

GDK LANCASTER, UNIT B 112 PENNY STREET, LANCASTER

DETERMINATION OF APPLICATION FOLLOWING RELEVANT REPRESENTATION

DECISION OF LICENSING SUB-COMMITTEE

WEDNESDAY 19TH JUNE 2019

The Sub-Committee comprised of Councillor Colin Hartley (Chairman), Councillor Mike Greenall and Councillor Mel Guilding

The Legal Adviser was Luke Gorst, Solicitor.

The Democratic Support Officer was Sarah Moorghen.

An application for premises licence had been made under Section 17 of the Licensing Act 2003 by Hibrid Solutions Ltd in respect of GDK Lancaster, Unit B, 112 Penny Street Lancaster LA1 1XT.

The hearing was held in light of relevant representations received from other persons as defined under the 2003 Act.

The applicant was represented by Mr Malik Ullah.

None of the other persons, who had made relevant representations, were present.

Parties present introduced themselves.

Jennifer Curtis, Licensing Manager, introduced the report stating that the application was a new application to provide late night refreshment on Sunday to Thursday from 2300 hours until 0000 hours the following day and on Friday and Saturday from 2300 hours until 0100 hours the following day.

Mr Ullah then presented the applicant's case and 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 carefully considered all the written information before it and the representation from Mr Ullah.

The Sub-Committee noted that the application was to facilitate late night refreshment at the premises beyond the hours it currently traded.

The primary concerns from the other persons all related to the potential for an increase in nuisance, particularly from customers arriving and leaving the premises and an increase in litter from the premises.

The other persons, who all live in the vicinity of the premises, say they all currently suffer nuisance as a result of the operation of the premises and that any increase in hours would inevitably exacerbate the problems.

The applicant has told the Sub-Committee that, in reality, the premises only wish to trade beyond 2300 hours on the weekend and are satisfied with the current hours during the week.

The Sub-Committee feel that this is an important point given that the premises are situated in a residential area and it is more likely that people will be disturbed if they have to get up early for work and school during the week.

In light of the above, the Sub-Committee is of the opinion that it is proportionate and appropriate to grant the application for Friday and Saturday nights only from 2300 hours until 0100 hours the following day. The hours applied for from Sunday to Thursday are refused.

In accordance with Section 181 and Schedule 5 of the Licensing Act 2003, the parties have a right of appeal against this decision.

Importantly, the parties are reminded of the statutory right of responsible authorities and other persons to seek a review of a licence on the basis that the licensing objectives are not being met. This would be particularly relevant in the event of any ongoing complaints about noise.

**Any queries regarding these Minutes, please contact
Sarah Moorghen, Democratic Services - telephone (01524) 582068 or email
smoorghen@lancaster.gov.uk**