

GREAT SCOTT MICROPUB, 89 SCOTFORTH ROAD, LANCASTER

**DETERMINATION OF APPLICATION FOR A PREMISE LICENCE FOLLOWING
RELEVANT REPRESENTATIONS**

DECISION OF LICENSING SUB-COMMITTEE

THURSDAY, 7TH NOVEMBER 2019

The Sub-Committee comprised of Councillor Kevin Frea (Chairman), Councillor Abi Mills and Councillor Mel Guilding

The Legal Adviser was Luke Gorst, Solicitor. Also in attendance was Dan Spencer, Solicitor and Tom Mitchell, Solicitor.

The Democratic Support Officer was Jane Glenton.

An application for premises licence had been made under Section 17 of the Licensing Act 2003 by Mr Nick Egdell in respect of Great Scott Micropub, 89 Scotforth Road, Lancaster, LA1 4SD.

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

The applicant, Mr Egdell, was present.

The Other Persons who had made relevant representations, Graeme Spavin, Alison Aylott and Mark Garnett, were not present, however Alison Aylott was represented at the hearing by Imogen Jolley, a Governor at Scotforth St. Paul's C of E Primary and Nursery School.

The Chair explained the procedure to those present, and stated that the hearing would be a discussion led by the licensing authority.

Parties present introduced themselves.

David Eglin, Licensing Enforcement Officer, introduced the report stating that the application was a new application for the sale of alcohol on and off the premises from 1200 hours until 2100 hours all week. No other licensable activities were applied for.

Imogen Jolley then presented the representation on behalf of Scotforth St. Paul's C of E Primary and Nursery School and helped answer questions.

Mr Egdell then presented the applicant's case and helped answer questions.

Jenette Hicks, Licensing Manager, then sought clarification from the applicant about the proposed licensed area.

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 representations and views expressed at the hearing by Imogen Jolley, who represented Scotforth St. Paul's C of E Primary and Nursery School, and the applicant, Nick Egdell.

The concerns from the Other Persons all related to the potential for an increase in nuisance, particularly from the anti-social behaviour of customers, as well as parking safety and littering. Mrs Aylott, the Head Teacher of Scotforth St. Paul's C of E Primary and Nursery School, raised specific concerns about the protection of children from harm, given the location.

The applicant told the Sub-Committee that the premises was not actually visible from the school. It was also the intention of the licence holder to operate mainly from late afternoon until 9pm in the evenings. The application was originally made to give more flexibility to operating times. The applicant offered to not trade during normal school hours during school term time.

The Sub-Committee welcomed this stance and believed that this would alleviate the majority of concerns of the school objection.

The Sub-Committee accepted that the premise was in a city location and listened carefully to the reasons for the application. Importantly it also took into consideration that no representations were received from the Responsible Authorities in relation to the application and that the terminal hour each night was not excessive.

The Sub-Committee considered the case of Daniel Thwaites v Wirral Borough Magistrates Court and were mindful that this was a new application. They were of the opinion that there was insufficient evidence provided to show that the licensing objectives would be undermined if the application was granted, subject to the following condition in relation to opening hours:-

“The premises will not sell alcohol during, or within 30 minutes after, any normal school day at Scotforth St Paul's C of E Primary and Nursery School, Scotforth Road, during that school's term time.”

In light of the above, the Sub-Committee was of the opinion that it was proportionate and appropriate to grant the application, subject to the above restriction on hours during school term time.

Whilst not a condition on the licence the Sub-Committee welcomed the owner's co-operation with the school.

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

Importantly, the parties were 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 were not being met. This would be particularly relevant in the event of any ongoing complaints about noise.

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