



Committee: LICENSING ACT SUB-COMMITTEE

Date: WEDNESDAY, 5 DECEMBER 2012

Venue: LANCASTER TOWN HALL

Time: 10.30 A.M.

A G E N D A

1. **Nice Bar and Restaurant, The Storey Institute, Lancaster** (Pages 1 - 34)

Application for Premises Licence

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Malcolm Thomas (Chairman), Val Histed and Margaret Pattison

(ii) Queries regarding this Agenda

Please contact Jane Glenton, Democratic Services - telephone: (01524) 582068 or email jglenton@lancaster.gov.uk.

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

Published Tuesday, 27 November 2012

Meeting of: LICENSING ACT SUB-COMMITTEE

Date: 5TH DECEMBER 2012

Report of: HEAD OF GOVERNANCE

Reference: WP

Title: NICE BAR AND RESTAURANT, THE STOREY INSTITUTE, LANCASTER
APPLICATION FOR PREMISES LICENCE

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

- 1. Application Form (pages 6 to 27)**
- 2. Copy of Representation from one other person (page 28)**
- 3. Agreed Police Conditions (pages 29 to 30)**
- 4. Notice of Hearing (pages 31 to 34)**

Details of Application

Lancaster City Council has submitted an application under Section 17 of the Licensing Act 2003 for a premises licence for Nice Bar and Restaurant, The Storey Institute, Meeting House Lane, Lancaster, LA1 1TH

The application is for a licence to facilitate:-

the sale by retail of alcohol on and off the premises between the hours of 08.00 and 01.00 seven days a week.

The provision of late night refreshment between the hours of 23.00 and 01.00 seven days a week

The provision of regulated entertainment of the form of live music, recorded music and anything of a similar description between the hours of 08.00 and 02.30 seven days a week.

Details of the application for the premises licence are set out in the application form, which is Document 1 attached to this report.

Representations

A representation was received by one other person.

The representation received was on the grounds of public nuisance.

Under Section 18(3) of the Act, it is necessary for a hearing to be held to consider the application, as representations have been received from interested parties and responsible authorities.

A copy of the representation is at Document 2.

A representation was also received from the Chief Constable of Lancashire Constabulary as a responsible authority. However it was withdrawn as conditions were agreed during mediation with the applicant. A copy of the conditions and agreement is attached at Document 3

Representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

Notice of Hearing

In accordance with the relevant Regulations, the parties have been given notice of the hearing. It was not felt necessary to request any clarification from the parties. The parties have been required in accordance with the Regulations to indicate at least five working days before the hearing whether they intend to attend and/or be represented at the hearing and if they wish any witness to appear at the hearing. Any responses and any further documentation submitted by any of the parties after the circulation of this agenda will be circulated to Members in advance of the meeting. Members are reminded that documentary or other information submitted on the day of the hearing may only be taken into account with the consent of the Sub-Committee and all the parties.

Matter for Decision

The Sub-Committee is requested to consider the application and the representation.

This is in accordance with Section 18(2), (3), (4) and (5) of the Act which provide as follows:

- (2) Subject to subsection (3), the authority must grant the licence in accordance with the application subject only to –
 - (a) such conditions as are consistent with the operating schedule accompanying the application, and
 - (b) Any conditions which must under section 19, 20 or 21 be included in the licence.
- (3) Where relevant representations are made, the authority must-
 - (a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and
 - (b) Having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.
- (4) The steps are-
 - (a) to grant the licence subject to –

- (i) the conditions mentioned in subsection 2 (a) modified to such extent as the authority considers necessary for the promotion of the licensing objectives and
 - (ii) any condition which must under section 19,20 or 21 be included in the licence;
- (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
- (c) to refuse to specify a person in the licence as the premises supervisor;
- (d) to reject the application;
- (5) For this purposes of subsection (4)(a)(i) the conditions mentioned in subsection (2)(a) are modified if any of them is altered or omitted or any new condition is added.

