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

Section 16 of 17

LICENSING OBJECTIVES

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

a) General - all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

As current license states

b) The prevention of crime and disorder

As current license states

c) Public safety

As current license states

d) The prevention of public nuisance

As current license states

e) The protection of children from harm

As current license states

Section 17 of 17

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Continued from previous page...

Variation Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £8700	£315.00
Band D - £87001 to £12500	£450.00*
Band E - £125001 and over	£635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500	£900.00
Band E - £125001 and over	£1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

* Fee amount (£)

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

DECLARATION

* I/we understand 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.

Ticking this box indicates you have read and understood the above declaration

Continued from previous page...

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

Date (dd/mm/yyyy)

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/lancaster/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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

behaviour will not be tolerated and customers will either be asked to return inside the premises immediately or asked to leave.

4. After 4am the front entrance will not be used except for an emergency. After 4am the rear entrance will become the entrance/exit.
5. All doors and windows will be kept closed from 22.00 except for access and egress.
6. From 23.00 hourly noise assessments shall be made of any noise emanating from the premises. The location of those noise assessments shall include outside the premises of 70-72 Penny Street. Wherever said assessments indicate that noise is likely to cause nuisance to any residents in the vicinity, steps will be taken to reduce the level of noise. Written records of these noise assessments will be made available to an authorised officer on request.
7. Customers will not be permitted to take open drinks outside.

DISPERSAL POLICY

At the close of business it is important to ensure that customers disperse as quietly and quickly as possible from the premises. The following measures will be adopted to attempt to prevent any incidents of antisocial behaviour and excessive noise.

The premises will have established links with a local taxi firm and an understanding that horns are not used to signal the arrival of taxis. The use of this taxi service will be promoted to patrons wherever possible.

During the final half hour of trading staff will be reallocated to collect glasses. This will encourage customer departure and reduces the potential for people to carry glassware out of the premises.

During the final half hour of regulated entertainment, the DJ will play slower music and reduce the volume. In addition, lighting levels should be altered to encourage the gradual dispersal of customers during the last part of trading and the drinking up period.

DJ announcements should be used to remind customers to be considerate on leaving the premises. Notices will be displayed prominently at public exits requesting customers to leave quietly and with respect to neighbours and their properties.

Signage should make clear that customers will not be allowed to leave the premises with bottles or glasses.

The door staff should encourage customers to drink-up and progress to the exit throughout the latter part of drinking-up time and draw customer's attention to the notices and ask them to be considerate. They should ensure the removal of all bottles and glasses from departing customers and actively encourage customers not to congregate outside the venue.

Environmental Health Services would often wish to see a range of conditions included in licences for purposes of preventing public nuisance. However it is clear that the Licensing Act 2003 does not take a precautionary approach.

Please be advised that in the event of public nuisance arising Environmental Health Services will request a review of any licence that is granted.

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Document is Restricted

17 August 2016

URGENT

Licensing Manager
Lancaster City Council
Town Hall
Dalton Square
Lancaster
LA1 1PJ

Sent via email to licensing@lancaster.gov.uk

Dear Sirs

**Application re Premises Licence at : Hustle Nightclub, 2 Spring Garden St, Lancaster
LA1 1RQ
Applicant : SJ Leisure Lancaster Ltd**

We write to make representation in relation to the above application.

Travelodge Hotels Limited operates a hotel from King St, Lancaster LA1 1RE, which is directly opposite Hustle Nightclub.

We are concerned that the proposed additional opening hours of the establishment are unreasonable and will serve to create significant noise and disturbance to the operation of our business.

It is essential to our business that our customers are able to have an undisturbed night's sleep which has already been severely affected by Hustle without the additional opening hours.

Our particular concerns are:

- a) noise will escape through accessways and ventilation and disturb hotel guests;
- b) patrons leaving the club late at night / early morning are likely to constitute a further nuisance to our customers; and
- c) we have not received any direct contact explaining how it intends to mitigate noise affecting the hotel. In these circumstances, we can only conclude that no proper consideration has been given to our client's neighbouring interest.

Attached are two letters, one from the Area Manager and another from the Hotel

Sleepy Hollow, Aylesbury Road, Thame, Oxon OX9 3AT T +44 (0)1844 358 500

Manager for this site detailing their issues with regards to the application. Also attached is a spreadsheet with noise complaints received by Travelodge. Please note that these are but a sample of the ones we have received.

We would be happy to provide further evidence but require additional time to collate them.

