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SOUTH LAKELAND DISTRICT COUNCIL

South Lakeland House, Kendal, Cumbria LA9 4UQ

www.southlakeland.gov.uk



**You are requested to attend a meeting of
the Licensing Sub-Committee
on Tuesday, 5 July 2022, at 10.00 a.m.
in the District Council Chamber, South Lakeland House,
Kendal**

Committee Membership

Councillors

Hazel Hodgson

Kevin Holmes

Ian Wharton

Rupert Audland (Substitute)

Note – Where relevant, agendas for Members are labelled “Private Document Pack” and contain exempt information within the papers. Any relevant pages are marked as restricted within Agendas labelled “Public Document Pack”.

Monday, 27 June 2022

Linda Fisher, Legal, Governance and Democracy Lead Specialist (Monitoring Officer)

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Committee Administrator: Committee Services

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AGENDA

Page Nos.

PART I

1 ELECTION OF CHAIRMAN

To elect a Chairman for the meeting.

2 APOLOGIES AND RECONSTITUTION OF MEMBERSHIP

To receive apologies for absence, if any, and to report any arising changes to membership.

3 DECLARATIONS OF INTEREST

To receive declarations by Members of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the revised Code of Conduct, they are required to declare any disclosable pecuniary interests or other registrable interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting.)

Members may, however, also decide, in the interests of clarity and transparency, to declare at this point in the meeting, any such disclosable pecuniary interests which they have already declared in the Register, as well as any other registrable or other interests.

If a Member requires advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote, he/she is advised to contact the Monitoring Officer at least 24 hours in advance of the meeting.

4 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

To consider whether the items, if any, in Part II of the Agenda should be considered in the presence of the press and public.

5 INTRODUCTIONS

The Chairman will make introductions and read out the procedure for the meeting.

6 APPLICATION FOR THE GRANT OF A PREMISES LICENCE - 5 CAVENDISH STREET, ULVERSTON

3 - 72

To consider an application for a premises licence in respect of 5 Cavendish Street, Ulverston.

PART II

Private Section (exempt reasons under Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, specified by way of paragraph number)

There are no items in this part of the agenda.

South Lakeland District Council Licensing Sub-Committee

Tuesday 5 July 2022

Application for the Grant of a Premises Licence at 5 Cavendish Street, Ulverston

Portfolio:	Economy, Culture and Leisure Portfolio Holder
Report from:	Director of Customer and Commercial Services
Report Author:	Donna McCarthy – Specialist (Licensing)
Wards:	Ulverston East
Forward Plan:	Not applicable

1.0 Expected Outcome and Measures of Success

1.1 The purpose of this report is to enable members to determine whether or not to grant the application for a premises licence in respect of 5 Cavendish Street, Ulverston having taken into account the 5 relevant representations submitted by interested parties.

2.0 Recommendation

2.1 **Members are requested to consider the representations that have been made, and determine whether to:**

(1) Grant the premises licence as applied for;

(2) Grant the premises licence with modifications to the conditions; and

(3) Refuse to grant the application.

2.2 Subsection 1.17 of guidance issued under section 182 of the Licensing Act 2003 states” *each application must be considered on its own merits and in accordance with the licensing authority’s statement of licensing policy*’

3.0 Background and Proposals

3.1 On 27 April 2022, an application for the grant of a Premises Licence, under the Licensing Act 2003, for 5 Cavendish Street, Ulverston was submitted by Inno Hospitality Collective Limited. The original application was invalidated due to the advertising of the blue notice being incorrect and the application process was restarted on 12 May 2022.. The application (Appendix 1) seeks authorisation for the following:

1. Sale of alcohol (for consumption on and off the premises) 7 days a week between the hours of 11:00-23:30. Extended hours on New Year’s Eve from 11:00 to 01:30.
2. Late Night Refreshment 7 days a week between the hours of 23:00-23:30. Extended hours on New Year’s Eve from 11:00 to 01:30.

- 3.2 5 Representations have been received from residents in the vicinity. The representations contain concerns relating to the 'Prevention of Public Nuisance'.
- 4 of the representations (Appendix 2) were withdrawn/resolved as the applicant has agreed to amend their application as follows:
1. Cease the sale of alcohol at 10:30pm and to have everyone exited the building by 11:00pm. Doors and windows will be closed at 9pm.
 2. We are happy to have use of the outside courtyard conditionally and keep this as a non-smoking area where by we would have it cleared of customers by 9pm and only used for dining (drinks with food).
 3. We are happy to only have bottles collected between the hours of 8am - 6pm
- 3.3 A representation was received from Environmental Health, however this representation resulted in agreed amendments to the application as follows:
1. Rear yard area reserved for the use of smokers and shall not be used as a beer garden/drinking area and be vacated by 22:00. Adequate notices shall be displayed to inform patrons of this requirement.
 2. The disposal of empty bottles/glass into external receptacles shall not occur between the hours of 21:00 and 08:00
 3. No amplified music between 23:00 and 08:00. Any amplified music shall not be played at a level that will cause unreasonable disturbance to the occupants of any properties in the vicinity.
 4. Noise or odour from any ventilation, refrigeration or air conditioning plant or equipment shall not cause nuisance to the occupants of any properties in the vicinity.
- 3.4 As a result of negotiations, conditions have been offered and the application amended. Amendments are contained at Appendix 4. For example, the application seek authorisation for Late night refreshment but as the applicant has reduced the sale of alcohol to 22:30 and their opening hours to 23:00 the requirement for late night refreshment is no longer required.
- 3.5 One of the Representations was not withdrawn. A copy of this representation can be found at Appendix 3 A phone call was made by a Licensing Specialist to the Objector and it was explained that the applicant had amended the operating hours to the application and that the hours applied for would not be conducive to a night club. The Licensing Specialist explained that should the licence be granted and a future license holder wish to extend the opening hours of the premises, then they would need to submit an application to vary the approved hours, which would be further considered by the Licensing Authority. The objector was not prepared to withdraw the objection unless the hours of operation were reduced to daytime hours only.

4.0 Appendices Attached to this Report

Appendix No.	Name of Appendix
1	Completed Application and Plans
2	Representations and responses - Resolved
3	Representation and response - Unresolved
4	Agreed conditions and amendments

5.0 Consultation

5.1 A copy of the application was served on all the relevant authorities and a 28 day consultation period took place. This commenced on 12 May 2022 and ended on 09 June 2022. The applicant advertised the application in a local newspaper within the first 10 working days of consultation as required by Licensing Act 2003. They also displayed 'blue notice' on the premises from the first day of the consultation period.

The representations to consider in respect of this application have been made by 5 interested parties and they have been brought to the attention of the applicant. They concern the possible effect the application would have on the licensing objective 'Prevention of public nuisance'. The applicants have responded to the representations and their comments were forwarded, via email, to the objectors. The representations, comments and responses are attached as Appendix 2 and 3.

During the consultation process the applicants have agreed to additional conditions to be added to the premises licence. The agreed conditions can be found at Appendix 4.

The representations that have been received are from residents and nearby businesses.

No representations were received from the Responsible Authorities.

Members may wish to refer to the legal information contained in Paragraph 7.3 of this report.

6.0 Alternative Options

6.1 The Licensing Sub-Committee may:

- Grant the Premises Licence with the agreed additional conditions
- Grant the Premises Licence with modified conditions
- Refuse to grant the Application

7.0 Implications

Financial, Resources and Procurement

7.1 None

Human Resources

7.2 None

Legal

- 7.3 The Licensing Act 2003 section 18 (3) states that where relevant representations are made in relation to a premises licence application, the Licensing 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 appropriate for the promotion of the licensing objectives.
- (4) The steps are—
- (a) to grant the licence subject to—
 - (i) the conditions mentioned in subsection (2)(a) modified to such extent as the authority considers appropriate for the promotion of the licensing objectives, and
 - (ii) any conditions which must under section 19, 20 or 21 be included in the licence;
 - b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
 - (c) to refuse to specify a person on the licence as the premises supervisor.
 - (d) to reject the application
- The conditions in subsection (2)(a) are:
- (a) such conditions as are consistent with the operating schedule accompanying the application, and;
 - (b) any conditions which must under section 19, 20 or 21 be included in the licence.

