



Committee: LICENSING ACT SUB-COMMITTEE

Date: THURSDAY, 14 AUGUST 2008

Venue: LANCASTER TOWN HALL

Time: 10.30 A.M.

A G E N D A

1. **The Britannia, 101 Ullswater Road, Lancaster (Pages 1 - 57)**

Review of a Premises Licence

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Janie Kirkman (Chairman), Bob Roe and Helen Helme

(ii) Queries regarding this Agenda

Please contact Jon Stark, Democratic Services, telephone (01524) 582132 or email jstark@lancaster.gov.uk.

MARK CULLINAN,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
LANCASTER LA1 1PJ

Published on Friday, 1st August 2008

Meeting of: LICENSING ACT SUB-COMMITTEE

Date: 14TH AUGUST 2008

Report of: LICENSING MANAGER

Reference: SW

Title: THE BRITANNIA 101, ULLSWATER ROAD, LANCASTER
APPLICATION FOR REVIEW OF PREMISES LICENCE

Members of the Sub-Committee have the following documents attached to this report:

1. Application for Review of Premises Licence (pages 10 - 13)
2. Representations from Interested Parties supporting the Application for a review of the Premises Licence (pages 14 - 25)
3. Representations from Interested Parties opposing the Application for a review of the Premises Licence (pages 26 - 36)
4. Representation from the Police (pages 37 - 41)
5. Copy of Premises Licence (pages 42 – 49)
6. Copy of notice of review posted on the premises (page 50)
7. Map showing premises and addresses of interested parties (page 51)
8. Notice of Hearing (pages 52 - 57)
9. Copies of supporting documentation from all parties (to be circulated separately)

Details of Application

Three residents (interested parties) have submitted an application for review of a premises licence under Section 51 of the Licensing Act 2003. The application relates to the Britannia 101, Ullswater Road, Lancaster. A copy of the application is at Document 1.

A copy of the premises licence for the Britannia 101 is attached at Document 5. This licence was granted to the premises October 2007 following submission of an application made under the Licensing Act 2003 for a variation of the existing premises licence.

The current premises licence contains the following conditions to control noise nuisance:-

1. The provision of off-sales to terminate at 23.00 hours
2. 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
3. Automatic noise limiting device to be installed and calibrated to the satisfaction of the Head of Health and Strategic Housing
4. Rear doors to the lounge bar will not be used during the performance of live entertainment
5. Signs to be displayed in smoking area and beer garden requesting customers to respect local residents and avoid excessive noise
6. Suitable acoustic treatment to be applied to rear extract fan to prevent escape of excessive noise
7. Doors to front elevation of premises to be fitted with self closing mechanisms and not to be fixed 'open' whenever amplified music is being played
8. No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the premises
9. All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency
10. The premises licence holder or his representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record shall be made of those assessments in a log book kept for that purpose and shall include, the time and date of the checks, the person making them and the results including any remedial action
11. There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public, (or member and their guests) notices requiring customers to leave the premises and the area quietly
12. Refuse such as bottles shall be disposed of from the premises at a time when it is not likely to cause a disturbance to residents in the vicinity of the premises

Legal background to Review Application

Under Section 51 (1) of the Licensing Act 2003, a responsible authority or interested party may apply to the licensing authority for the review of a licence.

The grounds for review must relate to one or more of the licensing objectives and as Members will be aware, these are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance and
- the protection of children from harm

An application for review must be copied to the premises licence holder and to the responsible authorities. Once such an application is received, the licensing authority must place a notice at the premises, and there is then a period of 28 days during which representations may be made to the licensing authority.

A copy of the notice which was displayed at the premises during the 28 day period is attached at Document 6. Licensing Enforcement Officers made occasional checks throughout the 28 day period to satisfy that the notice was still in place.

A representation in respect of the review application for the Britannia 101 has been received from the Lancashire Constabulary, a copy of which is attached as Document 4.

A total of 17 representations were received within the 28 day period from interested parties. Members are reminded that representations can either be in support of or against an application for review of a premises licence. In total 7 further representations were received supporting the application for a review of the premises licence (Document 2) and 10 representations were received opposing the application for a review (Document 3).

A plan showing the location of the Britannia 101, along with the addresses of the 19 interested parties is shown as Document 7.

Supporting documentation has been submitted by the applicants, the police and the premises licence holder. The supporting documentation will be circulated in a separate bundle.

Background information provided by Licensing Authority

From May 2007 the Licensing Authority received an increasing number of complaints from local residents about noise and rowdy behaviour at the Britannia 101. These complaints were investigated in liaison with Police and Environmental Health Officers and resulted in a number of meetings to address the issues.

On the 29th August 2007 the Licensing Authority received an application to vary the premises licence to change the layout of the premises.

The change in layout was to allow access to a newly created beer garden on Park Road and the disabled access into the side beer garden on Ullswater Road.

In view of the history of complaints at the premises both the Police and an Environmental Health Officer raised the need for conditions to ensure that no noise nuisance resulted from the change in the layout. A mediation meeting was therefore held on the 12th October 2007, between all parties and resulted in the above conditions being agreed. On the 23rd October 2007 the variation was granted.

Unfortunately complaints continued to be received following the variation. One of the key areas of concern was the interpretation of the condition relating to the beer gardens. The premises licence holder understood the condition to apply to only two beer gardens (excluding the area to the front of the premises on Ullswater Road) whilst the Licensing Authority and the Police understood the condition to relate to all outside areas.

Following continual complaints from certain residents that the area in front of the premises was continued to be used after hours a meeting was held on 29th November 2007 with the concerned residents to discuss their complaints and, in response to their request for more action, to advise them of the options they had

under the Licensing Act 2003 , one of which was the residents' right to apply for a review of the licence.

Matter for Decision

The Sub-Committee is requested to consider the Interested Parties application for review, the representations by the Responsible Authority, the representations by the other Interested Parties and any submissions made by the premises licence holder.

In accordance with Section 52 (3) and (4) of the Licensing Act 2003, the Sub-Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

- (a) to modify the conditions of the licence,
- (b) to exclude a licensable activity from the scope of the licence,
- (c) to remove the designated premises supervisor
- (d) to suspend the licence for a period not exceeding three months,
- (e) to revoke the licence

The matter for decision, therefore, is which, if any, of these steps should be taken.

Government Guidance under Section 182 of the Licensing Act 2003

Members may wish to note that paragraph 2.33 of the Guidance issued by the Government under Section 182 of the Licensing Act 2003 states that public nuisance is "not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance perhaps affecting a few people living locally as well as major disturbance affecting the whole community".

Relevant Parts of the Council's Statement of Licensing Policy

Members' attention is drawn to the Council's Statement of Licensing Policy with regard to opening hours, which provides as follows:

- 6.4 *The Licensing Authority recognises that longer licensing hours can contribute to easing disorder and other problems that often occur at late night food premises, taxi ranks, private hire offices and other transport sources.*
- 6.5 *However, a limitation on licensing hours may be imposed in relation to individual premises if representations are received from a responsible authority or interested party and the premises are identified as a focus for disorder and disturbance.*
- 6.6 *As stated, the Licensing Authority will deal with applications on their individual merits. However as far as premises in residential areas are concerned, where relevant representations are received, stricter controls may be imposed in respect of opening hours to ensure that disturbance to local residents is minimised.*

With regard to the prevention of public nuisance, the Policy provides as follows:

