

APPLICATION FOR VARIATION OF LICENCE - NEW INN, 59 MAIN ROAD, GALGATE

DECISION OF LICENSING ACT SUB-COMMITTEE

MONDAY 21st May 2012

New Inn, 59 Main Road, Galgate

The Sub-Committee comprised of Councillor Malcolm Thomas (Chairman), Councillor Josh Bancroft and Councillor Tracey Kennedy.

The Legal Adviser was Luke Gorst, Solicitor.

The Democratic Support Officer was Jane Glenton.

An application for variation had been made under Section 34 of the Licensing Act 2003 by Mitchells of Lancaster (Brewers) Ltd in respect of the New Inn, Main Road, Galgate LA2 0JH.

The hearing was held in light of a relevant representation received from a member of the public.

Mr Mark Wolstencroft, Business Development Manager for Mitchells, was present for the applicant and accompanied by Peter and Julie Slee, the tenants of the premises.

Mr Joseph Southall who had made the relevant representation was served with notice of the hearing but was not present.

The Chairman explained the procedure to those present, and stated that the hearing would be a discussion led by the licensing authority, and any questions would be put through the Chairman.

David Eglin, Licensing Officer, introduced the report stating that the purpose of the application was to remove three conditions on the premises licence relating to the use of the rear door to the premises and provision for the curtains to be closed after 10.00pm. The variation also sought to add the licensable activity of provision of live music on Friday and Saturday nights from 1800 hours until 2300 hours

Mr Wolstencroft presented the applicant's case and Mr and Mrs Slee helped answer questions.

The Sub-Committee then withdrew to make its decision, and sought advice from its legal adviser as to the appropriate phraseology of the decision.

DECISION

The Sub-Committee has carefully considered all the written information before it, and the representation and views expressed at the hearing by the applicant.

The Sub-Committee has noted that the objection relates to the application to remove

from the licence the conditions requiring use of the front door only by customers and the addition of live music at the premises.

The Sub-Committee has also noted that the objection, in the main, relates to the potential for noise nuisance if the live music is granted. The concerns appear to stem from a situation that arose sometime prior to 2007 when it is alleged live music was the cause of nuisance in the area.

In making the decision, the Sub-Committee has taken into account that the premises are in a residential area, however has taken the view that the hours requested for live music are not excessive.

In relation to the request to removal of the conditions the Sub-Committee understands that the back gate is now a fire exit and therefore cannot be locked. It is entirely appropriate to remove these conditions in the circumstances.

The application is therefore granted in its entirety.

The Sub-Committee very much welcomes the consultation exercises undertaken by the premises and would hope that the good relationship with residents continues.

In accordance with Section 181 and Schedule 5 of the Licensing Act 2003, the parties have a right of appeal against this decision. The parties are also reminded of the statutory right of responsible authorities and interested parties to seek a review of a licence on the basis that the licensing objectives are not being met.

Signed.....Dated.....

Councillor Malcolm Thomas (Chairman)

**Any queries regarding these Minutes, please contact
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