- 7.3.1 Members attention is drawn to the following sections of the Section 182 Guidance to the Licensing Act 2003, which states:

2.15 *The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.*

2.16 *Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.*

2.17 *Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public*

nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.18 *As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.*

2.19 *Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 23:00 and 08:00. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.*

2.21 *Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.*

9.42 *Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be*

9.43 *The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.*

10.8 *The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises. This provision also applies to minor variations.*

16.36 *Any existing licence conditions (or conditions added on a determination of an application for a premises licence or club premises certificate) which relate to live music or recorded music remain in place, but are suspended between the hours of 08.00 and 23.00 on the same day where the following conditions are met: • at the*

time of the music entertainment, the premises are open for the purposes of being used for the sale or supply of alcohol for consumption on the premises; • if the music is amplified, it takes place before an audience of no more than 500 people; and • the music takes place between 08.00 and 23.00 on the same day.

16.37 *Whether a licence condition relates to live or recorded music will be a matter of fact in each case. In some instances, it will be obvious that a condition relates to music and will be suspended, for example “during performances of live music all doors and windows must remain closed”. In other instances, it might not be so obvious: for example, a condition stating “during performances of regulated entertainment all doors and windows must remain closed” would be suspended insofar as it relates to music between 08.00 and 23.00 on the same day to an audience of up to 500, but the condition would continue to apply if there was regulated entertainment after 23.00.*

16.38 *More general licence conditions (e.g. those relating to overall management of potential noise nuisance) that are not specifically related to the provision of entertainment (e.g. signage asking patrons to leave quietly) will continue to have effect.*

16.39 *Chapter 9 of this Guidance sets out how a licensing authority must determine applications for a new licence or to vary an existing premises licence. Licence conditions imposed, in accordance with paragraphs 9.41 to 9.43, for live or recorded music activities will only apply if the activity meets the criteria of having more than 500 people present, and/or the activities are taking place between 23.00 and 08.00.*

16.40 *These conditions will, in effect, be suspended between 08.00 and 23.00 if a performance of live music or the playing of recorded music takes place before an audience of 500 people or fewer, but will remain on the face of the licence for when these activities may take place under other circumstances.”*

Health and Sustainability Impact Assessment

7.4 Have you completed a Health and Sustainability Impact Assessment? No

7.5 If you have not completed an Impact Assessment, please explain your reasons:

No assessment has been completed as the hearing is in line with legislative guidance, the impact of which is deemed as having a neutral impact.

Equality and Diversity

7.7 Have you completed an Equality Impact Analysis? No

7.8 If you have not completed an Impact Analysis, please explain your reasons:

No assessment has been completed as the hearing is in line with legislative guidance, the impact of which is deemed as having a neutral impact.

Risk Management	Consequence	Controls required
Should members be minded not to grant this application, their decision may be overturned on appeal to the Magistrates Court.	Costs may be awarded against the Council should the appeal be upheld.	Members to be made aware that the parties have a right of appeal.

Contact Officers

Donna McCarthy Specialist (Licensing) 01539 793297

donna.mccarthy@southlakeland.gov.uk

Background Documents Available

Name of Background document	Where it is available
Licensing Act 2003	https://www.legislation.gov.uk/ukpga/2003/17/section/17
Revised Guidance issued under section 182 of the Licensing Act 2003	https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018.pdf .
Statement of Licensing Policy	Statement of Licensing Policy 2022 to 2027 (southlakeland.gov.uk)

Tracking Information

Signed off by	Date sent	Date Signed off
Section 151 Officer	17/06/2022	23/06/2022
Monitoring Officer	20/06/2022	23/06/2022
Director of Customer and Commercial Services	21/06/2022	22/06/2022

Circulated to	Date sent
Principal Specialist	17/6/22
Human Resources Lead Specialist	N/A
Communications Team	N/A
Leader	N/A
Committee Chairman	N/A
Portfolio Holder	N/A
Ward Councillor(s)	N/A
Committee	N/A
Executive (Cabinet)	N/A
Council	N/A

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Appendix 1

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

Please read the following instructions first

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

You may wish to keep a copy of the completed form for your records.

I/We Inno Hospitality Collective Limited

(Insert name(s) of applicant)

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			
5 Cavendish Street			
Post town	Ulverston	Postcode	LA12 7AD

Telephone number at premises (if any)	N/A
Non-domestic rateable value of premises	£9400.00

Part 2 - Applicant details

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

a)	an individual or individuals *		please complete section (A)
b)	a person other than an individual *		
	i as a limited company/limited liability partnership	x	please complete section (B)
	ii as a partnership (other than limited liability)		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 in Wales		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 (by ticking yes to one box below):

- 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	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 15 for information)					

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Second individual applicant (if applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth or over		I am 18 years old		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service: (please see note 15 for information)					

(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 Inno Hospitality Collective Limited
Address Suite 4 Marl Business Hub, Ulverston, Cumbria, LA12 9BN

Registered number (where applicable) 13286647
Description of applicant (for example, partnership, company, unincorporated association etc.) Private Limited Company
Telephone number (if any) 0300 373065
E-mail address (optional) charlotte@innocollective.co.uk

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

Ground floor lease of a space which previously used to be a café. Renovations to be carried out in order to turn the space into a Pan Asian style restaurant with approximately 28 covers. Small sheltered area at the back with signs to respect neighbours for smoking.

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 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)	Please tick all that apply
a) plays (if ticking yes, fill in box A)	<input type="checkbox"/>
b) films (if ticking yes, fill in box B)	<input type="checkbox"/>
c) indoor sporting events (if ticking yes, fill in box C)	<input type="checkbox"/>
d) boxing or wrestling entertainment (if ticking yes, fill in box D)	<input type="checkbox"/>

e)	live music (if ticking yes, fill in box E)	
f)	recorded music (if ticking yes, fill in box F)	
g)	performances of dance (if ticking yes, fill in box G)	
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	

<u>Provision of late night refreshment</u> (if ticking yes, fill in box I)	x
<u>Supply of alcohol</u> (if ticking yes, fill in box J)	x

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				Please give further details here (please read guidance note 4)	
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 5)		
Thur					
Fri			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 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place <u>indoors or outdoors or both</u> – please <u>tick</u> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				<u>Please give further details here</u> (please read guidance note 4)	
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Thur					
Fri			<u>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</u> (please read guidance note 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			<u>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</u> (please read guidance note 6)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur					
Fri			<u>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</u> (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur					
Fri			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 6)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				Please give further details here (please read guidance note 4)	
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur					
Fri			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 6)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				Please give further details here (please read guidance note 4)	Both
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur					
Fri			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 6)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Mon				Outdoors	
				Both	
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	x
				Outdoors	
Day	Start	Finish		Both	
Mon	23:00	23:30	<u>Please give further details here</u> (please read guidance note 4) Hot drinks or desserts served after meals		
Tue	23:00	23:30			
Wed	23:00	23:30	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5) Non		
Thur	23:00	23:30			
Fri	23:00	23:30	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6) NYE – 11:00PM – 1:30AM		
Sat	23:00	23:30			
Sun	23:00	23:30			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	
				Off the premises	
Day	Start	Finish		Both	x
Mon	11:00	23:30	State any seasonal variations for the supply of alcohol (please read guidance note 5) Non		
Tue	11:00	23:30			
Wed	11:00	23:30			
Thur	11:00	23:30	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 6) NYE – 11:00AM – 1:30am		
Fri	11:00	23:30			
Sat	11:00	23:30			
Sun	11:00	23:30			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	Charlotte Hargan
Date of birth	[REDACTED]
Address	[REDACTED]
Postcode	[REDACTED]
Personal licence number (if known) PA1660	
Issuing licensing authority (if known) South Lakeland District Council	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

Non

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5) Non
Day	Start	Finish	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 6) NYE – 11:00AM – 1:30am
Mon	11:00	00:00	
Tue	11:00	00:00	
Wed	11:00	00:00	
Thur	11:00	00:00	
Fri	11:00	00:00	
Sat	11:00	00:00	
Sun	11:00	00:00	

M

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

Strong management team in place as well as extensive, ongoing staff training to ensure all 4 licensing objectives are being promoted at all times. Sufficient number of staff on site at all times.

b) The prevention of crime and disorder

Digital colour CCTV system installed to monitor the front of the premises and the bar area. It will be maintained, working and recording at all times the premises are open. Copies of CCTV recordings will be available at any time during operating hours to hand over to any Responsible Authority.

Records will be maintained for an appropriate length of time and will be made available to any Responsible Authority when required.

An incident report register will be kept – including incidents of anti-social behaviour and ejection from the premises.

Staff will be continuously trained on;
Retail sale of alcohol
Age verification policy
Conditions attached to the Premises License
Permitted Licensable activities
Licensing objectives
Opening times of the venue

c) Public safety

All relevant Health & Safety certificates will be up to date and displayed on the premises.