8. Prevention of public nuisance

- 8.1 The most obvious aspect of public nuisance is noise. The primary source of noise is amplified music, either uncontained outdoors or emanating from premises, which do not have sufficient measures in place to contain the sound. Late at night or in the early hours of the morning, individuals shouting in the street or groups of people talking in an animated fashion generate a substantial level of noise and in some cases this is aggravated by offensive language.
- 8.2 As customers leave licensed premises, the sound of their conversation can disturb residents. Potentially greater problems arise when customers congregate or accumulate outside the licensed premises. However, it is clear that the person in control of the premises has a responsibility to ensure that disturbance to residents and businesses is kept to a minimum.
- 8.3 In considering licence applications where relevant representations are received, the Licensing Authority will consider the adequacy of measures proposed to deal with the potential for nuisance and disorder having regard to all the circumstances of the application. When addressing public nuisance, the applicant should identify any particular issues which are likely to adversely affect the promotion of the objective to prevent public nuisance, taking account of the location, size and likely clientele of the premises, and the type of entertainment (if any) to be provided. Such steps as are required to deal with these issues should be included within the applicant's operating schedule, and may include:
- The steps the applicant has taken or proposes to prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment and human voices. Such measures may include the installation of soundproofing, air conditioning, noise limitation devices and keeping windows closed during specified hours.
 - The steps taken to ensure that all staff involved in the management of the premises have the capability, responsibility and training to supervise other staff and to ensure that the premises are operated in such a manner as to prevent public nuisance
 - The steps the applicant has taken or proposes to prevent disturbance by patrons arriving at or leaving the premises, for example warning signs at exits, and warning announcements within the premises, and the use of door supervisors to pass on the message
 - The steps the applicant has taken or proposes to prevent queuing, or if queuing is inevitable, to divert queues away from neighbouring premises, or otherwise manage and monitor the queue to prevent disturbance of obstruction, and to prevent patrons congregating outside the premises.
 - The implementation of a last admission time, and how the last admission time relates to the closing time of the premises
 - The steps the applicant has taken or proposes to take to manage queues so that patrons who will not gain admission before any last admission time are advised accordingly
 - The steps the applicant has taken to reduce queuing outside the premises and to minimise the length of time people have to queue at the premises

- The steps the applicant has taken to advise patrons that they will not be admitted if they are causing a disturbance, and the steps taken to implement a procedure for banning patrons who continually leave or arrive at the premises in a manner which causes a public nuisance or disturbance.
- The arrangements made or proposed for parking by patrons and the effect of parking on local residents.
- The arrangements the applicant has made or proposes to make for security lighting at the premises, and the steps the applicant has taken or proposes to take to ensure that lighting will not cause a nuisance to residents.
- Whether there is sufficient provision for public transport for patrons, for example the provision of a free phone taxi service or other arrangements with taxi companies, and whether information is provided to patrons about the most appropriate routes to the nearest transport facilities.
- Whether taxis and private hire vehicles serving the premises or traffic flow from the premises are likely to disturb local residents.
- Whether routes to and from the premises pass residential premises.
- Whether other appropriate measures to prevent nuisance have been taken, such as the use of CCTV or the employment of an adequate number of licensed door supervisors.
- The measures proposed to prevent the consumption or supply of illegal drugs, including any search and disposal procedures.
- The procedures in place for ensuring that no customer leaves with bottles or glasses
- If the applicant has previously held a licence within the area of the Council, the history of any enforcement action arising from those premises.
- Whether the premises would result in increased refuse storage or disposal problems, or additional litter in the vicinity of the premises.
- The steps the applicant has taken or proposes to take in order to ensure that standards of public decency are maintained in any entertainment provided at the premises.
- If appropriate, whether music is played at a lower level towards the end of the evening in a “wind down period”.
- The applicant’s proposals for the length of time between the last sales of alcohol, and the closing of the premises
- The steps the applicant has taken to prevent noise and other public nuisance from occurring in any open air parts of the premises, beer gardens, smoking shelters or areas that are used on an ad-hoc basis by patrons with the management consent for smoking

The above list is not intended to be exhaustive, and the applicant should consider all aspects of the operation that may affect public nuisance.

With regard to the prevention of crime and disorder, the Policy provides as follows:

9. The prevention of crime and disorder

- 9.1 The central concerns of licensing in relation to law and order are acts of violence and vandalism brought about by consumption of alcohol and the use of licensed premises as part of a distribution network for illegal drugs.
- 9.2 It is not the function of licensing to impose good practice in the adoption of wider crime reduction measures, such as those for securing premises outside of trading hours. It is also not a purpose of licensing to require that measures be put in place to enhance the opportunities for gathering evidence in relation to crime of a general nature. However, the Licensing Authority recognises that CCTV cameras at premises have an important role in preventing crime and disorder.
- 9.4 The Licensing Authority's starting point is to seek a reduction in crime and disorder throughout the area, consistent with its statutory duty under section 17 of the Crime and Disorder Act 1998. Licences may be granted if applicants can demonstrate that a positive reduction in crime and disorder will result, or that it will not increase, as a result of the application being granted.
- 9.5 Where there are relevant representations, the Licensing Authority will generally not grant a licence where it is likely that the premises will be used for unlawful purposes or where it is considered that the use of the premises is likely to cause an increase in crime and disorder in the area or the premises and this cannot be prevented by the imposition of conditions. When addressing crime and disorder, the applicant should identify any particular issues which are likely to adversely affect the promotion of the objective to prevent crime and disorder, taking account the location, size and likely clientele of the premises, and the type of entertainment (if any) to be provided. Such steps as are required to deal with these issues should be included within the applicant's operating schedule, and may include:
- Use of CCTV inside and outside the premises. The Lancashire Constabulary has produced suggested minimum requirements for CCTV and these are available from the Lancashire Constabulary or from the Licensing Authority's administrative staff
 - Use of metal detection or other search equipment or procedures
 - Crime and disorder risk assessment in relation to the proposed activities
 - Measures to prevent the use or supply of illegal drugs and procedures for searching customers
 - Ensuring that all staff are appropriately trained
 - Ensuring that all staff involved in the management of the premises have the capability, responsibility and training to supervise other staff and to ensure that the premises are operated in such a manner as to prevent crime and disorder
 - Employment of sufficient security staff where appropriate, controlling admission, monitoring capacity within the premises as a whole and in separate rooms/levels and patrolling the interior and exterior of the premises (any such staff must be licensed by the Security Industry Authority). The Licensing Authority recognises that there is a greater need for security staff in some premises than in others. For example there will be a greater need for security staff in a town centre nightclub

than in a village pub. It will be for the applicant to consider the appropriate number of doorstaff required for the particular premises.

- Ensuring that a register of doorstaff and their working times is maintained
- Participation in Pub Watch, Best Bar None or other relevant schemes and using radio links/pages as a means of connecting to other licensed premises.
- Use of plastic or polycarbonate glasses and bottles, where appropriate, or toughened glass. Applicants are advised that the Government believes that a risk-based, rather than blanket, approach to requiring licensed premises to use safer alternatives is the best way to tackle the problem of glass-related injuries
- Wherever possible, agreed protocols with police and other organisations and a commitment to co-operate and provide such evidence as the Police require.
- Adopting the “Night Safe Initiative” and “Safer Clubbing Guide” as statements of best practice
- Following the trade codes of practice, for example BBPA and Portman Group, and not carrying out any irresponsible drinks promotions
- Providing a suitable environment for customers having regard to the activities going on in the premises, in particular appropriate levels of seating
- Ensuring that there are sufficient transport facilities available to ensure that customers can leave the premises safely and swiftly.
- Maintaining an incident log
- The steps the applicant has taken to prevent crime and disorder issues from occurring in any open air parts of the premises, beer gardens, smoking shelters or areas that are used on an ad-hoc basis by patrons with the management consent for smoking, due to location, control within and management of such areas.

It should be noted that this list is not intended to be exhaustive. It may be appropriate for the applicant to consider other steps. Equally, the Licensing Authority recognises that not all the items in the list will be applicable to all premises.

