

## **1 THE BRITANNIA, 101 ULLSWATER ROAD, LANCASTER**

The Sub-Committee comprised of Councillor Janie Kirkman (Chairman), Councillor Bob Roe and Councillor Helen Helme.

The Legal Adviser was Luke Gorst, Assistant Solicitor.

The Democratic Support Officer was Jon Stark, Democratic Services.

Three residents (interested parties) had submitted an application for review of a premises licence under Section 51 of the Licensing Act 2003. The application related to the Britannia 101, Ullswater Road, Lancaster. During the prescribed consultation period a further representation was received from the Police as well as a number of representations from interested parties residing in the vicinity of the premises.

The three signatories to the application, Mr McKittrick, Mr Benachour and Mrs Benachour attended the hearing.

PC Graham Cheetham and Solicitor, Richard Williams represented the police, who had made a representation as a responsible authority.

Mr. Dow, the premises licence holder, was present at the hearing and was represented by Malcolm Ireland of Naphthens Solicitors. Ken Harcombe was present as a representative of Thwaites.

The Chairman explained the procedure to those present, and stated that the hearing would be a discussion led by the licensing authority, and any questions would be put through the Chairman.

The Licensing Manager, Steve Wearing, introduced the report, and stated that the applicants had requested that two further letters be admitted as evidence. The letters from Ms Sprigings and Mr Mason had been received by the licensing authority outside the 28 day consultation period.

The Sub-Committee then withdrew to make its decision regarding this preliminary issue and take legal advice. The Sub-Committee decided to allow the two letters as supporting documentation for the applicants' case pursuant to regulation 18 of The Licensing Act 2003 (Hearings) Regulations 2005. The legal advice given was read out at the hearing by Mr Gorst.

Mr Wearing stated that a request had been made by Mr Benachour for a site inspection at his property. The Sub-Committee decided that this was appropriate in the circumstances and all parties then proceeded to Ullswater Road for a site inspection.

Following the site inspection the hearing was adjourned while all parties entered into negotiations.

During the negotiations the premises licence holder offered some conditions which were accepted by the police and the applicants who then withdrew their representations.

Mr Gorst then read out the agreed conditions and 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 has carefully considered all the written information before it, and all the terms agreed between the parties here today.

The Sub-Committee has noted that the application relates to a review of the premises licence for the Britannia 101, Ullswater Road Lancaster.

The Sub-Committee has noted the concerns of the applicants, interested parties supporting the application and the Police relate to noise from people consuming alcohol in the outside areas of the premises and that there has been, in the past, some confusion as to which areas have been covered by condition number 4 on the licence. That condition reads as follows:-

*4. The consumption of alcohol in the beer gardens on Ullswater Road and on Park Road will cease at 2300 hours on Monday to Sunday inclusive.*

The Sub-Committee welcomes the agreement reached between the applicants the police and the premises licence holder, albeit at this late stage.

In making the decision, the Sub-Committee has taken into account that the premises are situated in a residential area, and that residents of all ages may be disturbed by people being outside any part of the premises at night. This is of particular concern when the residents have to get up for work and school.

The Sub-Committee has taken the view that conditions currently on the licence at numbers 4 and 13 will be replaced with the following:-

- (1) The yard area shown on Plan DT1, dated May 2005, will not be used by customers.
- (2) Customers will be prevented from taking any drinks in open containers (e.g. glasses and opened bottles) outside of the premises after 22.00 hours Sunday to Thursday and 23.00 hours Friday and Saturday.
- (3) Customers will not be permitted to consume any drinks in any external areas of the premises after 22.00 hours Sunday to Thursday and 23.00 hours Friday and Saturday.
- (4) Notices shall be displayed internally at exits and also in key areas, requesting the public to refrain from taking any drinks, in open containers (e.g. glasses and opened bottles) outside of the premises after 22.00 hours Sunday to Thursday and 23.00 hours Friday and Saturday and that customers will not be permitted to consume any drinks in any external area of the premises after 22.00 hours Sunday to Thursday and 23.00 hours Friday and Saturday. All such signs must be in a permanent form, prominently placed and legible.
- (5) Notices shall be displayed internally at exits and also in key areas, requesting the public to respect the needs of the local residents by keeping noise to a minimum

when using both the outside areas of the premises, and when leaving the premises and the area, to do so quickly and quietly. All such signs must be in a permanent form, prominently placed and legible

- (6) All reasonable steps and regular monitoring by the Landlord and his staff shall take place to ensure that customers shall refrain from taking any drinks, in open containers (e.g. glasses and opened bottles) outside of the premises after 22.00 hours Sunday to Thursday and 23.00 hours Friday and Saturday, also that customers will not be permitted to consume any drinks in any external area of the premises after 22.00 hours Sunday to Thursday and 23.00 hours Friday and Saturday and that customers entering and leaving the premises do so in an orderly manner so as not to cause disturbance to nearby residential properties or annoyance to people passing the premises.

In accordance with Section 181 and Schedule 5 of the Licensing Act 2003, the parties have a right of appeal against this decision. The parties are also reminded of the statutory right of responsible authorities and interested parties 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.

Signed.....Dated.....

Councillor Janie Kirkman (Chairman)

**Any queries regarding these Minutes, please contact  
Jon Stark, Democratic Services, telephone (01524) 582132  
or email [jstark@lancaster.gov.uk](mailto:jstark@lancaster.gov.uk)**