Necessary fire safety precautions installed & maintained, and fire exit routes will remain clear at all times. Authorised person will carry out checks of the premises before open to ensure there are no risks to patrons and that all safety precautions are in place.

We will not exceed the capacity limit – the capacity will be monitored and once the limit is reached, no more persons will be permitted.

Log book will be kept on the premises.

All areas will be well lit at all times.

All glasses, bottles and rubbish will be cleared from public areas on a regular basis.

Adequate first aid equipment and materials on the premises.

d) The prevention of public nuisance

Customers will be encouraged to leave the premises quietly and in an orderly manner along with notices displayed at the entrance and exit.

Staff will be trained to implement ID checks.

0 tolerance anti drugs policy – police notified of anything seized.

Disposal of empty bottles into waste receptacles will not be permitted between 11pm – 7am

All extraction and ventilation will be adequately maintained.

Alcoholic drinks purchased on the premises may only be taken off the premises in sealed containers. Open containers of alcohol shall not be removed from the premises.

e) The protection of children from harm

'Challenge 25' policy in place. The only acceptable proof of age identification shall be a current Passport or photo card Driving Licence.

No children under 18 allowed in the premises unless accompanied by an adult.

Checklist:

Please tick to indicate agreement


<input checked="" type="checkbox"/>	I have made or enclosed payment of the fee.	X
<input checked="" type="checkbox"/>	I have enclosed the plan of the premises.	X
<input checked="" type="checkbox"/>	I have sent copies of this application and the plan to responsible authorities and others where applicable.	X
<input checked="" type="checkbox"/>	I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.	X
<input checked="" type="checkbox"/>	I understand that I must now advertise my application.	X
<input checked="" type="checkbox"/>	I understand that if I do not comply with the above requirements my application will be rejected.	X
<input checked="" type="checkbox"/>	[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).	

It is an offence, under Section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.

It is an offence under Section 24b of the Immigration Act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under section 15 of the Immigration, Asylum and Nationality Act 2006 and pursuant to Section 21 of the same act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	26/4/22
Capacity	DIRECTOR

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). **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 14)			
Post town		Postcode	
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. 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. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.

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

INNO HOSPITALITY COLLECTIVE LIMITED
[name of applicant]

concerning the supply of alcohol at

5 LAVENDISH STREET
ULVERSTON
LA12 7AD

[name and address of premises to which application relates]

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

PA1660
[insert personal licence number, if any]

Personal licence issuing authority

SOUTH LAKELAND DISTRICT COUNCIL - 01539 733 333
[insert name and address and telephone number of personal licence issuing authority, if any]

Signed

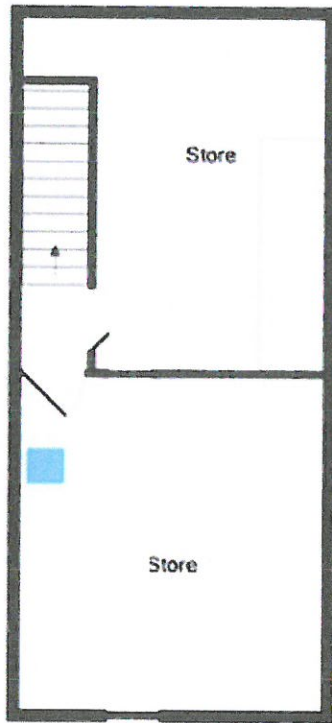


Name (please print)