9.6 Following the receipt of relevant representations, the Licensing Authority will not normally allow a person to be specified as a designated premises supervisor where that is likely to undermine the prevention of crime and disorder by reason of that person’s known past conduct. A person is likely to be considered unsuitable if he has previous unspent convictions for a relevant offence, notwithstanding that he may have been granted a personal licence. However, each case would be considered on its own merits in the light of representations received.

Members will of course be mindful that the Policy covers all types of premises in all types of location, and that not all the measures referred to above will be relevant to all premises.

Members are reminded that they should consider each application on its merits, and in the light of all the written and oral information before them at the hearing.

Natural Justice and Human Rights

Members are reminded that they must follow the rules of natural justice, and must also consider human rights implications.

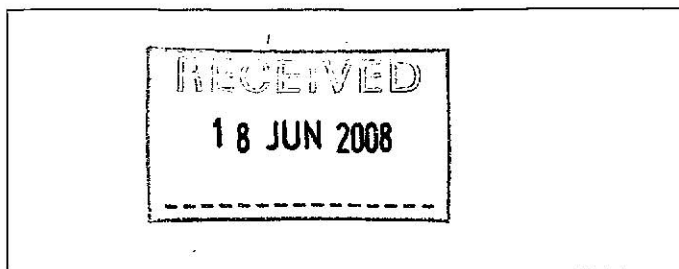
In particular, in accordance with Article 6, all parties are entitled to a fair hearing.

Consideration also needs to be given to the right to respect for private and family life and home, contained within Article 8, although this is a qualified right, and interference is permitted where this is in accordance with the law, or is necessary in a democratic society in the interests of public safety or the prevention of crime and disorder, or for the protection of the rights and freedoms of others. Article 1 of the First Protocol provides that every person is entitled to the peaceful enjoyment of his possessions, although again this right is qualified in the public interest.

Conclusion

Members should consider the application for review of the premises licence and any steps it considers necessary for the promotion of the licensing objectives.

Insert name and address of relevant licensing authority and its reference number (optional)



* Sent by Royal Mail first class mail with Certificate of posting obtained. All posted 17/06/2008.

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

WE ROBERT W. MCKITTRICK, PHILIPPA BENACHOUR AND PHILIP BENACHOUR.
(Insert names of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 - Premises or Club Premises Details

Postal address of premises or club premises, or if none, ordnance survey map reference or description	
BRITANNIA 101, 101, ULLESWATER (ULLESWATER) ROAD, LANCASTER, LANCASHIRE, LA1 3PX.	
Post town	LANCASTER.
Post code (if known)	LA1 3PX.

Name of premises licence holder or club holding club premises certificate (if known)
DR. RICHARD DOW.

Number of premises licence or club premises certificate (if known)
?

Part 2 - Applicant Details

WE ARE

Please tick Yes

- 1) an interested party (please complete (A) or (B) below)
- a) ^{people} a person living in the vicinity of the premises
- b) a body representing persons living in the vicinity of the premises
- c) a person involved in business in the vicinity of the premises
- d) a body representing persons involved in business in the vicinity of the premises

This application to review relates to the following licensing objective(s)

Please tick one or more boxes ✓

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 1)

1. PREVENTION OF CRIME + DISORDER - ROWDY BEHAVIOUR FROM OUTDOOR PREMISES OF 'BRITANNIA 101'
2. PREVENTION OF PUBLIC NUISANCE - NOISE + DISTURBANCE FROM OUTSIDE AREAS OF 'BRITANNIA 101' INTO THE EARLY HOURS. AT TIMES LOUD SWEARING AND FOUL LANGUAGE.
3. CHILDREN HAVE BEEN DISTRESSED AND KEPT AWAKE DUE TO NOISE DISTURBANCE AFFECTING SCHOOL WORK PERFORMANCE IN AT LEAST ONE CASE. THIS NOISE DISTURBANCE / NUISANCE IS DEMONSTRABLE FROM OUTDOOR AREAS OF 'BRITANNIA 101'.

Please provide as much information as possible to support the application (please read guidance note 2)

THE PROBLEMS OUTLINED ABOVE OCCUR IN PARTICULAR, BUT NOT EXCLUSIVELY, ON THURSDAYS, FRIDAYS AND SATURDAYS. THEY BEGAN AFTER CURRENT MANAGEMENT OF 'BRITANNIA 101' TOOK OVER. THE PROBLEMS ARISE FROM PEOPLE IN THE OUTSIDE AREAS OF 'BRITANNIA 101' SHOUTING, BAWLING, SHRIEKING etc (HEARD + SEEN) ALL UNMANAGED. FOUL LANGUAGE TOO. NO DOUBT THIS IS FROM A MINORITY OF 'BRITANNIA 101' CUSTOMERS BUT NONETHELESS DISRUPTIVE AND SEEN TO BE A SIZEABLE MINORITY. THESE PROBLEMS OCCUR USUALLY, BUT NOT EXCLUSIVELY, AFTER 9:30 PM (21:30) BELONGING & WORSE AS EVENING MERGES WITH EARLY MORNING WITH MORE ALCOHOL CONSUMED OVER THAT PERIOD / PARTICULARLY BAD ON WARM, DRY EVENINGS.

LANCASTER CITY COUNCIL NOISE COMPLAINT RECORD FORMS) HAVE, ON ADVICE OF COUNCIL'S ENVIRONMENTAL HEALTH SECTION, BEEN PROPERLY COMPLETED + SUBMITTED FROM SEVERAL HOUSEHOLDS WITHIN EARSHOT OF 'BRITANNIA 101' NOISE OVER A YEAR - COPIES RETAINED.

'BRITANNIA 101' LICENCE HAD ADDITIONAL CONDITION ADDED OCTOBER 2007 STIPULATING THAT NO ALCOHOL BE CONSUMED 'WITHIN' OUTDOOR AREAS ('BEER GARDEN') OF 'BRITANNIA 101' AFTER 11:00 PM (23:00) EVEN DAYS A WEEK. THIS WAS INITIATED BY LANCASTER CITY COUNCIL LICENSING AND ENVIRONMENTAL HEALTH SECTIONS ALONGSIDE LANCASTERSHIRE POLICE IN ORDER TO ATTEMPT TO DEAL WITH THE 'BRITANNIA 101' NOISE PROBLEM AS DESCRIBED. THE MANAGEMENT OF 'BRITANNIA 101' APPLIED THIS ADDITIONAL CONDITION ONLY IN PART AND CERTAINLY NOT WITH REGARD TO ALL OUTDOOR AREAS OF 'BRITANNIA 101' AS INTENDED THOSE AREAS BEING ALL EQUIPPED WITH TABLES, CHAIRS AND PLANTS TO ENCOURAGE LINGERING OUTDOORS (NOT JUST FOR A SMOKE) AND CONVICTION. CLEARLY THE AUTHORITIES REFERRED TO ^{ABOVE} THOUGHT THERE WAS SUFFICIENT EVIDENCE TO ACT. THE NOISE REPORTED ABOVE DISTURBS SLEEP OF RESIDENTS WITHIN EARSHOT OF 'BRITANNIA 101' PARTICULARLY THOSE IN LINE WITH THAT NOISE IT NOT BEING BLOCKED OR DEFUSED BY STRUCTURES. IT ALSO PREVENTS THOSE RESIDENTS' ENJOYMENT OF THEIR PROPERTIES. AT TIMES IT BECOMES INTOLERABLE NOT ONLY WAKING PEOPLE INCLUDING CHILDREN BUT DAMAGING SLEEP PATTERNS + PEACE OF MIND WITH A CONSEQUENT RANGE OF OUTCOMES INCLUDING DAMAGE TO HEALTH + WELLBEING.

Please tick Yes

Have you made an application for review relating to this premises before

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If yes please state the date of that application

If you have made representations before relating to this premises please state what they were and when you made them

① RESIDENTS WITHIN EARSHOT OF 'BRITANNIA LOI' ARRANGED A MEETING WITH DR. RUARD DOW MANAGER OF THAT VENUE 18/07/2017.