Members are reminded that the licensing objectives are:

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

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 Part of the Council’s Statement of Licensing Policy

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.

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.

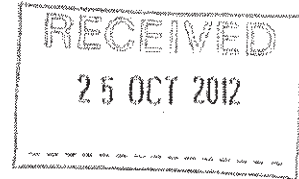
Consideration also needs to be given to the right to respect for private and family life and home, contained within Article 8, although this is a qualified right, and interference is permitted where this is in accordance with the law, or is necessary in a democratic society in the interests of public 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 whether to grant the application modify any conditions of the licence, refuse to specify a person in the licence as the premises supervisor or to reject the whole application. Members are reminded that they should state the reasons for their decision.

Journal transfer

Lancaster City Council, Town Hall, Dalton Square, Lancaster. LA1 1PJ - licensing authority and its reference number (optional).]



Application for a premises licence to be granted
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.

I/We Lancaster City Council

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
NICE Bar and Restaurant located in The Storey Institute, Meeting House Lane, Lancaster. LA1 1TH and shown for identification purposes edged and hatched red on the attached plans.			
Post town	Lancaster	Postcode	LA1 1TH
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£19,500	

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
- i. as a limited company please complete section (B)
- ii. as a partnership please complete section (B)
- iii. as an unincorporated association or please complete section (B)
- iv. other (for example a statutory corporation) please complete section (B)

- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
Current postal address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Lancaster City Council
Address Town Hall Dalton Square Lancaster LA1 1PJ (F.a.o. Resources – Property Group)
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.) Freeholder
Telephone number (if any) 01524 582967
E-mail address (optional) property@lancaster.gov.uk

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
23	11	2012

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

Bar, café and restaurant within a multi-occupied mixed use premises. The area also included an enclosed external courtyard area leading from the bar and café area.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

x

Supply of alcohol (if ticking yes, fill in box J)

x

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)					
Mon								
Tue								
Wed						<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur								
Fri								
Sat						<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun								

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)			
Mon						
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)			
Wed						
Thur			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)			
Fri						
Sat						
Sun						

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)			
			Indoors	<input type="checkbox"/>		
			Outdoors	<input type="checkbox"/>		
			Both	x		
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon	8:00	2:30				
Tue	8:00	2:30				
Wed	8:00	2:30			State any seasonal variations for the performance of live music (please read guidance note 4)	
Thur	8:00	2:30				
Fri	8:00	2:30			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat	8:00	2:30				
Sun	8:00	2:30				

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	x
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	8:00	2:30			
Tue	8:00	2:30	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Wed	8:00	2:30			
Thurs	8:00	2:30	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	8:00	2:30			
Sat	8:00	2:30			
Sun	8:00	2:30			

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors	<input type="checkbox"/>				
					Outdoors	<input type="checkbox"/>				
					Both	<input type="checkbox"/>				
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)							
Mon										
Tue										
Wed							<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)			
Thur										
Fri							<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)			
Sat										
Sun										

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing Karaoke or similar entertainment		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	x
Mon	8:00	2:30		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	8:00	2:30	<u>Please give further details here</u> (please read guidance note 3)		
Wed	8:00	2:30			
Thurs	8:00	2:30			
			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri	8:00	2:30			
Sat	8:00	2:30	<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun	8:00	2:30			



I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon	23:00	01:00			
Tue	23:00	01:00			
Wed	23:00	01:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thurs	23:00	01:00			
Fri	23:00	01:00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	23:00	01:00			
Sun	23:00	01:00			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	
			The supply of alcohol will only be from the two areas shown hatched red on the attached plan, i.e. the bar and the restaurant.	Off the premises	<input type="checkbox"/>
				Both	x
Day	Start	Finish		State any seasonal variations for the supply of alcohol (please read guidance note 4)	
Mon	8:00	1:00			
Tue	8:00	1:00			
Wed	8:00	1:00			
Thurs	8:00	1:00			
Fri	8:00	1:00			
Sat	8:00	1:00			
Sun	8:00	1:00			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name Paul Rastelli - Lewis	
Address 	
Postcode	
Personal licence number (if known) PA 1572	
Issuing licensing authority (if known) Lancaster City Council	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Mon	8:00	2:30	
Tue	8:00	2:30	
Wed	8:00	2:30	
Thurs	8:00	2:30	
Fri	8:00	2:30	
Sat	8:00	2:30	
Sun	8:00	2:30	