C. Hargan

Date

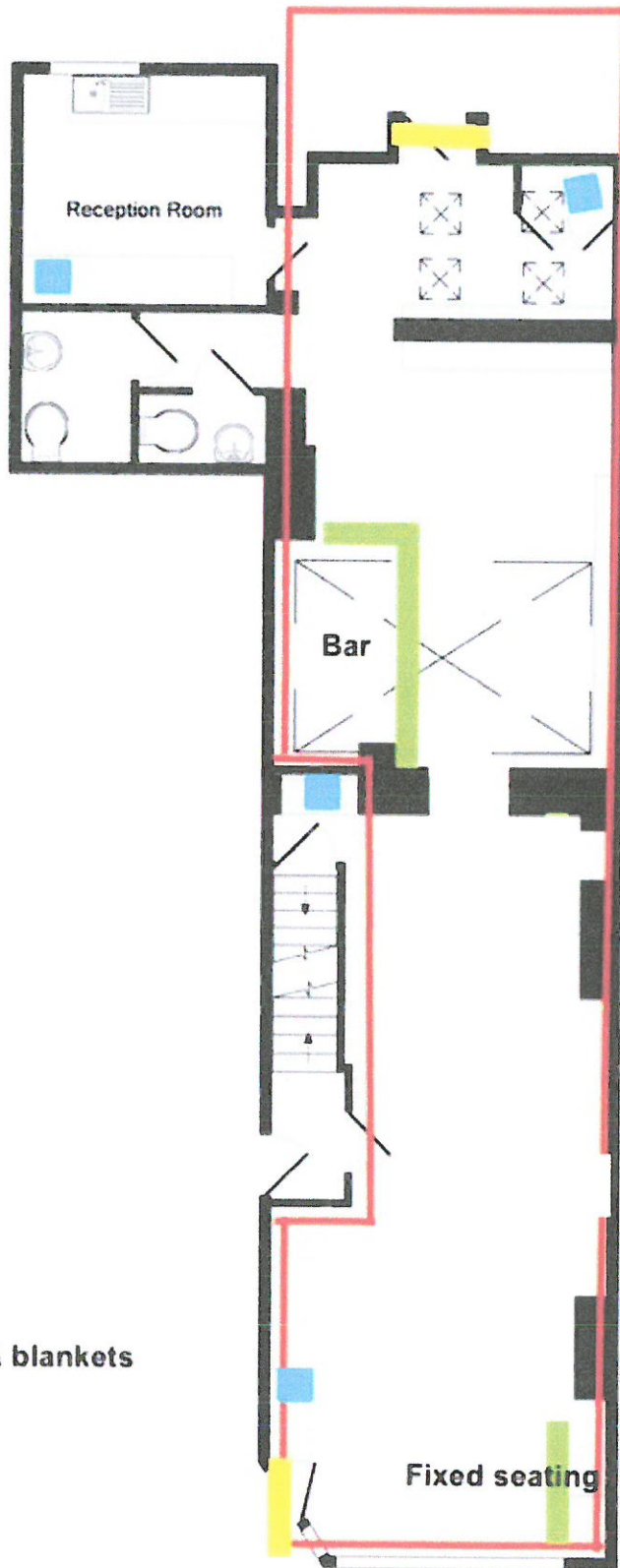
22/4/22



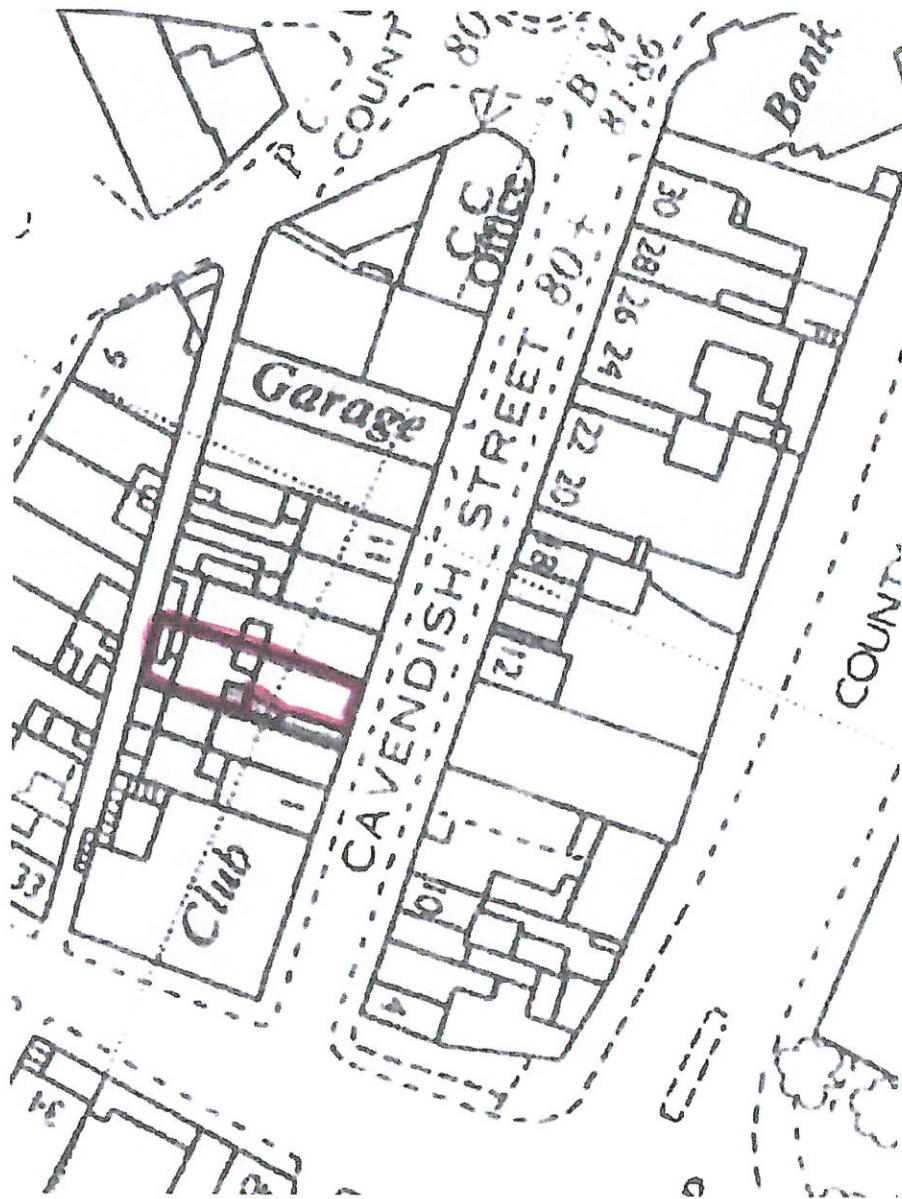
Basement Level



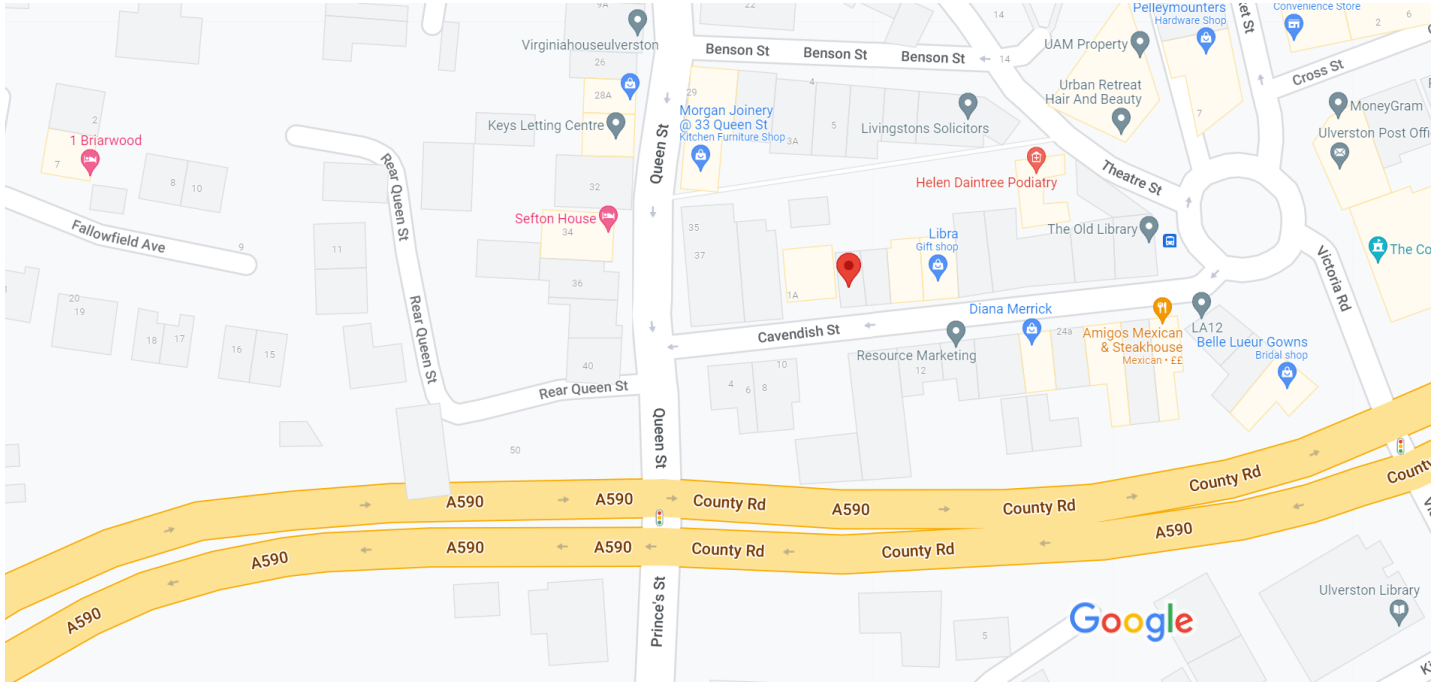
- Licensable areas**
- Fixed fixtures**
- Fire exits**
- Fire extinguishers & blankets**



Ground Floor



Google Maps 5 Cavendish St



Map data ©2022 20 m



5 Cavendish St

Building



Directions



Save



Nearby



Send to phone



Share



5 Cavendish St, Ulverston LA12 7AD

Photos



John & Ann Blackmore-Tucker

**Ref: Unreferenced Application for premises licence at, 5 Cavendish St., Ulvers
7AD, final date 09/06/22**

As close neighbours to the premises we wish to object to the application by raising the following objections/points:

Cavendish Street and Benson Street are of mixed commercial and domestic occupancy (domestic prevailing), the domestic occupancy consists of the whole age range i.e. young children to elderly and sick. The rear bedrooms and gardens of both streets stretch along Rack Alley, which forms an enclosed area, similar to a "yard", and many bedrooms directly overlook the garden of 5 Cavendish Street.

- Rack Alley itself is problematical for fly tipping and anti-social behaviour, late at night people drink and urinate in the alley. I am concerned that this premises, giving customers open access to the rear will only exacerbate these problems. The alley is not lit.
- Rack Alley is only 6 feet wide and unsuitable for vehicular access, it will not be possible to collect municipal waste or glass from the rear of the premises, neither does the council permit waste bins to be left in the alley on non-collection days. Waste collection from the front is impractical because of "on street" residents parking. Storage of waste bins on the private land in the shared front courtyard will, of course, be dependant on the permission and goodwill of its other users, i.e. the hairdressing business and the tenants of the upper floors.
- A number of residents, including myself, have breathing difficulties. I am concerned about the amount of extra particulate matter and aerosols that will be generated by this business in the rear yard. We already have groups of people that come into the street to smoke during the day, this would now happen to the front and rear of the premises especially in the evenings when we would normally be settled with clean air, because most of the businesses close before 18:00 hrs. It is particularly concerning that we will not be able to open our bedroom windows because of noise or cigarette fumes coming from the rear garden. A large number of bedrooms face the rear alley. There may also be extra noise and alcohol fumes or smoke circulating. Smoke does not clear but circulates in the enclosed rear alley; this occurs now, no matter which direction that the wind blows.

Regarding anti-social behaviour, littering, noise, it is currently obvious that the council cannot manage the outcomes from the existing number of licensed premises in Ulverston e.g. lack of policing, street cleaning and general control issues. Surely it should be circumspect before taking on more liabilities.

I would therefore hope that the following licensing limitations will be granted to the residents:-

1) the requested hours of opening imply that some customers will not clear the premises until 00:00hrs this is not acceptable for those residents who work, are ill, or the young. If the license is granted there should be some riders, regarding noise and disturbance -

- a) that doors and windows should be kept closed by at least 21:00hrs
- b) the latest hour of closing should be 23:00hrs not 00:00hrs

2) that disposal of bottles should not occur between 22:30hrs and 08:00hrs the following morning

3) that smoking is not allowed in the yard (most cafes and restaurants do not have this facility, which normally applies to pubs only).