② RESIDENTS WITHIN EARSHOT OF 'BRITANNIA LOI' ARRANGED A MEETING WITH LANCASTER CITY COUNCIL LICENSING + ENVIRONMENTAL HEALTH OFFICERS + LANSHIRE POLICE LICENSING OFFICER 29/11/2017.

NUMEROUS E-MAILS + TELEPHONE CALLS + PERSONAL REQUESTS.

Please tick Yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 - Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature: Mark W. Mitterick AND Philippa Reichard & K.P. Bendishon

Date: 16/06/2018

Capacity: RESIDENTS WITHIN EARSHOT OF 'BRITANNIA LOI'
* ON ADVICE FROM CITY COUNCIL TWO HOUSEHOLDS HAVE SIGNED THIS BUT OTHERS WILLING TOO.

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)

Oglethorpe Sturton & Gillibrand
16 Castle Park
Lancaster

(DAVID PARK.)

ALSO :- ROBERT W. MITTERICK,



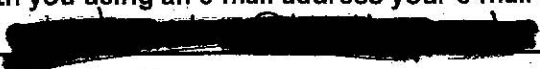
Post town LANCASTER

Post code LA1 1YG + LA13EH

Telephone number (if any) 01524 846846



If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)



✓

Most referred to in
rest of this application
but portfolio available.

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

AS MENTIONED EARLIER THE NOISE PROBLEM PICKS UP AFTER ABOUT 9.30PM (21:30) AND CONTINUES AFTER CLOSING TIMES WHICH FOR 'BRITANNIA 101' ARE (ACCORDING TO 'BRITANNIA 101' WEBSITE AS OF 16/06/2008) - 5PM - 11.30PM MONDAY TO THURSDAY, 5PM - 12.30AM FRIDAY, NOON - 12.30AM SATURDAY, NOON - 11.30PM SUNDAY.

AS REFERRED TO ABOVE THE LICENCE CONDITION OF NO ALCOHOL CONSUMPTION AFTER 11.00PM (23:00) SEVEN DAYS A WEEK IN OUTDOOR BEER GARDENS OF BRITANNIA 101 HAS NOT BEEN APPLIED WITHIN ITS LEGAL TERMS. WE ASK THAT THE CONDITION NOW BE NO ALCOHOL CONSUMPTION IN OUT DOOR AREAS OF 'BRITANNIA 101' (BEER GARDENS AS DESCRIBED BY LANCASTER CITY COUNCIL) AFTER 9.00PM (21:00) SUNDAY TO THURSDAY INCLUSIVE (BEFORE SCHOOL DAYS) AND AFTER 10.00PM (22:00) FRIDAY AND SATURDAY. WE ALSO ASK THAT WHEN OUTDOOR AREAS ARE OPEN TO ALCOHOL CONSUMPTION THAT THEY BE PROPERLY MANAGED AND THAT CLOSING TIMES ARE TOO.

WE POINT OUT THAT THE 'BRITANNIA 101' NOISE PROBLEM PRE-DATES THE INTRODUCTION OF 2007 SMOKING LEGISLATION - A MATTER OF RECORD.

IN ADDITION TO THE NOISE COMPLAINT RECORD FORM(S) REFERRED TO ABOVE THERE IS EVIDENCE AVAILABLE OF MORE INFORMAL APPROACHES BY RESIDENTS DISTURBED BY 'BRITANNIA 101' NOISE TO ITS MANAGEMENT BOTH PERSONALLY, BY E-MAIL + BY TELEPHONE.

THERE WAS SOME HOPE RECENTLY, AFTER THWAITES BREWERY EVENTUALLY GOT INVOLVED WITH 'BRITANNIA 101' NOISE PROBLEM, THAT MATTERS HAVE IMPROVED BUT THOSE MATTERS HAVE SLIPPED BACK TO NOISE DISTURBANCE WITHIN THE LAST FEW DAYS HENCE THE DECISION TO SUBMIT THIS LICENCE REVIEW REQUEST NOW.

IT NEEDS BE SAID THAT OTHER LICENCE CONDITIONS FOR 'BRITANNIA 101' ARE BEING CONTRAVENED THESE DATING FROM THE FORMULATION OF 'BRITANNIA 101' PREMISES POLICY DOCUMENT (PPL) LAST REVIEWED 10/06/2007. IN PARTICULAR REFERENCE IS MADE TO PAGES 12+13 OF THAT DOCUMENT WITH SPECIFIC REFERENCE TO 'ACoustic CURTAINS' BEING 'DRAWN' FROM 10PM ONWARDS SUNDAY TO THURSDAY AND 11PM ONWARDS FRIDAY AND SATURDAY. THIS IS NOT ALWAYS SEEN TO AVOID WITH LOUD BANDS + OTHER LOUD MUSIC EVENTS NOISE FROM INSIDE 'BRITANNIA 101' ESCAPES OUTDOORS THERE IS THE MATTER OF DOOR CLOSING TOO. APPLICATION OF ALL LICENCE CONDITIONS AND LICB STRENGTHENING OF SOME WOULD BE APPRECIATED.

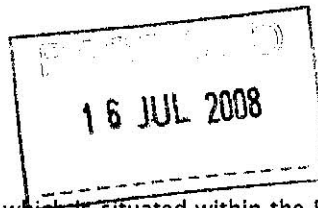
Document is Restricted

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Review of Premises Licence

Britannia 101

Introduction



The Premises is located on Ullswater Road, Lancaster which is situated within the Bulk Ward of the Lancaster City Council.

The premises is owned by Daniel Thwaites Plc and operated by the premises licence holder Dr Richard Charles Dow, the current designated premises supervisor is Lawrence James Dow.

The premises consists of a single trading floor with two separate rooms, one of which is exclusively a dining room and the other being an open plan bar area.

The premises operates under premises licence LAPLWA0246 and is licensed for live music, recorded music and facilities for dancing Monday to Saturday 10:00 to 23:00 and Sunday Noon to 23:00, with the retail sale of alcohol from Monday to Thursday 10:00 to 23:30, Friday to Saturday 10:00 to 00:30 and Sunday Noon to 23:30, the premises is to be closed 30 minutes later.

(Appendix 1)

Application

This application is for a review of the premises licence under the prevention of crime and disorder, prevention of public nuisance and protection of children from harm licensing objectives. This review has been brought by residents local to the premises.

The residents are seeking a reduction in the hours of consumption of alcohol in the outside areas, from the current 23:00 hours seven days per week to 21:00 hours Sunday to Thursday and 22:00 hours Friday and Saturday.

Background

The premises licence was transferred to the current holder Dr Richard Charles Dow on an application received 23 May 2006, the premises licence holder also became designated premises supervisor on the same date.

An application was made via Naphthens Solicitors, St Andrews House, Wellington Street, Blackburn for a variation to the premises licence on 19 June 2007.

(Appendix 2)

The application was to increase the sale of alcohol until 00:30 hours Monday to Sunday, with all other licensable activities concluding 30 minutes earlier. The application also included a change to the layout of the premises by creating openings into new outside areas. This application was withdrawn by the applicants solicitors on 9th August 2007 due to numerous objections to the application.

Despite the withdrawal of the application it came to police attention that the layout to the premises had been changed without authority and the area described as private parking had been changed into a beer garden.

A further application was made via Napthens Solicitors, St Andrews House, Wellington Street, Blackburn for a variation to the premises licence to rectify the illegality of the situation and this was received by police on 30 August 2007.

(Appendix 3)

Police made objection to the application in a letter dated 27 September 2007

(Appendix 4)

The objection stated that "Having reviewed the application and the operating schedule, police feel that there are issues, which have not been addressed. Police will make the following relevant representations, which may fall into more than one of the licensing objectives, regarding this application". The representations made were as follows "Outside areas - All aspects of the management of outside areas need to be considered and formalised. The likelihood of this not being done would cause considerable nuisance to neighbouring premises, an increase in crime and disorder and a risk to personal safety".