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

Both city council and NICE staff will be trained to ensure they are able and informed to deal with safety of both the commercial tenants and public visiting the building.
Security and fire systems will be regularly maintained and tested.
Risk assessments will be carried out regularly.

b) The prevention of crime and disorder

Basic CCTV coverage is provided.
The building will be staffed during the hours the building is open to the public.
Staff will receive appropriate training.

c) Public safety

Staff will be trained in First Aid.
Risk assessments will be carried out regularly.
The building will comply with all statutory requirements.

d) The prevention of public nuisance

The building will be staffed during the hours the building is open to the public.
The programme of events and entertainment will be appropriately managed.
Staff will be informed to ensure that all bye-laws are adhered to.

When regulated entertainment is being provided indoors after 23:00 all doors and windows will be kept closed other than for access and egress.

When regulated entertainment is being provided outdoors, this will end at 21:30 from Sunday to Thursday and 23:00 on Friday and Saturday nights.

e) The protection of children from harm

All children will be accompanied by an adult at all times.
 Staff shall operate the Age Awareness Policy.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. X
- I have enclosed the plan of the premises. X
- I have sent copies of this application and the plan to responsible authorities and others where applicable. X
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. X
- I understand that I must now advertise my application. X
- I understand that if I do not comply with the above requirements my application will be rejected. X

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 11).
 If signing on behalf of the applicant, please state in what capacity.

Signature	M. J. Greenwood
Date	25th October 2012
Capacity	Principal Valuer (Resources – Property Group)