4) that the alcohol licence boundary is kept within the curtilage of the existing building, i.e. does not include the rear yard

Yours faithfully John & Ann Blackmore-Tucker

24 May '22

John & Ann Blackmore-Tucker

**Public Protection (licencing) SLDC
Licensing Section, SLDC
South Lakeland House
Lowther Street
Kendal LA9 4UQ**

McCarthy, Donna

From: Licensing
Sent: 06 June 2022 10:01
To: McCarthy, Donna
Subject: FW: 5 cavendish st. Ulverston. LA12 7AD

From: [REDACTED]
Sent: 01 June 2022 13:17
To: Licensing <Licensing@southlakeland.gov.uk>
Cc: [REDACTED]
Subject: RE: 5 cavendish st. Ulverston. LA12 7AD

Good afternoon,
I have no objection to the proposed alterations to the application, they are generous and answer my comments clearly.
Regards. John Blackmore-Tucker

On 31 May 2022 13:51, Licensing <Licensing@southlakeland.gov.uk> wrote:

Good afternoon

Thank you for your email and your letter of representation in relation to the application for a premises licence at the above address.

I have forwarded your concerns to the applicants and have a response from them with regards your comments.

Point 1 - We wish to bring a new dining venue to the town but we also do not want to cause disruption or nuisance to our neighbours. With this in mind, we would be happy to amend our opening times to cease the sale of alcohol at 10:30pm and to have everyone exited the building by 11:00pm. Doors and windows will be kept closed by 9pm.

Point 2 - We are happy to have use of the outside courtyard conditionally and keep this as a non-smoking area where by we would have it cleared of customers by 9pm and only used for dining (drinks with food).

Point 3 - We are happy to only have bottles collected between the hours of 8am - 6pm

Point 4 - We would like the rear courtyard included in the licence boundary but will be used for dining.

I look forward to hearing your response in relation to the above comments. I trust that they are satisfactory.

Kind Regards

Donna McCarthy

Licensing (Specialist) – Regulatory Services

South Lakeland District Council, South Lakeland House, Lowther Street, Kendal, Cumbria LA9 4DQ

██████████ | Email: ██████████

Website: www.southlakeland.gov.uk

From: ██████████

Sent: 31 May 2022 09:57

To: Licensing <Licensing@southlakeland.gov.uk>

Subject: Re: 5 cavendish st. Ulverston. LA12 7ADu

Hi,

I sent this email a week ago but do not have confirmation of receipt, can you please confirm that the matter is in hand

Regards. John Blackmore-Tucker

On 24 May 2022 17:38, ██████████ wrote:

Hello,

Please find attached a letter relating to the above application.

Regards John Blackmore-Tucker

On 20 May 2022 17:15, ██████████ wrote:

Thank you for the link

Regards. John Blackmore-Tucker

On 20 May 2022 13:58, Licensing [REDACTED] wrote:

Good afternoon,

Please see link below to the current application for 5 Cavendish Street as displayed on the Public Register of Licensing Applications;

[pl-a-041915-redacted-application-for-the-grant-of-a-premises-licence-5-cavendish-street-ulverston.pdf \(southlakeland.gov.uk\)](#)

Kind regards,

Licensing Team

Customer & Commercial Services

South Lakeland District Council, South Lakeland House, Lowther Street, Kendal, Cumbria LA9 4DQ

Tel: 01539 733333 | Email: [REDACTED]

Website: www.southlakeland.gov.uk

From: [REDACTED]

Sent: 20 May 2022 13:40

To: Licensing <[REDACTED]>

Subject: 5 cavendish st. Ulverston. LA12 7AD

I have searched for the premises licence application for this "noodle bar" but cannot find it. As near neighbour I have an interest in this application, particularly with the sale of alcohol, hours of opening and the proposed use of the rear courtyard. Could you please forward by email the relevant application

Regards. John Blackmore-Tucker

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For more information please visit <http://www.symanteccloud.com>

IMPORTANT CORONAVIRUS (COVID-19) INFORMATION: Please note that South Lakeland District Council is prioritising its work and resources to meet the demands of the Coronavirus (Covid-19) response. We are also working hard to maintain our key services and to continue progress on critical projects. However, the current situation will mean that some non-essential work and responses to non-essential enquiries may take longer than usual. We appreciate your understanding during this difficult time.

South Lakeland District Council

Making South Lakeland the best place to live, work and explore

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IMPORTANT CORONAVIRUS (COVID-19) INFORMATION: Please note that South Lakeland District Council is prioritising its work and resources to meet the demands of the Coronavirus (Covid-19) response. We are also working hard to maintain our key services and to continue progress on critical projects. However, the current situation will mean that some non-essential work and responses to non-essential enquiries may take longer than usual. We appreciate your understanding during this difficult time.

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Notes for Interested Parties

Licensing Act 2003 – Guidance Fact sheet

Interested parties are local residents, residents' associations, local businesses and trade groups for the purposes of the Licensing Act 2003. If you are considering making a representation (i.e. an objection) with regard to a licence application, please note the following points:

- The Licensing Act 2003 is based on 4 licensing objectives:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- Any representation relating to an application made under the Licensing Act 2003 **must** relate to a situation, which may impact upon one or more of the above licensing objectives. If your representation does not relate to one (or more) of the licensing objectives **it must be rejected**.

What is a relevant representation?

For example, if it was felt that a premises did not have sufficient control measures in place to prevent customers from disturbing local residents, then any one of the seven Responsible Authorities, or any interested parties, could make a representation.

Who are the “Responsible Authorities”?

These are organisations to whom the applicant must serve a copy of a new application or for variation of an existing premises licence or club premises certificate. These organisations are:-

Cumbria Constabulary
 Cumbria Fire & Rescue Services
 Environmental Protection Group, South Lakeland District Council
 Planning Services, South Lakeland District Council (or Lake District National Park or Yorkshire Dales National park as appropriate)
 Health and Safety, South Lakeland District Council
 Social Services
 Trading Standards

What happens if no relevant representation is made?

Where no relevant representations are made by Responsible Authorities or interested parties, the Licensing Authority must grant the licence application subject only to the mandatory conditions, and conditions or restrictions mentioned in the operating schedule.

- Any relevant representations must be made **in writing** to: The Licensing Manager, Licensing Section, South Lakeland District Council, South Lakeland House, Lowther St, Kendal, Cumbria, LA9 4UD
- Please note that very strict time limits apply to applications and representations. The Licensing Authority must receive any representation **within 28 days of the application** being made. Following this period the Licensing Authority has 10 working days (usually 2 weeks) to consider whether a hearing will be required. It may be necessary to contact you urgently to discuss your representation and therefore it would be appreciated if you could supply a daytime or mobile telephone number and/or your email address.
- Your representation must be in writing. You may find it useful to use the form overleaf but you are under no obligation to do so.

Please note that all representations are treated as public documents.

Representation Form



Interested Person/Body in the vicinity of the premises detailed below

Your Name/Company Name/Name of Body you represent.	Anne Atkinson
Postal and email address	[REDACTED]
Contact telephone number	

Name of the premises you are making a representation about.	Wasabi
Address of the premises you are making a representation about.	5 Cavendish St Ulverston

Your representation must relate to one of the four Licensing Objectives. Please state yes or no.	Yes Or No	Please detail the evidence supporting your representation, or the reason for your representation. Please use separate sheets if necessary
The Prevention of harm to children	Yes	See the attached pages
To prevent Public Nuisance	Yes	See the attached pages
To prevent crime and disorder	Yes	See the attached pages
Public Safety	Yes	See the attached pages

Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account.	Closing time at 10pm and not selling alcohol off for use off the premises.
---	--

N.B If you do make a representation you will normally be expected to attend or be represented at a hearing of the application before the Licensing Sub Committee and at any subsequent appeal.

Signed: [REDACTED]

Date: 31 / May / 2022

Please return this form along with any additional sheets to: The Licensing Manager, Licensing Section, South Lakeland House, Lowther St, Kendal, Cumbria or email to licensing@southlakeland.gov.uk. This form must be returned within the statutory period. Please check with the Licensing Authority. Telephone: 01539 733333 Ext 7481 / 7484.

Anne Atkinson
[REDACTED]

31stth May 2022
Email: Redacted

Objections to Premises License to serve Alcohol at 5 Cavendish St, Ulverston LA127AD:

I object to the above application because of the following: Public safety, Protection of Children, Prevention of Crime and Disorder, Prevention of Public Nuisance

The plan that has been submitted to the Licensing Authorities is outdated. The Glaxo Club is now 9 flats, and the garage is also 9 flats.

Cavendish Street is a small mainly residential street with many people living with children and with only a few businesses. These close around 5 / 6 pm and the street is peaceful after this hour.

The late license of 11.30 and closing at 12.00 could mean that alcohol fuelled customers could be rowdy and be a public nuisance

There would be a lot more people passing through this residential street in the evening. These people are likely to be intoxicated and causing a nuisance.