On this basis we wish to object to their application and we would be grateful if you could acknowledge receipt of this letter by email.

Yours faithfully

Isla Bharatan
Estates Surveyor
Travelodge Hotels Limited

To Whom It May Concern,

I have been the Area Manager for Travelodge Hotels at Lancaster Central, King Street, Lancaster for over 6 months now. During my time in this role being responsible for this hotel I have seen a number of noise issues caused by Hustle Night Club.

Attached I have included an example of the types of comments we have received from customers in the hotel following their stay with us due to the noise caused by Hustle Night Club.

I strongly object to the extension of Hustle's license to 6am and request that the current premise license be reviewed as the noise caused from Hustle Night Club is causing major complaints for our customers and costing us in compensation to customers on a weekly basis to resolve their complaints due to the noise from the night club.

Over the past 4 weeks we have refunded £374.75 to customers for noise issues due to bottle bins being emptied at 3am in the morning and noise from people leaving the Hustle Night Club in the early hours of the morning. Also based on 2015 refund rate for noise we in total refund £3468.00 throughout the year due to Hustle Night Club noise.

We also measure our customers' opinions on their stays once they have stayed with us via a customer survey that is sent out to our customers on email. Having reviewed the data from Travelodge Lancaster Central for this year so far our customers have rated the question "There was very little noise coming from outside the hotel" at 54%. This tells us that 46% of all the customers that have stayed with us so far this year at Lancaster Central have had an issue with external noise caused by Hustle Night Club. This number is well below the company average of 66% and in my district the next hotel of similar location/property type is at 72% year to date and shows that Travelodge Lancaster Central suffers greatly from the noise caused by Hustle Night Club and this effects the hotels performance and customers stays with us.

Please include this statement as objection to Hustle night club extending their hours any further and causing more negative effect on my business, team and customers.

Please feel free to contact me if you have any questions regarding my statement or need any further details.

Thanks

Ruth Gossage

District Manager – Lancashire & Cumbria

Richard Rogers
Hotel Manager (Holding)
Travelodge Lancaster Central
King Street
Lancaster
LA1 1RE
Tel 0203 195 4942

To whom this may concern,

I have worked for Travelodge for the last 8 years, and the last 3 as the Assistant Manager of Lancaster Central.

Throughout my time at Lancaster Central, we have receive countless complaints and comments about the noise from Hustle night club, playing music too loud and emptying bottle bins at ridiculous times during the night.

I would appeal against the extension of their opening times, this would cause countless more complaints and problems for my hotel and the guests that stay.

We have had a sound technician visit the hotel with a decibel record, to monitor the music levels from hustle, upon he agreed the music is too loud for the regulations that are set by Travelodge. (this information was passed back to Harmail Bains, the Estates Manager at Travelodge Head Office).

If you require any further information I would be more than happy to help,

Kind Regards

Richard Rogers
Hotel Manager (Holding)

Based on your most recent experience How likely are you to recommend Travelodge to a friend or colleague?	Please tell us why you gave this score, letting us know what we did well and where we can improve.
1	The staff were very friendly and helpful but the hotel was like a sauna with no air at all. It was difficult to breathe. And the noise from outside was horrendous, music from a nightclub/pub, people on the street, pubs emptying bottle bins. So bad we checked out a day early and moved into another hotel.
2	The room was extremely hot. Even with the fan switched on throughout the night. The corridor outside our room was so much cooler. Also, the noise level outside the hotel disrupted our sleep with people shouting and swearing
5	Room at the front of the hotel was extremely hot, the noise from people leaving pubs and clubs went on till 05:30. So very little sleep. The window had to be left open to try and cool the room down. Which made the noise worse.
4	Noisy hotel from pubs and clubs / Reception and Hotel Entrance on different floors /
10	Value for money - always clean. I would not recommend the Lancaster Travelodge as we did not sleep due to noise from nearby bars 'clearing up' from night's business i.e. Emptying bottles into wheelie bins rolling barrels from approx 02:00 - 07:00.
7	Good value for money. Could do with air conditioning as room very hot and was too noisy outside to have window open for long due to pub /nightclub. A shelf in the shower would be a help as well.
5	The staff were very helpful, however this hotel is very noisy from nightclub and hot.
1	It was just so noisy I know that the hotel cannot control people leaving nightclub but it was ridiculous not one wink of sleep and left at 8.00 am when we were looking forward to a lie in.outdi
6	I use Travelodge whenever im away. how ever, Lancaster central was the one I wouldn't return too. weatherspoons right next door, and the noise and drunken behaviour at 3am was not good.
1	Very lumpy beds. Noisy from pub and night club emptying bootles throughout night. Very thin curtains so light in the mornings. Day team good though.
2	Better sound proof windows. Was very noisy from the street. I had to check if the window had been left open.
7	Basic good value accomodate. Some noise from outside at night but ok considering the location.