Police further recommended a condition to negate the probable crime, disorder and nuisance issues which stated "Any outside area, which is used for the consumption of alcohol, shall cease to be so used at 22:00 hours"

An arbitration meeting was held at the premises on Friday 12 October 2007, present at the meeting were Dr Richard Dow, Andrea Forrest (Solicitor Napthens), Judith Wrennall (Thwaites), Martin Brownjohn (Environmental Health) and Caroline Morrison (LCC Licensing). During this meeting the outside areas were discussed, I stated that for the reasons listed in the police objection I would not agree any conditions for the outside areas which did not include all three areas those being; the purpose made beer garden on Ullswater road, the seating area on Park road and the front curtilage of the premises on Ullswater road. The meeting was concluded without agreement as Dr Dow wanted time to think and consult with his legal advisors, I left the meeting believing that the police position was unambiguous.

Several days later I received a prospective condition from Napthens solicitors which reads " 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". I accepted that this condition fulfilled the requirements of the Constabulary as I set out in the arbitration meeting and agreed the variation in a letter dated 18 October 2007.

(Appendix 5)

On 3 November 2007 at 23:50 hours I observed a contravention of the new condition, persons were seen to consume alcohol on the front of the premises, as a result and after consultation with Lancaster City council licensing I wrote to Dr Dow on Tuesday 6 November 2007 outlining the views of both the licensing authority and the police with respect of the recently added condition.

(Appendix 6)

Over the following week I had telephone conversations with Napthens Solicitors regarding this issue. They stated that it was not their intention to have the front of the premises covered by this condition, I reiterated the position of both the licensing authority and the police about the condition and outlined my intention to enforce the areas as outlined in the previous letter to Dr Dow.

Prevention of Crime and Disorder

Crimes

These following statistics have been taken directly from the Lancashire Constabulary Crime 2 Database. All statistics quoted are calculated from 24/11/05 to 30/06/08

During the time period analysed there have been 10 crimes committed which are associated with the premises, 4 assaults, 3 criminal damages, 2 thefts and one public order offence.

(Appendix 7)

The breakdown shows that in the six months prior to Dr Dow taking over the premises there was only one crime the other nine offences have occurred during the two years Dr Dow has been tenant at the location.

Of the remaining nine offences only one of these has occurred since the variation to effect the outside areas.

There are two other public houses on Ullswater Road Lancaster, The Freeholders Arms at number 47-49 and The Rose Tavern at number 52-54

During the time period covering this report, there have been significantly less crimes committed at these premises than at the Britannia. There were 60% less crimes at the Rose Tavern which recorded four during the period analysed, two of which occurred during the same incident, there were two assaults one criminal damage and one theft. Freeholders Arms had no crimes reported during this period.

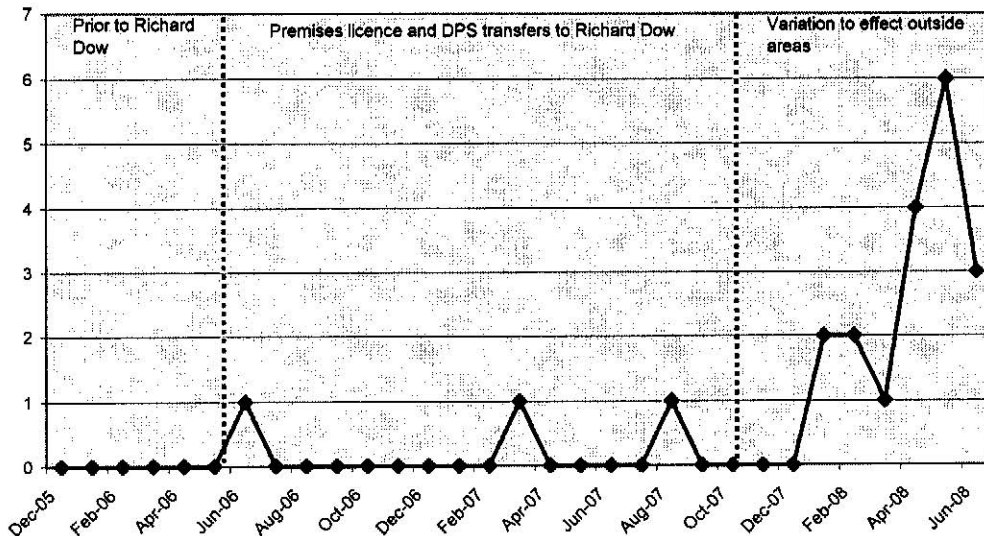
Disorder and Anti social behaviour

These following statistics have been taken directly from the Lancashire Constabulary Sleuth Database. All statistics quoted are calculated from 24/11/05 to 30/06/08

During the time period analysed there have been 21 disorder incidents associated with the premises.

(Appendix 8)

Disorder incidents at Britannia 101



The breakdown shows that in the six months prior to Dr Dow taking over the premises there were no incidents, all 21 incidents have occurred during the two years Dr Dow has been tenant at the location. The graph above illustrates that the majority of these have occurred since the variation which effects the outside areas.

The breakdown shows that there were no complaints regarding the noise and nuisance during either the period prior to Dr Dow taking over the premises or the 18 months trading prior to the variation to effect the outside areas.

Since the variation to effect the outside areas came into force there have been 16 complaints logged regarding the noise and nuisance in the outside areas at the premises. These complaints have emanated from 3 informants who have complained 11 times, 3 times and once respectively

During the time period covering this report, there have been significantly less disorder incidents associated with the other licensed premises on Ullswater Road. The Rose Tavern recorded 10 incidents during the period analysed and Freeholders Arms had only two incidents reported during this time.

Licensing Issues

There are two issues currently on file for this premises firstly the premises were visited on 18 April 2008 at 21:15 hours by Lancaster City Council enforcement Officers, the person in charge of the premises was unable to produce the premises licence and a warning letter was sent to Mr Lawrence Dow the designated premises supervisor.

(Appendix 9)

The second incident occurred during Mr Martin Brownjohn's observations carried out 9 to 10 May 2008 and despite previous correspondence to both Dr Dow and Napthens solicitors persons were openly consuming alcohol in this outside area at the front of the Britannia. On 14 May 2008 I attended a meeting with Dr Dow regarding this issue, at the meeting I reported Lawrence Dow for the breach of condition for which he received a letter of warning.

(Appendix 10)

Conclusion

It is clear from the background information that Dr Dow has scant regard for licensing rules and regulation as he changed the layout to the venue, without approval of a formal variation, which has created this issue. Then despite formal intervention and advice from both Lancaster City Council Licensing Department and the Lancashire Constabulary carried on using the outside area in contravention to the premises licence again creating this issue unnecessarily.

It is also safe to say that had advice from the police been accepted during the arbitration period and this condition (designed to prevent crime, disorder and nuisance from the outside areas and also to promote public safety) been adhered to fully as was both stated in the arbitration meeting and described by police in the letter to Dr Dow dated 6 November (which is prior to all complaints re noise and nuisance from the outside areas) I believe that the local residents would not have been disturbed over the last 9 months and the need for this hearing would not exist.

It is also clear from the police evidence presented, that since the premises licence holder Dr Dow has taken over the premises there has been a considerable rise in crime and disorder issues for police to deal with, emanating from the premises. The crime and disorder issues at the premises are significantly higher than both the two other licensed premises on Ullswater road, this clearly raises concerns as to the management practices at the venue, why is this premises so much higher than other premises in the same location?

Also as is clearly indicated in the breakdown of disorder incidents at appendix 8, there has been a large number of noise complaints made by local residents against the premises. This results in a large demand being placed on police resources both within the control room, by the logging and administration of the record logs and by officers dealing with the complaints.

