

**APPLICATION FOR PREMISES LICENCE - POULTON EXPRESS, 36-38 POULTON ROAD, MORECAMBE**

**DECISION OF LICENSING ACT SUB-COMMITTEE**

**WEDNESDAY 24<sup>TH</sup> OCTOBER 2012**

**POULTON EXPRESS, 36-38 POULTON ROAD, MORECAMBE**

The Sub-Committee comprised of Councillor Paul Aitchison (Chairman), Councillor Val Histed and Councillor Paul Woodruff.

The Legal Adviser was Luke Gorst, Solicitor.

The Democratic Support Officer was Jenny Kay, Democratic Services.

An application for a premises licence had been made by Mr Mark Alexander under Section 17 of the Licensing Act 2003 in respect of Poulton Express, 36-38 Poulton Road, Morecambe.

The hearing was held in light of relevant representations from the Police as a responsible authority and from other persons as defined under the Licensing Act 2003.

Mark Alexander was present at the hearing.

Sgt James Martin represented the Police.

Cllr Shirley Burns, who had made a representation, was also present.

Of the other persons who had made relevant representations Cllr Beryl Spelling, Mr & Mrs PH Coatsworth, Rita Gerrard, Gloria Newton, Caroline Reynard, Denise Walker and Suzanne Woodward & Marcus Wishart were not present but wished their objections to be considered.

Cllr Terrie Metcalfe was in attendance to represent Poulton Residents' Association.

Tabitha Sims who had made a representation was represented at the hearing by Chris Ambrose.

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.

David Eglin, Licensing Officer, introduced the report.

Objectors to the application then took it in turns to make their representations and help answer questions.

Mr Alexander then presented the applicant's case and helped answer questions.

After summing up by the applicant, 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 this application and notes that is the second time this particular premises has applied for a licence to sell alcohol in 4 months.

The application on 28<sup>th</sup> June 2012 was unsuccessful for a number of reasons including the licensing history of the applicant and the proposed DPS.

The Sub-Committee has however considered this application on its merits and has taken into account all the written information before it, and all the representations and views expressed at the hearing today.

The Police have submitted that this application is, in effect, the same as the previous application and should not be treated by this Sub-Committee as a new application given the connection to the previous applicant.

The Sub-Committee does not follow that particular argument and can see that this application is different in proposed DPS, Premises Licence Holder and times for licensable activity applied for. It therefore accepts this is a properly made new application.

The Sub-Committee has also considered the Council's own Statement of Licensing Policy as well as the Guidance issued under section 182 of the Licensing Act 2003.

The Sub-Committee has noted that the licence application was to enable the premises to sell alcohol for consumption off the premises from 0900 hours until 2200 hours every day.

The representations from other persons on the whole relate to the potential for crime and disorder and public nuisance arising from the premises. The proximity to schools and a public park in the area have also given rise to concerns regarding the impact this application may have on the protection of children from harm.

The Sub-Committee has taken into consideration that the test that is to be applied is whether the decision of the committee is appropriate and proportionate as a means of upholding the licensing objectives.

The fact remains that the premises is located in a heavily residential area that has long been associated with anti-social behaviour and crime and disorder. The Sub-Committee are of the opinion that opening an off licence in such an area would not be appropriate.

In particular the Sub-Committee has looked at the guidance at 9.12 issued under section 182 of the Licensing Act 2003 and have relied on the Police as an essential source of advice and information on the potential impact of the licensable activity.

The application is therefore rejected.

In accordance with Section 181 and Schedule 5 of the Licensing Act 2003, the parties have a right of appeal against this decision to the Magistrates' Court within 21 days of receiving this written decision.

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

Councillor Paul Aitchison (Chairman)

**Any queries regarding these Minutes, please contact  
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