People who have been drinking often make more noise, talking much louder than sober people and sometimes shouting and arguing, for very long periods of time, and this would disturb me in my home, interfere with my sleep and cause me distress. Voices in the night-time carry further so are more likely to disturb / distress. The owners would have no control over this once they have left the premises.

It would make me feel uncomfortable and unsafe in my front room as people who have been drinking sometimes stare in your window. They also sometimes knock on your door just as they are passing. I would feel anxious in my house because of this.

I feel it is likely that doorways could be used as urinals, as they sometimes are in the town centre. This would be distressing for me.

Selling alcohol to drink off the premises could mean people drinking in this quiet street and being disruptive. It could also lead to litter.

There would be extra traffic and because the street is narrow vehicles would be likely to mount the pavement outside my home late at night while picking up or dropping off

people who go to the venue. There is not enough room for parking as it is in the street so not enough for others to park.

Delivery wagons would block the street causing safety problems as there is nowhere for them to unload

There is an undertaker on the opposite side of the street so a bar would be incompatible with this, and inappropriate.

For all of the above reasons I think my quality of life would be upset if this venue were given a late license. I suggest a 10pm closure would be more fitting for the nature of the street.

Anne Atkinson

McCarthy, Donna

From: McCarthy, Donna
Sent: 09 June 2022 10:43
To: [REDACTED]
Subject: FW: Licensing application 5 Cavendish St Ulverston, LA12 7AD
Attachments: Anne Atkinson May31 2022.docx

Good Morning

Please see my response to your representation in relation to the premises licence application at 5 Cavendish Street, Ulverston.

I would be grateful to receive your comments to the amendments and trust that they satisfy your concerns.

The consultation ends tonight.

Kind Regards

Donna McCarthy

Licensing (Specialist) – Regulatory Services

South Lakeland District Council, South Lakeland House, Lowther Street, Kendal, Cumbria LA9 4DQ

[REDACTED] | [REDACTED]
Website: www.southlakeland.gov.uk

From: McCarthy, Donna
Sent: 07 June 2022 12:47
To: [REDACTED]
Subject: Licensing application 5 Cavendish St Ulverston, LA12 7AD

Good Afternoon

Thank you for the representation that you have sent in relation to the application for a premises licence at 5 Cavendish Street, Ulverston.

The applicants have been in communication with our Environmental Health officer and have agreed to the following:

- *We would be happy to amend our opening times to cease the sale of alcohol at 10:30pm and to have everyone exited the building by 11:00pm. Doors and windows will be kept closed by 9pm.*
- *We are happy to have use of the outside courtyard conditionally and keep this as a non-smoking area where by we would have it cleared of customers by 9pm and only used for dining (drinks with food).*
- *We are happy to only have bottles collected between the hours of 8am - 6pm.*

I hope the above information will satisfy your concerns.

I look forward to hearing your response to the above amendments.

Kind Regards

Donna McCarthy

Licensing (Specialist) – Regulatory Services

South Lakeland District Council, South Lakeland House, Lowther Street, Kendal, Cumbria LA9 4DQ

Website: www.southlakeland.gov.uk

Representation Form



Interested Person/Body in the vicinity of the premises detailed below

Your Name/Company Name/Name of Body you represent.	Kevin Silver	
Postal and email address	[REDACTED]	
Contact telephone number	[REDACTED]	
Name of the premises you are making a representation about.	Wasabi	
Address of the premises you are making a representation about.	5 Cavendish St, Ulverston, LA12 7AD	
Your representation must relate to one of the four Licensing Objectives. Please state yes or no.	Yes Or No	Please detail the evidence supporting your representation, or the reason for your representation. Please use separate sheets if necessary
The Prevention of harm to children	Yes	The smoking area out the back would lead to loud alcohol fuelled inappropriate conversations / sexual expletives which could awaken residents and their children. The fumes and odours from cigarettes entering adjacent properties and drifting into bedrooms a few meters away. Noise from intoxicated people coming and going at the front of the property disturbing myself and my family and other residents and their children's sleep.
To prevent Public Nuisance	Yes	Aggravating noise from alcohol fuelled customers through until midnight. Smoke fumes entering residents' properties. Urinating / vomiting in doorways (reports of this on New Market St and in doorway of Soulby House Cavendish St). Loud late night conversations / car doors banging / taxis collecting people / dropping off. Generally any activity involving increased numbers of people, vehicles, and alcohol until midnight is not appropriate for a residential area and it increases the possibility of becoming a public nuisance and significantly raises the risk of criminal and disorderly behaviour. As houses immediately front the pavement, when leaving the premise, the noise from the customers will awaken the sleeping residents and as there are many children living in these houses, this is inappropriate and a public nuisance.
To prevent crime and disorder	Yes	Urinating in doorways, vomiting in the street, alcohol fuelled disturbance of the peace late at night. (reports of this in Ulverston town), general anti-social behavior from late night revelers. Litter and noise generated from takeaway alcohol sales.
Public Safety	Yes	Smoke fumes from the rear smoking area encroaching on dwellings in a very tightly knit collection of adjacent properties. Noise disturbing residents' sleeping until midnight then beyond as alcohol fuelled noise and disturbance spills onto the street. Intoxicated people from other venues seeking off premise sales of alcohol. Sleep deprivation as a consequence of these

Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account.	To finish serving alcohol at a much lower cut off point and to not sell alcohol for off premise consumption. A reasonable compromise would be 22.00 finish and closing. NOTE The street plan submitted with the application is incorrect. The 'Garage' and Club are now 18 private dwellings (see below)
---	--

N.B If you do make a representation you will normally be expected to attend or be represented at a hearing of the application before the Licensing Sub Committee and at any subsequent appeal.

Signed: [REDACTED]

Date: 26 / May / 2022

Please return this form along with any additional sheets to: The Licensing Manager, Licensing Section, South Lakeland House, Lowther St, Kendal, Cumbria or email to licensing@southlakeland.gov.uk. This form must be returned within the statutory period. Please check with the Licensing Authority. Telephone: 01539 733333 Ext 7481 / 7484.

Additional sheets

KEVIN SILVER, ADDRESS REDACTED, ULVERSTON, COMMENT TYPE - OBJECTION

TO LATE ALCOHOL LICENCE AT FORMER WORLD PEACE CAFE 5 CAVENDISH ST ULVERSTON

Objections here relate to each of the following:

- **Public safety.**
- **Protection of children.**
- **Prevention of crime & disorder.**
- **Prevention of public nuisance.**

- **Description of the street**

- **The plan of the street submitted with the application does not reflect the residential nature of the street. The GARAGE is now 9 FLATS, The CLUB is now 9 FLATS.** Cavendish Street currently has 43 residential dwellings (Directgov), hosting a range of people varying from very young children to elderly residents, and a small amount of commercial properties which all close at around 5pm (apart from one restaurant with a calm ambience located at the end of the street, and which is mainly accessed from the Coronation Hall end of the street meaning no extra footfall in the street). The majority of commercial properties in Cavendish Street have domestic dwellings above them.
- It is expected that there would be a high impact on the character of the area which is likely to affect the safe residential nature of the surroundings, this especially being the case after close of normal business hours.

Individual Points

- Smoking Area out the back: Effect on residents and their children - Noise and disturbance / fumes / smells from patrons who are outside the back smoking and talking and volume increasing with lowered inhibitions from alcohol consumption. This noise and smell drifting into the areas only a few meters from where children and other residents sleep or relax. **A threat to the environment and therefore to the protection and safety of children, and a public nuisance.**
- This would cause unreasonable disturbance and discomfort and expose young children to the potential for hearing inappropriate conversations drifting into their own garden a few meters away. This would have a negative impact on an otherwise quiet neighbourhood. In summer when people sleep with windows open this would be intolerable. The potential for children to overhear inappropriate conversations of those who have consumed alcohol late in the evening. **A threat to the environment and therefore to the protection and safety of children, and a public nuisance.**

- Potential for antisocial behaviour (urinating in residents' doorways, vomiting in the street, fornicating, etc). Evidence is available of people urinating both in New Market Street and in the Market Hall doorway in August and September 2018. **A threat to public safety and potential for crime and disorder and a public nuisance.**
- Aggravation noise and the usual disruptions from patrons especially at closing but also throughout opening times. The sale of alcohol for off premise use would encourage high numbers of already intoxicated people to seek further alcohol, adding to the potential for disturbances. **A nuisance to the public.**
- Random disturbances from patrons entering and leaving the premises / hanging around outside. Patrons having consumed alcohol bidding their goodnights / arguing / disputing in a protracted manner that can go on for long periods and numerous other erratic disturbances likely to wake and cause anxiety / to wake sleeping children and cause anxiety for them and others occupying bedrooms nearby. The proprietor would have little or no control over people once they had left the premises. **A potential nuisance to the public.**
- Disruption outside and around the premises (taxis pulling up / car doors slamming / loading taxis or patrons' cars. **A nuisance to the public who live in the street.**
- Disturbances from extra footfall through this residential street at antisocial hours resulting in -
- Loss of privacy as lowered inhibitions results in people staring into the windows and personal spaces of people homes making them feel unsafe, exposed and affronted. **A public nuisance.**
- Artificial light from premises at rear and at front. **A public nuisance.**
- Anti social hours and movement of people affected by alcohol circulating in a residential area. **A threat to public safety.**
- **General Concerns for residents**

Loss of safe environment due to potential for alcohol induced anti social behaviour and the feeling of intimidation that can result from being in the proximity of people who have consumed alcohol. The location of a bar in Cavendish St is incompatible within this residential area and it is anticipated that there would be a loss of quality of life for those disturbed by the above.