Police do not believe that the issue will be rectified unless the use of all the outside areas is reduced and controlled. I think that the recommendations within the review from the local residents are wholly reasonable, police fully support the residents in this application.

Police would seek to have the condition relating to the outside areas removed and replaced by conditions which follows the LACORS "Tackling Noise" guidance dated 5th June 2008. The conditions should read as follows:-

(Appendix 11)

Customers will be prevented from taking any drinks in open containers (e.g. glasses and opened bottles) outside of the premises after 21.00 hours

Customers will not be permitted to consume any drinks in any external area of the premises after 21.00 hours

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 21:00 hours and that customers will not be permitted to consume any drinks in any external area of the premises after 21:00 hours. All such signs must be in a permanent form, prominently placed and legible

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

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 21:00 hours, also that customers will not be permitted to consume any drinks in any external area of the premises after 21:00 hours 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.

Police believe that these additional conditions will both eradicate the nuisance currently suffered by the local residents and allow Dr Dow to continue to operate his business without any revision to the licensable activities at the Britannia 101.

Graeme Cheetham
Licensing Officer



Legal and Human Resources
Licensing Section
Palatine Hall
Dalton Square
Lancaster
LA1 1PW

**LANCASTER
CITY COUNCIL**

Promoting City, Coast & Countryside

Tel: (01524) 582000
email: licensing@lancaster.gov.uk

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Britannia 101

101-103 Ullswater Road, Lancaster, Lancashire, LA1 3PX.

Telephone 01524 32813 or 01524 844237

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- entertainment facilities for dancing
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	Monday-Saturday	10:00	23:00
	Sunday	12:00	23:00
F. Playing of recorded music (Indoors)	Monday-Saturday	10:00	23:00
	Sunday	12:00	23:00
J. Provision of facilities for dancing (Indoors)	Monday-Saturday	10:00	23:00
	Sunday	12:00	23:00
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday-Thursday	10:00	23:30
	Friday-Saturday	10:00	00:30
	Sunday	12:00	23:30

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday-Thursday	10:00	00:00
Friday-Saturday	10:00	01:00
Sunday	12:00	00:00





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WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Richard Charles Dow

Britannia 101, 101-103 Ullswater Road, Lancaster, Lancashire, LA1 3PX.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Lawrence James DOW

2 Derwent Road, Lancaster, Lancashire, LA1 3ES.
Telephone 07702 401215 (daytime)

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. LAPA 1108

Issued by Lancaster





Legal and Human Resources
Licensing Section
Palatine Hall
Dalton Square
Lancaster
LA1 1PW



Tel: (01524) 582000
email: licensing@lancaster.gov.uk



ANNEXES

Embedded Conditions

On New Year's Eve alcohol may be sold from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 hours (midnight) on 31st December)

Credit Sales

Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied with and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal

Mandatory conditions where licence authorises the supply of alcohol

- (1) No supply of alcohol may be made under the premises licence -
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (2) The supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

Mandatory condition where Door Supervisors are provided

All individuals who carry out security activities must be licensed by the Security Industry Authority (SIA)

Conditions on previous licence (s)

See attached for Public Entertainment Licence conditions

Non standard timings

On 24th December, 26th December, 27th December, and 28th December regulated entertainment may end at 00.00 hours (midnight); the sale/supply of alcohol may end at 00.30 hours the following day and the premises may be open to the public until 01.00 hours the following day

Offered Conditions

See attached Operating Schedule

- 1. The designated premises supervisor will maintain a daily record comprising of the start time and finish time of each door supervisor. The door supervisor will record their SIA badge number and will sign and print their name in a legible form at the beginning and end of each tour of duty. The record shall be kept securely on the premises for at least 6 months and shall be produced on request to the police or other authorised person





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2. Any person who looks or appears to be under the age of 18 shall be asked to provide identification that they are over the age of 18. The following are the only forms of identification acceptable: UK photo driving licence; Passport; PASS card (proof of age standards scheme)
3. The provision of off-sales to terminate at 23.00 hours
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
5. Automatic noise limiting device to be installed and calibrated to the satisfaction of the Head of Health and Strategic Housing
6. Rear doors to the lounge bar will not be used during the performance of live entertainment.
7. Signs to be displayed in smoking area and beer garden requesting customers to respect local residents and avoid excessive noise
8. Suitable acoustic treatment to be applied to rear extract fan to prevent escape of excessive noise
9. Doors to front elevation of premises to be fitted with self closing mechanisms and not to be fixed 'open' whenever amplified music is being played
10. No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the premises
11. All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency
12. The premises licence holder or his representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record shall be made of those assessments in a log book kept for that purpose and shall include, the time and date of the checks, the person making them and the results including any remedial action
13. There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public, (or member and their guests) notices requiring customers to leave the premises and the area quietly
14. Refuse such as bottles shall be disposed of from the premises at a time when it is not likely to cause a disturbance to residents in the vicinity of the premises
15. There shall be no emission from the premises of any offensive smells, which are likely to cause a nuisance.
16. Any section 34 gaming machines or cigarette machines at the premises will be positioned within sight of the bar servery in order that full supervision can be given as to those using such. Otherwise there will be no adult entertainment services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Conditions attached after a hearing by the Licensing Authority

A personal licence holder shall normally be on the premises at all times after 20.00 hours during which intoxicating liquor is being sold or supplied to customers or consumed by customers, except in the case of an emergency





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Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Britannia 101

101-103 Ullswater Road, Lancaster, Lancashire, LA1 3PX.

Telephone 01524 32813 or 01524 844237

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

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- any playing of recorded music
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THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday-Thursday	10:00	00:00
Friday-Saturday	10:00	01:00
Sunday	12:00	00:00





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WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises

NAME (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Richard Charles Dow Britannia 101, 101-103 Ullswater Road, Lancaster, Lancashire, LA1 3PX.