	<p>0 Second floor room looking over main road had traffic noise and drunken people throughout the night....even with window shut noise was dreadful and continuous. Window shut meant room was very hot!! As we were staying for two more nights we requested a change of room....and lady at reception was extremely helpful.</p>
--	--

Location	Overall Satisfaction	Room number:	What was the main purpose of your stay?
Lancaster Central	48.62%	106	Leisure
Lancaster Central	62.89%	230	Leisure
Lancaster Central	61.90%	325	Leisure
Lancaster Central	45.00%	325	Business
Lancaster Central	90.91%	207	Leisure
Lancaster Central	56.25%	316	Leisure
Lancaster Central	80.20%	314	Leisure
Lancaster Central	71.29%	119	Leisure
Lancaster Central	66.67%	223	Leisure
Lancaster Central	20.45%	408	Leisure
Lancaster Central	77.08%	331	Leisure
Lancaster Central	83.33%	406	Leisure

Lancaster Central	81.65%	234	Leisure
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Governance
Licensing Section
Town Hall
Dalton Square
Lancaster
LA1 1PJ

LANCASTER
CITY COUNCIL

Tel: (01524) 582000
email: licensing@lancaster.gov.uk

Premises Licence

LAPLWA0163

Part 1 - Premises Details

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

Hustle

2 Spring Garden Street, Lancaster, Lancashire, LA1 1RQ.

Telephone 01524 61611

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- a performance of dance
- provision of late night refreshment
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	Monday-Saturday	10:00	04:00
	Sunday	10:00	03:00
F. Playing of recorded music (Indoors)	Monday-Saturday	10:00	04:00
	Sunday	10:00	03:00
G. Performance of dance (Indoors)	Monday-Saturday	10:00	04:00
	Sunday	10:00	03:00
I. Late night refreshment (Indoors)	Monday-Saturday	23:00	04:00
	Sunday	23:00	03:00
J. Supply of alcohol for consumption ON and OFF the premises	Monday-Saturday	10:00	04:00
	Sunday	10:00	03:00

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday-Saturday	10:00	04:30
Sunday	10:00	03:30



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Premises Licence

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WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES
- J. Supply of alcohol for consumption ON and OFF the premises

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE
SJ Leisure Lancaster Ltd
7 Redruth Drive, Crag Bank, Carnforh, LA5 9TT.
samjones-sj@live.co.uk

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)
SJ Leisure Lancaster Ltd 09431971

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL
Scott Andrew PILKINGTON
3 Ford Street, Marsh, Lancaster, Lancashire, LA1 5RA.

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. PA1711 Issued by Lancaster





Governance
Licensing Section
Town Hall
Dalton Square
Lancaster
LA1 1PJ

LANCASTER
CITY COUNCIL

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email: licensing@lancaster.gov.uk

Premises Licence

LAPLWA0163

ANNEXES

Embedded Conditions

On New Year's Eve alcohol may be sold from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 hours (midnight) on 31st December)

An additional hour to the standard times on the day when British Summertime commences

Credit Sales

Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied with and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal

NO Children's Certificate

No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- a) He is the child of the holder of the premises licence.
- b) He resides in the premises, but is not employed there.
- c) He is in the bar solely for the purpose of passing to or from some part of the premises that is not a bar and to or from some part of the premises where there is no other convenient means of access or egress.
- d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. However, an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

Mandatory conditions where licence authorises the supply of alcohol

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

Irresponsible Drinks Promotions - Mandatory Conditions

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.



Governance
Licensing Section
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Dalton Square
Lancaster
LA1 1PJ



Tel: (01524) 582000
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Premises Licence

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- (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.

Age Verification Policy - Mandatory Condition

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 licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.



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- (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.

Availability of different Measures - Mandatory Condition

6. The responsible person must 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;
- (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.

