

## **13 APPLICATION FOR PREMISES LICENCE**

### **DECISION OF LICENSING ACT SUB-COMMITTEE**

**WEDNESDAY 5<sup>TH</sup> DECEMBER 2012**

#### **NICE BAR AND RESTAURANT, THE STOREY INSTITUTE, LANCASTER**

The Sub-Committee comprised of Councillor Malcolm Thomas (Chairman), Councillor Val Histed and Councillor Margaret Pattison.

The Legal Adviser was Luke Gorst, Solicitor.

The Democratic Support Officer was Jane Glenton, Democratic Services.

An application for a premises licence had been made under Section 17 of the Licensing Act 2003 by Lancaster City Council in respect of Nice Bar and Restaurant, The Storey Institute, Lancaster. The hearing was held in light of representations received from other persons as defined by the Licensing Act 2003.

The applicant was represented by Julia Greenwood of Lancaster City Council at the hearing.

Mr & Mrs Davies who had made representations were present at the hearing.

The Chair explained the procedure to those present, and stated that the hearing would be a discussion led by the licensing authority.

David Eglin, Licensing Officer, introduced the report, and stated that a number of conditions had been agreed with the Police following mediation.

Mrs Davies then presented the objection to the application and Mr Davies helped answer questions.

Mrs Greenwood then presented the applicant's case and helped to answer questions.

The Sub-Committee then 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 representations and views expressed at the hearing.

The Sub-Committee has noted that this is a new application however the Sub-Committee has also taken into account that the premises until recently had the benefit of a premises licence in the same terms.

The Sub-Committee has noted the concerns of the other persons as to the potential for an increase in public nuisance from the premises late at night.

The Sub-Committee has however heard no direct evidence of nuisance occurring from

the premises when the premises were open previously and cannot therefore attribute anti-social behaviour with the Storey Institute.

The Sub-Committee very much welcomes the conditions agreed with the Police and is satisfied that they are a suitable mechanism for upholding the four licensing objectives.

In light of the above, and given the nature of the business, the Sub-Committee are of the opinion that the application is appropriate as a means of upholding the licensing objectives. The application is therefore granted for the hours applied and is subject to the conditions agreed with the Police and offered by the applicant.

In accordance with Section 181 and Schedule 5 of the Licensing Act 2003, the parties have a right of appeal against this decision. Importantly, given that this is a new application, the parties are also 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 are not being met. This would be particularly relevant in the event of any ongoing complaints about noise.

Whilst not a condition of the licence the Sub-Committee would hope that the Storey Institute and the Council work closely with the residents in the vicinity to overcome any problems that may occur.

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

Councillor Malcolm Thomas (Chairman)

**Any queries regarding these Minutes, please contact  
Jane Glenton, Democratic Services - telephone: (01524) 582068 or email  
jglenton@lancaster.gov.uk**