

REPRESENTATIONS AGAINST THE APPLICATION BY
DANIEL HINDLE
FOR THE GRANT OF A PREMISES LICENCE/CLUB PREMISES CERTIFICATE AT
INDIGO, 1A FLEETWOOD STREET, LEYLAND.

ON BEHALF OF THE RESIDENTS OF FLEETWOOD STREET NAMELY:

ERICA BROWN – 1 FLEETWOOD STREET

JOHN BOLTON – 7 FLEETWOOD STREET

PETER FLYNN – 12 FLEETWOOD STREET

RAY RIBCHESTER - 13 FLEETWOOD STREET

KATHLEEN RIBCHESTER - 13 FLEETWOOD STREET

MEGAN O'DEA – 15 FLEETWOOD STREET

CHARLENE WOODS – 16 FLEETWOOD STREET

TOM PEIL – 29 CHAPEL BROW

POINTS OF GENERAL APPLICABILITY

1. THE LAW

The Licensing Act 2003.

This application falls due to be decided under the Licensing Act 2003. Under both the Act and the Council document 'Guidance for Applicants' it is quite clear the Applicant's duties in making an application. One of the most important aspects is the duty to advertise the application in order that those affected have the opportunity to make objections to the same.

It is clear that an Applicant must advertise their application in two ways:-

1. By displaying a notice prominently at or on the premises, where it can be easily read from the exterior of the premises, for not less than 28 days starting on the day following the giving of the application to the Licensing Authority and

2.

All the Residents would say that the Applicant has not complied with this requirement whatsoever. The residents would submit that the Applicant (who has other Licenced Premises and as such would be well aware of this requirement) has acted with mala fides. They would submit that the Applicant has failed to advertise the application as he is well aware that if no objections are received by the Authority then such application would be granted on the papers. The Residents in fact only became aware of the Application very recently and have therefore have not had the requisite time limit afforded by law in which to fully consider and submit representations on the Application. The Residents would therefore submit that for this reason alone the Application is fatally flawed and as such the Licensing Committee should refuse the Application forthwith.

The Human Rights Act 1998.

The Residents would submit that to grant this Application would be a fundamental breach to the rights under Article 8. This Article enshrines the Right to Respect for Private and Family Life. The Act goes on to stipulate that 'There shall be no interference by a public authority with the exercise of this right except such is in accordance with the law and is necessary'. In support of this application see below.

The Council's Four Licensing Objectives.

The Residents would seek to remind the Council that each application should be considered against its own published objectives, namely:-

- i) The Prevention of Crime & Disorder
- ii) Public Safety
- iii) The Prevention of Public Nuisance
- iv) The Protection of Children From Harm

The Residents would argue that this Application fails against an objective consideration of each and every one of those objectives. For further detail see below.

2. SPECIFIC GROUNDS OF OBJECTION.

General Grounds Affecting All Residents.

Whilst the Residents accept that these Premises were formerly Licensed Premises it can be seen from the personal representations below that there was general anti-social behaviour emanating from those premises.

The Residents would submit that this Application goes much further than the License previously granted such that those problems would be exacerbated.

Fleetwood Street is a wholly residential cul-de-sac consisting of 16 terraced properties, 2 of which are unoccupied. Resident's ages range from children to OAPs and a mixture of employments including nurses, civil servants, professional engineer (BAE) and shop workers. Working hours are varied with some working night shifts, early starts for those who work shift patterns and normal 9-5 hours.

As opposed to that it is clear, from the nature of the Application, that the target demographic for the proposed premises would be younger people. The residents submit that as such there lies real problems of crime, disorder and general anti-social behaviour. It would appear that the main/entrance would be situated on Fleetwood Street meaning that the Residents would suffer from large number of patrons exiting the premises in the early hours of the morning. The nature of the premises would mean that the Applicant would not be in a position to mitigate that fact. Further there is no car park to the premises as such the Residents could find themselves unable to park outside their own homes. All residents, but most especially single females, feel they could be intimidated should they wish to go out of their homes late at night.

The Residents would further cite the problems they have had since the Applicant has started refurbishment of the Premises. The Residents would further cite this as further proof of the mala fides of the Applicant in that he has carried out this work believing, because of his failure to properly advertise the Application, that this Application would be simply granted for the lack of opposition.

Following from the above paragraph, it is the understanding of the Residents that the Applicant has other premises with similar opening hours to those proposed in this Application. Those premises are within walking distance of those subject of this Application. The Residents would therefore pose the question as to the necessity of further premises other than for commercial gain.

Residents Specific Grounds of Objection.

Erica Brown - 1 Fleetwood Street

I have lived at no. 1 Fleetwood Street for 3 and a half years.

I have had to put up with the Knights of St Columbus for the same amount of time. Less the two months it's been closed and under renovation.

The last two months have been blissfully quiet. The closure of the club has hightend just how truly irritating and disturbing the club actually was.

The new club will not provide any parking for its customers as there is none available in the surrounding area except of course Fleetwood Street.

There are 16 houses on Fleetwood Street. I believe there is a mixture of families on the street. But think it mainly consists of hard working families whom most get up early for work. I am aware that there are two people on the street who do shift work.

I would say that the construction work has been going on since the end of September.

I personally found out through a friend who fortunately works at the council and informed me of the proposed licensing hours. I would like my friend to remain anonymous as I do not want to get them in trouble.

Upon finding out I was outraged and subsequently set about informing my fellow residents. I can not see any information about the proposed licensing in the Window of the establishment.

There is only one entrance that I am aware of and that is Fleetwood Street. I believe there is a door on Chapel Brow but believe that leads to the Kitchen. So can't see how that will ever be utilised.

John Bolton: 7 Fleetwood Street

John has lived at his address for 7 years and is a civil servant who works shift patters which include nights. John heard about the proposal by chance though local gossip.

Peter Flynn: 12 Fleetwood Street (OAP)

Peter has lived at number 12 for 21 years and noted that even when it was previously the KSC Club they every rarely adhered to the restrictions (windows had to be shut and curtains closed). Building work has been in progress for 5 weeks now with as many as 6 vans being parked in the street. Found out about the proposal by trawling through the South Ribble Council website. Notes that the application has requested up to 150 customers allowed!

Ray & Kathleen Ribchester: 13 Fleetwood Street

They are the longest residents in the street having lived there for 40 years. They have lived unhappily along the drinking establishment for all those years and have seen everything from fights breaking out to men exposing themselves. They also noted that since the smoking ban in 2007 there has been an increase in cigarette butt ends throughout the street when the inconsiderate customers smoke outside and do not use the facilittates provided (ash tray on wall).

Megan O'Dea: 15 Fleetwood Street

Lived at current address for one year. Due to living towards the end of the street close to the premises when it was still open I struggled to sleep due to the noise levels and during the summer months was unable to sleep with my bedroom window open due to this. Parking has been and continues to be an ongoing issue with shop owners from Chapel Brow using our street to park in during the daytime and fast food owners parking there during the night time.

The Residents would therefore request that the Licensing Committee consider refusing this Application at first instance due to the failure of the Applicant to abide by the requirements of The Licensing Act 2003 to advertise his Application due to his mala fides and therefore is not a 'fit and proper person'. If the decision is to send this matter to the Licensing Sub-Committee then the residents would request that they be advised of the date for such hearing in order that they may make further representations on the matter,