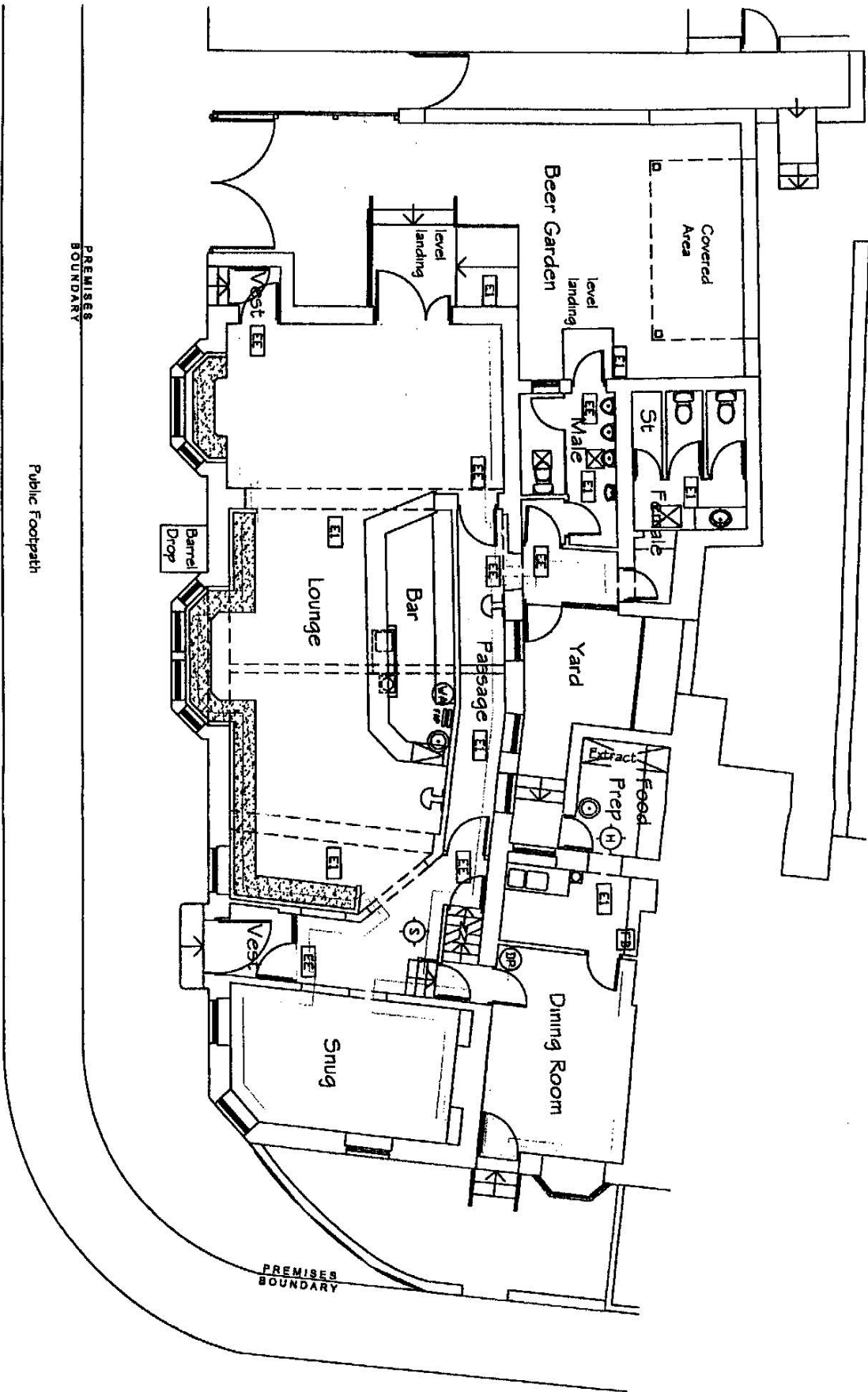
REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Lawrence James DOW

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED





GROUND FLOOR PLAN

NOTES:
 1/ Elected layout on the drawing has detailed against it how the information was gathered and drawn.
 Check Survey - Information has been drawn up from original floor drawings and then checked on site and modified accordingly.
 Full Survey - Complete on site survey carried out

- KEY
- General Fire Notice
- Staff Fire Notice
- The Door Keep Under sign
- The Door Keep Over sign
- The Door Keep Under sign
- The Door Keep Under sign
- Fire Barrels
- Dry Powder fire extinguisher
- Carbon Dioxide fire extinguisher
- From fire extinguisher
- Water fire extinguisher
- Emergency Light Firing
- Emergency Gas Sign
- Heat Detector
- Smoke Detector
- Smoke Glass Call Point
- Fire Alarm Sounding
- Fire Alarm Panel
- Apartment with Phone
- Exit with Phone
- Cash machine
- Pay Phone
- Joker Box
- Cigarettes bin
- Seat of Alcohol
- Regulated Environment
- Areas for Consumption 13th June
- Late Night Refreshment

THE BRITANNIA LANCASTER

THWAITES BREWERY

ESTD 1807

PROGRESS WITH TRADITION

GENERAL PLAN LAYOUT FOR PUB LICENSING SHOWING

**NOTICE OF AN APPLICATION FOR A REVIEW OF
PREMISES LICENCE FOR THE BRITANNIA 101**

TAKE NOTICE THAT Mr R McKittrick, Dr and Mrs Philip and Philippa Benachour, who are all interested parties, have applied to Lancaster City Council (The Licensing Authority), for a **Review of the Premises Licence** in respect of the above premises.

The grounds of the application for review as stated by the interested parties are that noise and rowdy behaviour from the premises, in particular the outside areas, are causing stress and disturbance and disturbed sleep at unacceptable hours.

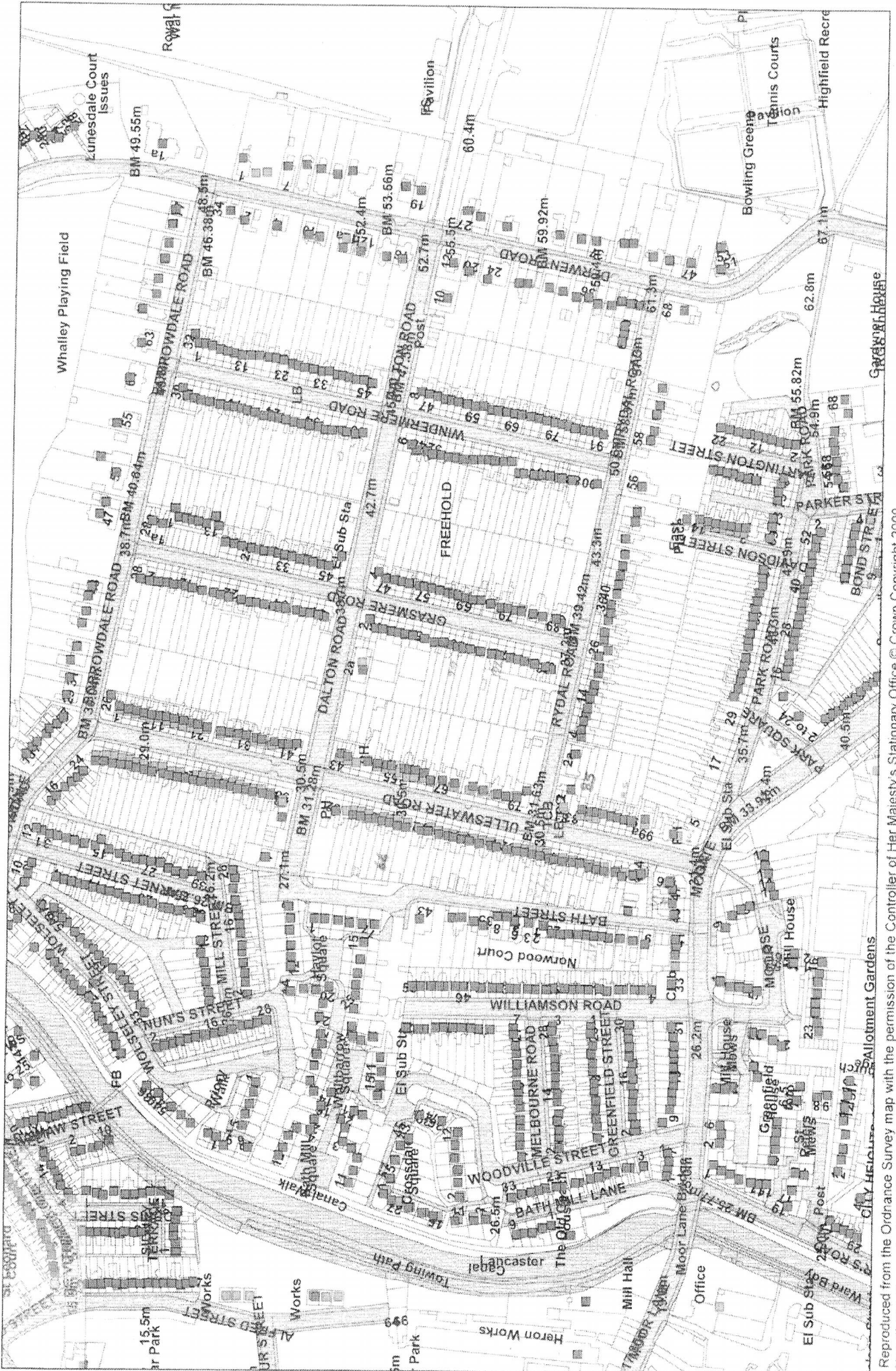
Any interested parties or responsible authorities may make representations on this application to the Licensing Authority, and any such representations should be submitted in writing by the **16th July 2008** to **The Licensing Manager, Legal and Human Resources, Palatine Hall, Dalton Square, Lancaster, LA1 1PW** or by email to licensing@lancaster.gov.uk.