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

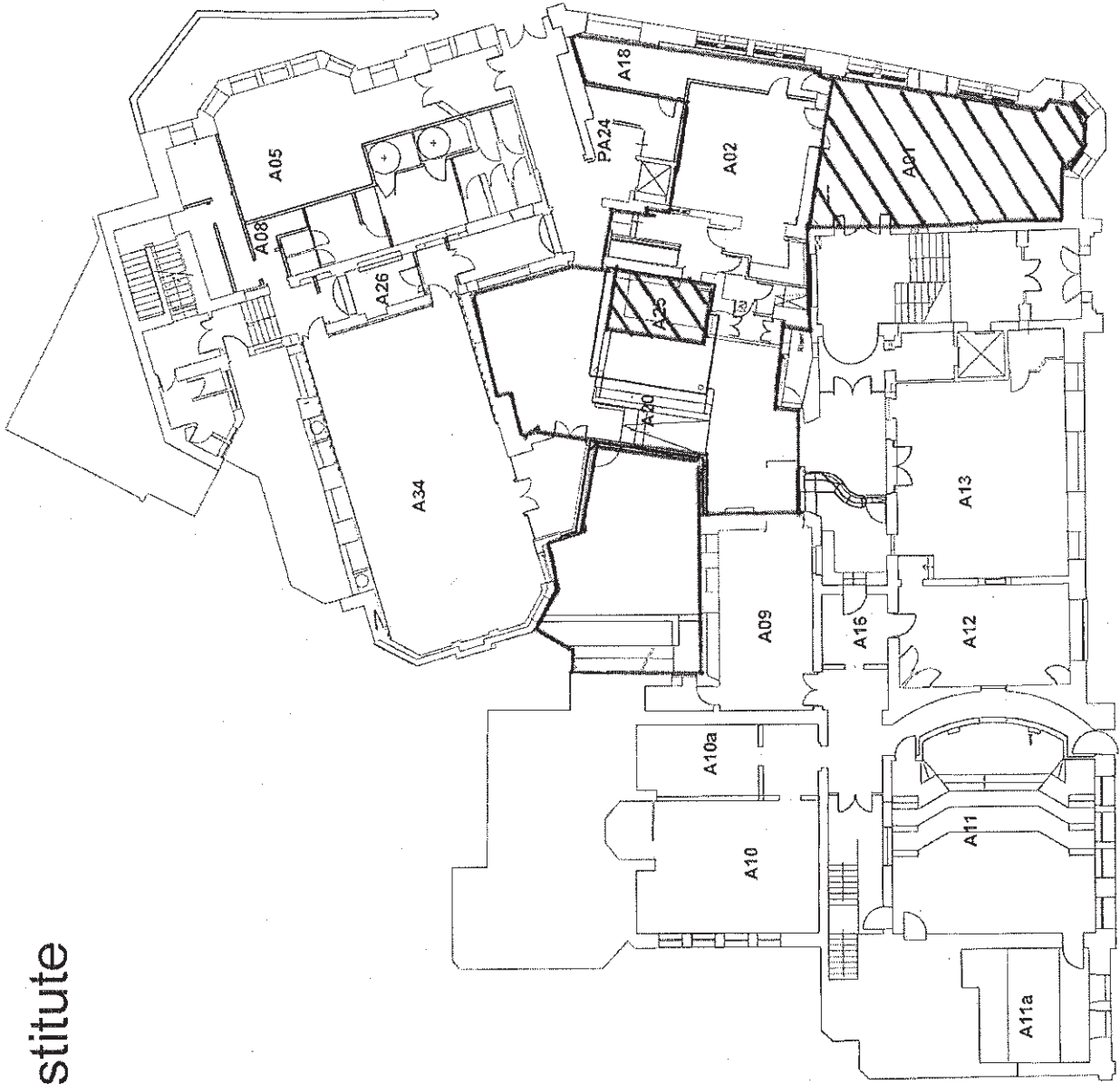
Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)			
Julia Greenwood, Principal Valuer, Resources – Property Group, Lancaster City Council, Town Hall, Dalton Square, Lancaster. LA1 1PJ.			
Post town	Lancaster	Postcode	LA1 1PJ
Telephone number (if any)	01524 582507		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
jgreenwood@lancaster.gov.uk			

Notes for Guidance

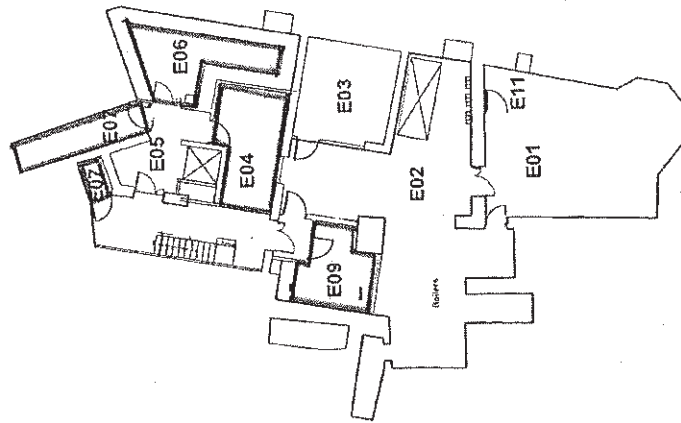
1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Storey Institute

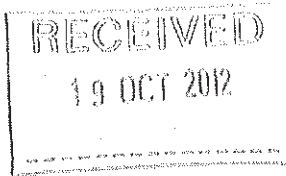


Ground Floor

Storey Institute



Basement



Consent of individual to being specified as premises supervisor

Paul Rastelli-Lewis

[full name of prospective premises supervisor]

of



[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

[type of application]

by

Lancaster City Council

[name of applicant]

relating to a premises licence

LAPLWA0529

[number of existing licence, if any]

for

The Storey
NICE Bar and Restaurant
Meeting House Lane
Lancaster
LA11TH

[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

Paul Rastelli-Lewis

[name of applicant]

concerning the supply of alcohol at

The Storey
NICE Bar and Restaurant
Meeting House Lane
Lancaster
LA11TH

[name and address of premises to which application relates]