Generally any activity involving increased numbers of people, vehicles and alcohol after 11:30 at night is not appropriate for a residential area and it increases the possibility of becoming a public nuisance and significantly raises the risk of criminal and disorderly behaviour.

It is expected that the introduction of a late alcohol license and off sales alcohol license would unreasonably and substantially interfere with the use or enjoyment of the residents' homes around Cavendish Street and the immediate area.

GENERAL COMMENT

The smoking area out the back means the impact of a smoking area is turned onto those occupying the garden areas, rooms and bedrooms to the rear of the premises.

The Morning Advertiser, the pub trade newspaper, advises that smoking areas can cause tensions with neighbours and if a smoking area is near to residential areas or businesses that it **is likely that those using it would create noise that impacts on the residents and workers nearby.** **Source:**

[HTTPS://WWW.MORNINGADVERTISER.CO.UK/ARTICLE/2013/10/25/PUB-SMOKING-AREA-TIPS](https://www.morningadvertiser.co.uk/article/2013/10/25/pub-smoking-area-tips)

The photograph below taken from my property boundary illustrates the close proximity of the proposed smoking area to mine and other residents' homes.





NOTE – THE PLAN SHOWN THAT WAS SUBMITTED WITH THE APPLICATION IS FROM AROUND 20 YEARS AGO AND THERE HAVE SINCE BEEN RADICAL, LOCAL AUTHORITY APPROVED CHANGES TO THE STREET.

The yellow boxes here show where the 'Club' and 'Garage' have been converted to 9 residential dwellings in each space, totaling 18 dwellings, LENDING A MUCH MORE RESIDENTIAL NATURE TO THE AREA.

K Silver

McCarthy, Donna

From: McCarthy, Donna
Sent: 10 June 2022 19:31
To: [REDACTED]
Subject: RE: 5 Cavendish Street, Ulverston.

Good Evening Kevin

I have spoken to the applicant this afternoon just before I finished for the day.

As this is an application for a restaurant they would not be encouraging smoking out the front of the premises and will put notices to that effect.

Kind Regards

Donna

From: Kevin Silver [REDACTED]
Sent: 10 June 2022 13:54
To: McCarthy, Donna [REDACTED]
Subject: Re: 5 Cavendish Street, Ulverston.

Hi Donna, could you confirm that the applicant has agreed to non smoking at the front of the premises please? Like I said, this was a condition for my withdrawal of my representation.

Thanks

Kevin Silver

[REDACTED]
[REDACTED]
[REDACTED]

On Wed, 8 Jun 2022 at 10:26, Kevin Silver <kevsilver50@gmail.com> wrote:

Hi Donna, I've spoken to Colin Atkinson [REDACTED] and he has just taken alternate accommodation outside the area. His landlord, Peter Allonby, who owns the dwelling has asked me to pass his number on in order to discuss Colin's representation.

Peter Allonby, [REDACTED]

Thanks

Kevin Silver

On Tue, 7 Jun 2022 at 18:15, Kevin Silver [REDACTED] wrote:

Hi Donna, yes I will remove my representations on the condition that the front of the premises doesn't become a smoking area.

Thanks

Kev

On Tue, 7 Jun 2022 at 11:59, McCarthy, Donna [REDACTED] wrote:

Good Morning

I didn't see the email address on Anne's form, it is at the bottom of the form.

I will forward the proposed measures to Anne's email address and ask her to respond.

If I can get Colin's number I will ring him.

I trust that you are withdrawing your representation in light of the amendments.

Kind regards

Donna McCarthy

Licensing (Specialist) – Regulatory Services

South Lakeland District Council, South Lakeland House, Lowther Street, Kendal, Cumbria LA9 4DQ

[REDACTED]
Website: www.southlakeland.gov.uk

From: Kevin Silver [REDACTED]

Sent: 07 June 2022 10:45

To: McCarthy, Donna [REDACTED]

Subject: Re: 5 Cavendish Street, Ulverston.

Hi Donna, Anne Atkinson's email is on her form, [REDACTED]

I will ask Colin for his number, I don't think he has an email account

I am willing to accept the changes to the license application, providing people don't smoke out the front of the building where this would be as much of a public nuisance as out the back.

Please pass on my thanks to the proprietor and my best wishes

Kevin Silver

On Mon, 6 Jun 2022 at 13:31, McCarthy, Donna [REDACTED] > wrote:

Good afternoon

Thank you for the representation that you have sent in relation to the application for a premises licence at 5 Cavendish Street, Ulverston.

Can you please provide contact telephone or email addresses on the other 2 forms that you have also sent from your neighbours.

The applicants have been in communication with our Environmental Health officer and have agreed to the following:

- *We would be happy to amend our opening times to cease the sale of alcohol at 10:30pm and to have everyone exited the building by 11:00pm. Doors and windows will be kept closed by 9pm.*
- *We are happy to have use of the outside courtyard conditionally and keep this as a non-smoking area where by we would have it cleared of customers by 9pm and only used for dining (drinks with food).*
- *We are happy to only have bottles collected between the hours of 8am - 6pm.*

I hope the above information will satisfy the concerns of yourself and your neighbours.

I look forward to hearing your response to the above amendments.

Kind Regards

Donna McCarthy

Licensing (Specialist) – Regulatory Services

South Lakeland District Council, South Lakeland House, Lowther Street, Kendal, Cumbria
LA9 4DQ



Website: www.southlakeland.gov.uk

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McCarthy, Donna

From: McCarthy, Donna
Sent: 07 June 2022 11:55
To: [REDACTED]
Subject: FW: Application for Grant of Premises Licence 5Cavendish Street Ulverston

Good Morning

I am following up on the email I sent to you on 31 May 2022 in relation to the representation you have made.

I would be grateful if you could respond to my email and let me know if you are satisfied with the measures that the applicants have proposed.

The end of consultation date is 09 June 2022.

Kind Regards

Donna McCarthy
Licensing (Specialist) – Regulatory Services South Lakeland District Council, South Lakeland House, Lowther Street,
Kendal, Cumbria LA9 4DQ

[REDACTED]
Website: www.southlakeland.gov.uk

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

From: Licensing
Sent: 31 May 2022 13:56
To: 'Sandra Westbrook' [REDACTED]
Subject: RE: Application for Grant of Premises Licence 5Cavendish Street Ulverston

Good afternoon

Thank you for your email and representation in relation to the premises licence application in respect of the above.

I have forwarded your representations to the applicants and they have made the following comments:

Point 1 - We wish to bring a new dining venue to the town but we also do not want to cause disruption or nuisance to our neighbours. With this in mind, we would be happy to amend our opening times to cease the sale of alcohol at 10:30pm and to have everyone exited the building by 11:00pm. Doors and windows will be kept closed by 9pm.

Point 2 - We are happy to have use of the outside courtyard conditionally and keep this as a non-smoking area where by we would have it cleared of customers by 9pm and only used for dining (drinks with food).

Point 3 - We are happy to only have bottles collected between the hours of 8am - 6pm

I look forward to receiving your response to the above comments.

Kind Regards

Donna McCarthy
Licensing (Specialist) – Regulatory Services South Lakeland District Council, South Lakeland House, Lowther Street,
Kendal, Cumbria LA9 4DQ

[REDACTED]
Website: www.southlakeland.gov.uk

From: Sandra Westbrook [REDACTED]
Sent: 24 May 2022 19:29
To: Licensing [REDACTED]
Subject: Application for Grant of Premises Licence 5Cavendish Street Ulverston

Dear Sir,

Regarding the above application I would like to raise objection to various points.