The full application may be viewed at **Palatine Hall Dalton Square Lancaster** between 10.00 – 12.00 and 14.00 and 16.00 Mon – Fri or online at www.lancaster.gov.uk

IT IS AN OFFENCE, to knowingly or recklessly make a false statement in connection with an application, and the maximum fine for which a person is liable on summary conviction for the offence is £5000.

Dated this 18th day of June 2008

Steve Wearing, Licensing Manager, Palatine Hall, Dalton Square, Lancaster LA1 1PW



Date: 22 July 2008
SLA: 100025403
Scale: 1:2500

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FOR

LANCASTER CITY COUNCIL

LICENSING ACT 2003 AND THE LICENSING ACT 2003 (HEARINGS)
REGULATIONS 2005

NOTICE OF HEARING

To: The Applicants:

Mr B McKittrick
Mr & Mrs P Benachour

The Interested Parties:

Mr J. S. Cawley
Mr J. Lee
Mrs A. Stewart-Whalley & Mr J. Whalley
Ms Morris
Mr P. Ruth
Miss C T Hunter
Ms S. Jackson
Ms R. Evans
Ms G. Meredith
Mr A. East
Mr P. Sellwood
Mr C. Lord
Ms D. Dent
Mr J.G. Gilbertson
Ms S. De Lecea
Mr J. Jackson
Ms B. Carre

The Responsible Authorities:

The Police

The Licence Holder:

Richard Dow

THE LANCASTER CITY COUNCIL, AS LICENSING AUTHORITY, HEREBY GIVES YOU NOTICE that a hearing before a Sub-Committee of the Licensing Act Committee to consider relevant representations in respect of a review under Section 51 of the Licensing Act 2003 in respect of premises known as **THE BRITANNIA, 101 ULLSWATER ROAD, LANCASTER**, will take place on the **14th AUGUST 2008** at Lancaster Town Hall, commencing at 10.30 a.m.

AND TAKE NOTICE THAT each party as listed above is required to give to the Licensing Authority by no later than five working days before the day of the hearing a notice in writing stating whether that party intends to attend or be represented at the hearing, and whether he or she considers a hearing to be unnecessary.

AND TAKE NOTICE THAT if a party wishes any other person (other than the person he/she intends to represent him at the hearing) to appear at the hearing, the notice given by that party and referred to in the preceding paragraph must contain a request for permission for such other person to appear at the hearing, and must set out details of the name of that person and a brief description of the point or points on which that person may be able to assist in connection with the matter to be considered by the Sub-Committee.

GIVEN this 22nd day of July 2008 by the Lancaster City Council as Licensing Authority.

INFORMATION TO ACCOMPANY NOTICE OF HEARING

1. Right of attendance, assistance and representation

A party may attend the hearing and may be assisted or represented by any person, whether or not that person is legally qualified.

The hearing will generally take place in public. However, the Sub-Committee may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking part in public. In such circumstances, a party and any person assisting or representing a party may be treated as a member of the public. The Sub-Committee will exclude the public (and the parties and their representatives) during the decision making process.

The Sub-Committee may require any person attending the hearing who in its opinion is behaving in a disruptive manner to leave the hearing, and may refuse to permit that person to return, or permit him to return only on such conditions as the Sub-Committee may specify. However, such a person may, before the end of the hearing, submit to the Sub-Committee in writing any information which he would have been entitled to give orally had he not been required to leave.

2. Representations and Supporting Information

At the hearing a party shall be entitled to:

- (a) Give further information as applicable in response to a point upon which notice has been given to that party that clarification is required. (Note – if such clarification is required from a party this will have been indicated in the Notice of Hearing).
- (b) Question any other party, but only if given permission by the Sub-Committee; and
- (c) Address the Sub-Committee

3. Failure of Parties to attend the Hearing

If a party has given notice that he does not intend to attend or be represented at a hearing, the hearing may proceed in his absence.

If a party who has not so indicated fails to attend or be represented at a hearing, the Sub-Committee may, where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or hold the hearing in the party's absence. If the hearing proceeds in a party's absence, the Sub-Committee will consider and give appropriate weight to the application, representation or notice given by that party in their absence.

4. Representations and Evidence

A party who wishes to rely on information or documentary evidence that has not been submitted in advance of the issue of the Notice of Hearing should ensure that such

information or evidence, together with sufficient copies for all the parties, is submitted to the Licensing Manager at least **7 days before** the day of the hearing.

Parties are reminded that documentary or other information submitted on the day of the hearing may only be taken into account with the consent of all the other parties.

A party who wishes to produce audio/visual evidence should make such evidence available as soon as practical, and should give a minimum of two clear working days notice to the Licensing Manager to facilitate arrangements for the appropriate equipment to be available at the hearing.

5. Procedure

A summary of the procedure that will normally be followed at the hearing is enclosed.

It should be noted that this is a general procedure intended to cover matters that will normally be applicable at all hearings.

However, depending on the circumstances of each individual case, it is recognised that other issues may need to be considered as preliminary points at the hearing. These may include (but are not limited to):

- Whether to proceed in the absence of a party
- Whether to admit new documents/information submitted at the hearing
- Whether it is in the public interest to exclude members of the public from the hearing or any part of the hearing (other than the decision making process)
- Whether any party wished to withdraw representations previously submitted

6. Special Needs

Any person who intends to attend a hearing and who has special needs, for example in connection with access, language, hearing or vision, should inform the Licensing Manager as soon as practical prior to the day of the hearing, so that appropriate provision or arrangements may be made.

PROCEDURE TO BE FOLLOWED AT HEARINGS TO WHICH THE LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005 APPLY

1. The Chairman will introduce the Members and the Legal Adviser and Democratic Support Officer.
2. The Chairman will ask the parties to introduce themselves and any persons with them.
3. The Chairman will confirm that there is no reason why any of the three sub-committee Members should not participate in this matter.
4. The Chairman will confirm that this is a discussion led by the authority, that any questions should generally be put through the Chairman, and that cross-examination will only be permitted if the Sub-Committee considers that it is necessary.
5. The Chairman will ask the parties if they have any requests to cross-examine, and such requests will be considered by the Sub-Committee.
6. The Sub-Committee will consider any requests from the parties for permission for another person to appear at the hearing.
7. The Chairman will explain to the parties that the procedure to be followed will be the published one (unless the circumstances of the case require the normal procedures to be varied) – that is,
 - that the Licensing Manager (or his representative) will introduce the details of the application, the reason for the hearing, and the documentation,
 - that each party making representations will address the sub-committee in turn and will call other persons where permission has been given
 - that the applicant/licence holder will present his case and will call other persons where permission has been given
 - that Members may ask questions of all parties and persons
 - that questions from the parties must be directed through the Chairman unless cross-examination has been permitted under 4 above
 - that all parties will have the opportunity to make a closing statement, with the applicant/licence holder having the final word
 - that the Sub-Committee will withdraw to make its decision and formulate the reasons for the decision in private, and will ask its Legal Adviser and the Democratic Support Officer to join it in order to assist in documenting the decision and the reasons, or to provide clarification on any point. The decision will be announced in public and confirmed in writing. (In certain circumstances, the decision may not be made on the same day as the hearing). In the event that the Legal Adviser has been asked for clarification on any point then the point raised and the advice given will be declared to all parties.
8. The Chairman will indicate the maximum period of time each party will be allowed in which to present their case, and will seek comments from the parties before the Sub-Committee makes its final indication on this point.

9. The hearing will then proceed following the procedure in 7 above. The Chairman will arrange for reasonable comfort breaks throughout the hearing.