

**LICENSING SUB-
COMMITTEE**

11.00 A.M.

20TH OCTOBER 2020

PRESENT:- Councillors Kevin Frea (Chair), Merv Evans and Joan Jackson

Officers in attendance:

Tom Mitchell	Civil Lawyer
Jennifer Curtis	Licensing Manager
Liz Bateson	Principal Democratic Support Officer, Democratic Services

1 LICENSING ACT 2003 PREMISE LICENCE VARIATION – THE ROYAL HOTEL, MAIN ROAD, BOLTON-LE-SANDS DETERMINATION OF APPLICATION FOLLOWING RELEVANT REPRESENTATIONS

The Sub-Committee comprised of Councillor Kevin Frea (Chair), Councillor Merv Evans and Councillor Joan Jackson.

The Legal Advisor was Tom Mitchell, Solicitor

The Principal Democratic Services Officer was Liz Bateson

An application to vary a Premise Licence had been made under Section 34 of the Licensing Act 2003 by Punch Taverns Ltd for the Royal Hotel, Main Road, Bolton-le-Sands, Carnforth.

The hearing was held in light of a relevant representations received from other persons as defined in the 2003 Act. The hearing was held virtually via MS Teams Live.

The applicant was present at the hearing and was represented by Mr Piers Warne, Solicitor TLT LLP. Other persons present on behalf of the applicant were Ms Alex Flexi-Thomas, Punch Taverns and Mr Jason Allison on behalf of the operator.

Of the other persons Mr David Wiles and Ms Denise Wiles were both present.

Mrs Susan Wheeler had made a relevant representation but was not present and had not requested to participate in the meeting.

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 Licensing Manager introduced the report stating that the purpose of the application was to change the layout and design of the premises in accordance with the submitted plan. The main alteration was to facilitate a bar servery in the external beer garden area that was contained within the existing licensed area, with associated changes to conditions to reflect this and remove conditions no longer relevant.

Mr Warne presented the applicants case and answered questions.

Mr and Mrs Wiles presented their objections.

The parties were then asked and answered questions and made concluding statements.

The live Teams meeting concluded at this point in order that the Sub-Committee could withdraw to make its decision in private. The Sub-Committee reconvened in a private meeting together with the Solicitor and the Principal Democratic Support Officer and sought advice from the 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 the other persons, the applicant's representative and those appearing on behalf of the operator.

The Sub-Committee noted that the objections from the other persons related mainly to the prevention of public nuisance licensing objective as they believed that the application would lead to an increase in noise and disturbance.

The Sub-Committee had taken into account that no responsible authorities had made any representations and in particular no representations had been made by Environmental Health.

The Sub-Committee also noted that the applicant had said that it would continue to work with neighbours in respect of the issues that had been raised.

Considering the above, the Sub-Committee was of the opinion that it was proportionate and appropriate for the licence to be varied in line with the conditions offered by the applicant.

In accordance with Section 181 and Schedule 5 of the Licensing Act 2003, the parties had 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.

(The meeting ended at 12.25 p.m.)

**Any queries regarding these Minutes, please contact
Liz Bateson ebateson@lancaster.gov.uk or Democratic Services - email
democracy@lancaster.gov.uk**