

**LICENSING SUB-
COMMITTEE**

10.30 A.M.

26TH MARCH 2021

3 BUSINESS AND PLANNING ACT 2020 APPLICATION FOR PAVEMENT LICENCE - PIER HOTEL, 284-285 MARINE ROAD CENTRAL, MORECAMBE - DETERMINATION OF APPLICATION FOLLOWING RELEVANT REPRESENTATIONS

The Sub-Committee comprised of Councillor Colin Hartley (Chair), Councillor Mandy Bannon and Councillor Mike Greenall.

The Legal Adviser was Daniel Spencer.

The Democratic Support Officer was Jenny Kay.

Mr Lee Carter had submitted an application for a Pavement Licence under Part 1 of The Business and Planning Act 2020 in respect of The Pier Hotel 284-285 Marine Road Central, Morecambe. The matter was submitted to the Sub Committee following receipt of relevant representations.

During the prescribed consultation period two representations were received from Other Persons as defined under the Act. The first was from the Morecambe Business Improvement District (BID), which supported the application. The second was from Mr Richard Westbury, who is the occupier of the adjacent property to The Pier Hotel, who objected to the application.

Additional representations were received from Mr Eddie Mills on behalf of the Highways Authority, who objected to the application.

The Licensing Manager, Jennifer Curtis presented the report. The applicant, Mr Carter was present during the hearing and made oral representations.

The objections raised related mainly concerning Public Health and Safety, due to obstruction of the footpath and also the proximity of the zebra crossing.

After summing up by all parties the Sub-Committee 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 documentation provided in advance of the hearing, including emails from the applicant and the objectors. The Committee also considered Part 1 of the Business and Planning Act 2020, Lancaster City Councils Pavement Licence Policy and the Government Guidance. They also considered all the representations and views expressed at the hearing.

The Sub Committee had concerns in relation to public health and safety. This is due to the proximity of the zebra crossing to the proposed seating area. The Sub Committee are of the opinion that this could result in a larger volume of pedestrians congregating on the pavement close to the seated area, which could impact on public health and safety; particularly as this could also impact upon the ability for members of the public to effectively socially distance between one another. It is the decision of the Sub Committee to refuse the application.

The Business and Planning Act does not provide for a right of appeal against a decision of the Council in respect of determining Pavement licence applications, however where a party considers that there has been maladministration, the complaints procedure and the Local Government Ombudsman can investigate. In addition, a judicial review process is available via the High Court.

(The meeting ended at 11.19 a.m.)

**Any queries regarding these Minutes, please contact
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