

**LICENSING SUB-  
COMMITTEE**

11.00 A.M.

21ST MAY 2020

**PRESENT:-** Councillors Kevin Frea, Mel Guilding and Colin Hartley (Chair)

Officers in attendance:

Daniel Spencer	Solicitor
Jenette Hicks	Licensing Manager
Liz Bateson	Principal Democratic Support Officer

**1 LICENSING ACT 2003 PREMISE LICENCE GRANT- MICROPUB, 312 LANCASTER ROAD, TORRISHOLME, MORECAMBE, LA4 6LY**

***The Chair advised of his intention to adjourn the meeting in order that the technical difficulties preventing the interested parties from accessing the virtual meeting could be addressed. The meeting reconvened at 11.35am.***

The Sub-Committee comprised of Councillor Colin Hartley (Chairman), Councillor Kevin Frea and Councillor Mel Guilding.

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

The Legal Adviser was Daniel Spencer, Solicitor.

The Democratic Support Officer was Liz Bateson.

An application for a premises licence had been made under Section 17 of the Licensing Act 2003 by Roy and Lucie Peters of 39 Needham Avenue, Morecambe in relation to a Micro-Pub at 312 Lancaster Road, Torrisholme.

The applicant, Mr Roy Peters was present.

Mr and Mrs Heaton of 314 Lancaster Road, Torrisholme had made a relevant representation and Mrs Heaton was also present at the hearing.

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.

The legal advisor Mr Spencer presented the report on behalf of the Licensing Manager, stating that the application was a new application for the sale of alcohol on and off the premises from 10:00 hours until 22:00 hours Monday to Sunday. No other licensable activities were applied for.

Mrs Heaton presented her objections which in particular related to noise, traffic and parking and also the issue of patrons smoking.

Mr Peters then presented his application and helped to answer questions. He confirmed that patrons would be advised to only smoke at the side of the property, that no music or sport would be played and that he would install CCTV both inside and outside of the premises.

The Sub-Committee then withdrew to make its decision. The parties were notified that they would be informed of the decision within 5 working days.

## **DECISION**

The Sub-Committee carefully considered all the written information before it, and the representations and views expressed at the hearing by Mrs Heaton and Mr Peters.

The concerns from the other persons all related to the potential for an increase in nuisance from noise and issues in relation to smoking as well as increased traffic and parking.

The Sub-Committee accepted that the premises were in a busy location with both business and residential properties in the surrounding area. The Committee listened carefully to the reasons for the application and it had also taken into consideration that no representations were received from the Responsible Authorities in relation to this application. Of note is that this is a micro-pub that will not play music or sport and that the terminal hour each night is not excessive.

The Committee noted that the applicant has confirmed that he will designate a smoking area to the side of the premises and staff would encourage patrons not to smoke at the front of the premises and this is strongly encouraged by the Committee.

The Committee had some concerns for the potential for public nuisance occurring at the front of the property and felt that in the circumstances it was appropriate and proportionate to prohibit patrons from sitting at the front of the property. It was noted that the applicant agreed not to use the front of the premises as a seating area, labelled as 'external terrace' on the plan.

The Sub-Committee had 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 conditions outlined within the application and a condition that seating was prohibited outside the front of the premises named as the 'external terrace' on the plan contained within the application.

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 condition.

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 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.

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Chair

(The meeting ended at 12.45 p.m.)

**Any queries regarding these Minutes, please contact  
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