Mandatory condition where Door Supervisors are provided

All individuals who carry out security activities must be licensed by the Security Industry Authority (SIA)

Alcohol 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 purpose of the condition set out in paragraph 1-
 - (a) "duty" is to be construed in accordance with the Alcohol Liquor duties Act (1979)
 - (b) "permitted price" is the price found by applying the formula -

$$P=D + (DxV)$$

Where-



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- (i) P is the permitted price
 - (ii) D is the rate 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 premise licence -
- (i) The holder of the premise licence
 - (ii) The designated premise 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 this 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

Conditions on Previous Licence

See attached for Public Entertainment Licence conditions

Conditions consistent with operating schedule

1. Non standard timings. On no more than 15 occasions per calendar year, these extensions for the supply of alcohol can only take place if at least 10 days notice is provided to police and the licensing authority and only if the police give their consent
2. On Friday/Saturday and Saturday/Sunday there will be 2 SIA registered doorstaff on duty from





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22.30 hours, a third registered doorstaff will be on duty from midnight. Sunday to Thursday there will be a minimum of 1 SIA registered doorstaff on duty after 22.30 hours if trading after 01.00 hours.

3. The maximum number of persons (including staff) allowed to be on premises at any time shall be 400 (320 on the ground floor and 80 on the first floor)

4. There will be no adult entertainment services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of

children

Prevention of crime and disorder

No drinks offers at less than £1.

Active member of the Local Pubwatch scheme.

Text/radio pagers connecting premises to the local police so that a rapid response can be made by the police/potential trouble makers can be refused entry. The text/pager equipment to be kept in working order at all times - DPS/licence holder to be responsible for the pager at all times.

Crime prevention notices to be displayed prominently on the premises, for example, a warning not to leave bags unattended etc.

The designated premises supervisor shall have at least 2 years experience of managing similar premises in a similar capacity.

A personal licence holder shall be on the premises at all times during which intoxicating liquor is being sold or supplied to customers, or consumed by customers, except in the case of an emergency.

Whenever the designated premises supervisor is not on the premises another personal licence holder will be nominated by the designated premises supervisor as being the responsible person to manage the premises and will have the contact details of the designated premises supervisor, the details of such person to be on display outside the premises.

All door staff to be S.I.A. registered.

Door supervisors registered with S.I.A. shall be equipped with an appropriate method of keeping accurate record of the capacity levels, including any separate capacity levels, for individual rooms or levels.

Door supervisors shall be positioned at each entrance/exit (other than fire only exits) to ensure that no customer leaves with any bottles or glasses or food in any container/or wrapper.

The designated supervisor will maintain a daily record comprising of the following; - start time and finish time of each door supervisor. The door supervisor will record their S.I.A. badge number and will sign and print their name in a legible form at the beginning and end of each tour of duty. The record shall be kept securely on the premises for at least 6 months and shall be produced on request to the police or other authorised person.

A crime prevention survey to be carried out by Police and their recommendations to be fully complied with prior to the variation taking effect.

To install, maintain and operate a CCTV system which complies with the minimum requirements expected of the Lancashire Constabulary and shall record during all hours that a licensable activity takes place on the premises.

A dispersal policy, which is agreed by the police, to be implemented at all times.



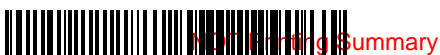
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Any person who looks or appears to be under the age of 25 years shall be asked to provide identification to prove that they are over the age of 18. The following are the only forms of identification acceptable:- UK photo driving card, passport, PASS card (proof of age standards scheme)

The premises licence holder will provide to the police a drugs policy for the premises, shall as a minimum, contain all of the best practices outlined in the guidance published by the Home Office and the London Drug Policy Forum 'Safer Clubbing'.

Free drinking water to be made available at all times at the bar.

No entry less than 45 minutes before the terminal hour.

Off sales will cease at 11p.m. daily.

Public safety

Daily Safety audit to be carried out and a log book to be maintained.

A first aid box on the premises and a first aider on the premises.

Fire extinguishers on the premises.

Fire exits clearly signed.

Emergency lighting.

Fire escapes.

Smoke alarms/heat detectors.

Annual check to be allowed by the relevant bodies to ensure all safety features and measures are being complied with.

Capacity limit of 400 set.

No person to be allowed access to the premises one hour before closing.

No drunk, unruly or disorderly people to be allowed entry to the premises.

Dress code policy.

Emergency exits will remain unobstructed at all times.

Hangings, curtains and temporary decorations are maintained in a flame retardant condition.

To install, maintain and operate a CCTV system which complies with the minimum requirements expected of the Lancashire Constabulary shall record during all hours that a licensable activity takes place on the premises.