1, the opening hours should terminate at 10.30 each evening, the reason for this is because Cavendish Street is now largely a residential street. The street plan shows a garage, this is now 9 residential apartments Soulby House and the club is now a unit of 6 residential homes. Also I feel there is no call for sale of alcohol at 11.00 at night.

2. The area to be licensed should not include the rear courtyard. The rear courtyards are the domestic open space for the homes in Cavendish Street and Benson Street if this area was included in the application this would cause noise and obviously people would smoke outside and this would cause smell and pollution.

3 The bottle collection time should be moved for collection at 8am not 7 am.

Provision for storage of the bottles etc must not go into the rear alleyway. This is Rack Alley a Blue Badge area of interest having been a rope measure. Also if food was left out this would encourage more seagulls (and we have enough of a problem with them already) and possibly rodents .

4. Parking and traffic is a problem in Cavendish Street and to have more vehicles and taxis drawing up late in the evening would be a disturbance to the residents.

I trust you will consider the points I have raised.

Mrs. Westbrook

.

Sent from my iPad

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McCarthy, Donna

From: Sandra Westbrook [REDACTED]
Sent: 08 June 2022 15:07
To: Licensing
Subject: 5 Cavendish Street Ulverston

Good afternoon,

I would say I agree with the applicants observations but would like a reply regarding waste food storage and bottle storage.

Mrs Westbrook

Sent from my iPad

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Representation Form



Interested Person/Body in the vicinity of the premises detailed below

Your Name/Company Name/Name of Body you represent.	Jack Dalziel & Sheona Lawrence-Silver	
Postal and email address	<p>[REDACTED]</p> <p>Ulverston Cumbria LA12 7AF</p> <p>[REDACTED]</p>	
Contact telephone number	[REDACTED]	
Name of the premises you are making a representation about.	5 Cavendish Street, Ulverston	
Address of the premises you are making a representation about.	5 Cavendish Street, Ulverston, LA12 7AD	
Your representation must relate to one of the four Licensing Objectives. Please state yes or no.	Yes Or No	Please detail the evidence supporting your representation, or the reason for your representation. Please use separate sheets if necessary
The Prevention of harm to children	No	
To prevent Public Nuisance	Yes	The location of our house on Queen Street means that this application for a license, if granted, would bring a late night crowd to our front door. The living quarters and bedrooms of our house are at the front of the house, on the street. There is not currently any reason for people to pass or congregate in the area outside our house however this will change if a licensed premises appears on Cavendish Street. Due to our house being listed and in a conservation area we are obliged to have single glazed windows to the front of the house which do not insulate us from noise outside. We also have stairs up to the front door parallel to the street which would potentially attract people to run over the stairs, knock on the door and run away etc. This is a residential area where families live with only a few shops which open only during the daytime. The extra footfall and likelihood of intoxicated people very close to our home, and the homes of others in our area, means that regular disruption and a negative effect on our quality of life is inevitable should this license be granted.
To prevent crime and disorder	Yes	See above – same applies to increased likelihood of crime and disorder.
Public Safety	No	

Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account.	License could be granted for café hours (eg 11am – 5pm)
---	---

N.B If you do make a representation you will normally be expected to attend or be represented at a hearing of the application before the Licensing Sub Committee and at any subsequent appeal.

Signed: 

Date:

Please return this form along with any additional sheets to: The Licensing Manager, Licensing Section, South Lakeland House, Lowther St, Kendal, Cumbria or email to licensing@southlakeland.gov.uk. This form must be returned within the statutory period. Please check with the Licensing Authority. Telephone: 01539 733333 Ext 7481 / 7484.

McCarthy, Donna

From: Licensing
Sent: 09 June 2022 13:33
To: McCarthy, Donna
Subject: FW: FW: 5 Cavendish Street - Ulverston

Hi Donna,

I don't know if you have seen this?

Many thanks,

Becca Postlethwaite | Case Management Officer (Customer and Commercial Services)
South Lakeland District Council, South Lakeland House, Lowther Street, Kendal, Cumbria LA9 4DQ
Tel: 01539 733333 | Email: [REDACTED]
Website: www.southlakeland.gov.uk

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From: [REDACTED]
Sent: 09 June 2022 11:23
To: Licensing <Licensing@southlakeland.gov.uk>
Cc: [REDACTED]
Subject: Re: FW: 5 Cavendish Street - Ulverston

Hi,

This would not alleviate our concerns as this would still lead to late night traffic and noise outside of our house every day of the week. People who have been consuming alcohol on the street at 11pm every night outside our house instead of 11:30? I don't think this is any kind of concession at all to be perfectly frank. How will noise and behaviour be managed outside of the premises as people leave? A more reasonable concession would be that, as well as the conditions above (altered hours), alcohol will only be served to diners with the establishment not permitted to operate as a bar. We are very conscious of other examples in town, such as *Rioja*, which started life as a restaurant and within months - when the restaurant wasn't doing so well - became a nightclub.

As stated in the representation form this is a residential area so unless the conditions we have detailed above are acceptable to the proprietors only daytime hours, such as those operated by the previous occupants of the premises, would be acceptable to us. It appears to us that these are the only options whereby the granting of a license will not have a significant negative effect on the lives of ourselves and other families in the area.

Thanks

On Thu, Jun 9, 2022 at 10:29 AM Licensing <Licensing@southlakeland.gov.uk> wrote:

Good Morning

Thank you for your representation with reference to the application for a premises licence at 5 Cavendish Street, Ulverston.

During the consultation period the applicants have agreed to amendments to the application which are as follows:

This is an application for a restaurant.

- *We would be happy to amend our opening times to cease the sale of alcohol at 10:30pm and to have everyone exited the building by 11:00pm. Doors and windows will be kept closed by 9pm.*
- *We are happy to have use of the outside courtyard conditionally and keep this as a non-smoking area where by we would have it cleared of customers by 9pm and only used for dining (drinks with food).*
- *We are happy to only have bottles collected between the hours of 8am - 6pm.*

I trust the above amendment are satisfactory and will alleviate your concerns.

I look forward to receiving your response. As the consultation ends tonight I would be grateful for your response by return of email.

Kind Regards

Donna McCarthy

Licensing (Specialist) – Regulatory Services

South Lakeland District Council, South Lakeland House, Lowther Street, Kendal, Cumbria LA9 4DQ

Tel: [REDACTED]

Website: www.southlakeland.gov.uk

From: [REDACTED]
Sent: 08 June 2022 21:13
To: Licensing <Licensing@southlakeland.gov.uk>
Subject: 5 Cavendish Street - Ulverston

To whom it may concern,

Please find attached a completed representation form outlining our objections to the proposed license for 5 Cavendish Street, Ulverston.

Thanks

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Appendix 4

Agreed conditions and amendments for clarity:

Environmental Health:

1. Rear yard area reserved for the use of smokers and shall not be used as a beer garden/drinking area and be vacated by 22:00. Adequate notices shall be displayed to inform patrons of this requirement. **The use of the outside area has been further amended and will not be used as a smoking area and will be cleared of customers by 21:00 (see agreed conditions from applicant below)**
2. The disposal of empty bottles/glass into external receptacles shall not occur between the hours of 21:00 and 08:00. **This have been further amended, collection/disposal between the hours of 08:00-18:00**
3. No amplified music between 23:00 and 08:00. Any amplified music shall not be played at a level that will cause unreasonable disturbance to the occupants of any properties in the vicinity. **Live and recorded music has not been applied for on the application, however live and recorded music is deregulated between the hours of 08:00-23:00**
4. Noise or odour from any ventilation, refrigeration or air conditioning plant or equipment shall not cause nuisance to the occupants of any properties in the vicinity.

Applicant agreed due to representations from residents:

1. Cease the sale of alcohol at 10:30pm and to have everyone exited the building by 11:00pm. Doors and windows will be kept closed by 9pm.
2. We are happy to have use of the outside courtyard conditionally and keep this as a non-smoking area where by we would have it cleared of customers by 9pm and only used for dining (drinks with food).
3. We are happy to only have bottles collected between the hours of 8am - 6pm

Late Night Refreshment

The application seek authorisation for Late night refreshment bet ween the hours of 23:00-23:30 hours, however as the applicant has reduced their sale of alcohol to 22:30 and their opening hours to 23:00 the requirement for late night refreshment is no longer required.

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