Prevention of public nuisance

Bottle skip to be emptied during the day.

Sign placed above the door asking customers to leave quietly.

Calling taxis for customers to ensure they are moved off the premises quickly and quietly.

Steps will be taken in order to minimise any smells coming from the premises, in particular from the kitchen.

Protection of children from harm

No admittance to under 18s unless whole premises is hired out for a private function.



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Non standard timings

On a Sunday preceding a Bank Holiday Monday, the terminal hour for the sale and supply of alcohol, regulated entertainment and hours open to the public will be the same as if it were a Saturday

Conditions agreed with Lancashire Constabulary - Variation of Licence September 2012

- (1) There must be in place a method of controlling customers waiting to enter the venue, so to avoid crowds gathering outside the venue in the road, namely, Spring Garden Street.
- (2) There must be in place a method of controlling customers waiting outside the venue for the purpose of smoking. These customers shall not be permitted to cause an obstruction to road users
- (3) All door-staff officers working the front door entrance must be wearing a highly reflective outer garment





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Premises Licence Summary

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Premises Details

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

Hustle

2 Spring Garden Street, Lancaster, Lancashire, LA1 1RQ.

Telephone 01524 61611

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- a performance of dance
- provision of late night refreshment
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	Monday-Saturday	10:00	04:00
	Sunday	10:00	03:00
F. Playing of recorded music (Indoors)	Monday-Saturday	10:00	04:00
	Sunday	10:00	03:00
G. Performance of dance (Indoors)	Monday-Saturday	10:00	04:00
	Sunday	10:00	03:00
I. Late night refreshment (Indoors)	Monday-Saturday	23:00	04:00
	Sunday	23:00	03:00
J. Supply of alcohol for consumption ON and OFF the premises	Monday-Saturday	10:00	04:00
	Sunday	10:00	03:00

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday-Saturday	10:00	04:30
Sunday	10:00	03:30





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

- J. Supply of alcohol for consumption ON and OFF the premises

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

SJ Leisure Lancaster Ltd
7 Redruth Drive, Crag Bank, Carnforh, LA5 9TT.

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

SJ Leisure Lancaster Ltd 09431971

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

Scott Andrew PILKINGTON

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



LANCASTER CITY COUNCIL

LICENSING ACT 2003 AND THE LICENSING ACT 2003 (HEARINGS)
REGULATIONS 2005

NOTICE OF HEARING

To: The Applicant: SJ Leisure Lancaster Ltd
Responsible Authority: Environmental Health Services
Other Persons Penelope Lake
Nick Moule
Lancaster City Centre Residents Association
Nick Wilkinson
Georgina Edwards
Travel Lodge Hotels Ltd

THE LANCASTER CITY COUNCIL, AS LICENSING AUTHORITY, HEREBY GIVES YOU NOTICE that a hearing before a Sub-Committee of the Licensing Act Committee to consider relevant representations in respect of an application under Section 34 of the Licensing Act 2003 in respect of premises known as **Hustle, 2 Spring Garden Street, Lancaster** will take place on the **14th September 2016** at Lancaster Town Hall, commencing at **10.30 a.m.**

AND TAKE NOTICE THAT each party as listed above is required to give to the Licensing Authority by no later than five working days before the day of the hearing a notice in writing stating whether that party intends to attend or be represented at the hearing, and whether he or she considers a hearing to be unnecessary.

AND TAKE NOTICE THAT if a party wishes any other person (other than the person he/she intends to represent him at the hearing) to appear at the hearing, the notice given by that party and referred to in the preceding paragraph must contain a request for permission for such other person to appear at the hearing, and must set out details of the name of that person and a brief description of the point or points on which that person may be able to assist in connection with the matter to be considered by the Sub-Committee.

GIVEN this 1st September 2016 by the Lancaster City Council as Licensing Authority.

INFORMATION TO ACCOMPANY NOTICE OF HEARING

1. Right of attendance, assistance and representation

A party may attend the hearing and may be assisted or represented by any person, whether or not that person is legally qualified.

The hearing will generally take place in public. However, the Sub-Committee may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking part in public. In such circumstances, a party and any person assisting or representing a party may be treated as a member of the public. The Sub-Committee will exclude the public (and the parties and their representatives) during the decision making process.

The Sub-Committee may require any person attending the hearing who in its opinion is behaving in a disruptive manner to leave the hearing, and may refuse to permit that person to return, or permit him to return only on such conditions as the Sub-Committee may specify. However, such a person may, before the end of the hearing, submit to the Sub-Committee in writing any information which he would have been entitled to give orally had he not been required to leave.

2. Representations and Supporting Information

At the hearing a party shall be entitled to:

- (a) Give further information as applicable in response to a point upon which notice has been given to that party that clarification is required. (Note – if such clarification is required from a party this will have been indicated in the Notice of Hearing).
- (b) Question any other party, but only if given permission by the Sub-Committee; and
- (c) Address the Sub-Committee

3. Failure of Parties to attend the Hearing

If a party has given notice that he does not intend to attend or be represented at a hearing, the hearing may proceed in his absence.

If a party who has not so indicated fails to attend or be represented at a hearing, the Sub-Committee may, where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or hold the hearing in the party's absence. If the hearing proceeds in a party's absence, the Sub-Committee will consider and give appropriate weight to the application, representation or notice given by that party in their absence.

4. Representations and Evidence

A party who wishes to rely on information or documentary evidence that has not been submitted in advance of the issue of the Notice of Hearing should ensure that such information or evidence, together with sufficient copies for all the parties, is submitted to the Licensing Manager as soon as possible before the day of the hearing.

Parties are reminded that documentary or other information submitted on the day of the hearing may only be taken into account with the consent of all the other parties.

A party who wishes to produce audio/visual evidence should make such evidence available as soon as practical, and should give a minimum of two clear working days notice to the Licensing Manager to facilitate arrangements for the appropriate equipment to be available at the hearing.

5. Procedure

A summary of the procedure that will normally be followed at the hearing is enclosed.

It should be noted that this is a general procedure intended to cover matters that will normally be applicable at all hearings.

However, depending on the circumstances of each individual case, it is recognised that other issues may need to be considered as preliminary points at the hearing. These may include (but are not limited to):

- Whether to proceed in the absence of a party
- Whether to admit new documents/information submitted at the hearing
- Whether it is in the public interest to exclude members of the public from the hearing or any part of the hearing (other than the decision making process)
- Whether any party wished to withdraw representations previously submitted

6. Special Needs

Any person who intends to attend a hearing and who has special needs, for example in connection with access, language, hearing or vision, should inform the Licensing Manager as soon as practical prior to the day of the hearing, so that appropriate provision or arrangements may be made.

PROCEDURE TO BE FOLLOWED AT HEARINGS TO WHICH THE LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005 APPLY

1. The Chairman will introduce the Members and the Legal Adviser and Democratic Support Officer.
2. The Chairman will ask the parties to introduce themselves and any persons with them.
3. The Chairman will confirm that there is no reason why any of the three sub-committee Members should not participate in this matter.
4. The Chairman will confirm that this is a discussion led by the authority, that any questions should generally be put through the Chairman, and that cross-examination will only be permitted if the Sub-Committee considers that it is necessary.
5. The Chairman will ask the parties if they have any requests to cross-examine, and such requests will be considered by the Sub-Committee.
6. The Sub-Committee will consider any requests from the parties for permission for another person to appear at the hearing.
7. The Chairman will explain to the parties that the procedure to be followed will be the published one (unless the circumstances of the case require the normal procedures to be varied) – that is,
 - that the Licensing Manager (or his representative) will introduce the details of the application, the reason for the hearing, and the documentation,
 - that each party making representations will address the sub-committee in turn and will call other persons where permission has been given
 - that the applicant/licence holder will present his case and will call other persons where permission has been given
 - that Members may ask questions of all parties and persons
 - that questions from the parties must be directed through the Chairman unless cross-examination has been permitted under 4 above
 - that all parties will have the opportunity to make a closing statement, with the applicant/licence holder having the final word
 - that the Sub-Committee will withdraw to make its decision and formulate the reasons for the decision in private, and will ask its Legal Adviser and the Democratic Support Officer to join it in order to assist in documenting the decision and the reasons, or to provide clarification on any point. The decision will be announced in public and confirmed in writing. (In certain circumstances, the decision may not be made on the same day as the hearing). In the event that the Legal Adviser has been asked for clarification on any point then the point raised and the advice given will be declared to all parties.
8. The Chairman will indicate the maximum period of time each party will be allowed in which to present their case, and will seek comments from the parties before the Sub-Committee makes its final indication on this point.
9. The hearing will then proceed following the procedure in 7 above. The Chairman will arrange for reasonable comfort breaks throughout the hearing.