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

LAPA1572

[insert personal licence number, if any]

Personal licence issuing authority

Lancaster City Council

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed



Name (please print)

Paul Rastelli-Lewis

Date

19/10/2012

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

phone [REDACTED]

RECEIVED
15 NOV 2012

Dear Wendy Peck,

We object strongly to the application for an alcohol license for the Storey Institute for the hours stated. These hours will cause unmitigated disturbance to the area and alcoholic drinks should not be served after 22-30hrs or 23-00hrs. To issue this license would mean that houncaster could become a rowdy, drunken, sleazy city which can already be seen emerging near various night clubs etc in the city centre in the early hours of the morning.

Yours faithfully
B. E. Davies
and [REDACTED]

Rose, Debbie

From: Greenwood, Julia (Property Services)
Sent: 22 November 2012 16:23
To: 'Crawshaw, Heather'
Cc: Martin, James; licensing
Subject: RE: Application for Licence - Nice bar & Restaurant

Dear Heather

I can confirm that the conditions detailed below will be actioned and complied with as soon as possible.

Therefore please confirm that your objection to the application will be removed.

Many thanks.

Julia Greenwood RICS Registered Valuer
Principal Valuer
Resources - Property Group
Lancaster City Council
Town Hall Dalton Square Lancaster LA1 1PJ
Tel: 01524 582507
E-mail: jgreenwood@lancaster.gov.uk

From: Crawshaw, Heather [mailto:Heather.Crawshaw@lancashire.pnn.police.uk]
Sent: 19 November 2012 11:37
To: Greenwood, Julia (Property Services)
Cc: Martin, James
Subject: Application for Licence - Nice bar & Restaurant

Hello Julia

Sgt Martin has asked me to send these conditions to you as per meeting this morning:

CCTV will be installed, maintained and be recording at all times licensable activity is taking place. Only in exceptional and extraordinary circumstances will this not apply ie. mechanical fault. In this instance, immediate and urgent action must be taken to rectify the situation.

There must be 1 CCTV camera covering the front door/entrance and 1 CCTV camera covering the main reception area. There must also be 1 camera positioned in bar area, covering the service area, this camera must be installed in a usable manner by 19th February 2013.

The images recorded by the CCTV system shall be retained in unedited form for a period of not less than 14 days.

The Data Controller will make footage available within a reasonable time to a Police Constable or Authorised Officer, where such request is made in accordance with and which satisfies the Data Protection Act 1998.

There must be in place for the premises a written policy to prevent the sale or supply of alcohol to persons under 18 years of age. That policy shall require any person who appears to be under the age of 25 years to produce a recognised proof of age card accredited under the Proof of Age Standards Scheme (PASS) or if a proof of age card is not available a photo driving licence or passport indicating that they are over 18 years of age. Age awareness training will be successfully completed on induction and thereafter no more than every 6 months, this will be fully documented and be available for inspection to police officers or other authorised persons.

22/11/2012

To utilise and fully record any refused sales or challenges made to patrons and such records be kept in an appropriate book/binder and be made available on inspection to the police or other authorised agency.

When the premises is open after 2300 to members of the public, a Personal Licence Holder must be on duty.

If you could let me know if these conditions are acceptable, I will advise The Licensing Dept at LCC. The closing date for reps is 28th.

Many thanks

Heather

Heather Crawshaw 14007

Licensing Officer - Northern Division HQ

☐ Licensing Unit, Lancaster Police Station
Lancaster Police Station, Thurnham Street, Lancaster LA1 1YB
☎ External (01524) 596648 or dial 101
☎ Internal 496648
✉ Heather.Crawshaw@lancashire.pnn.police.uk

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This e-mail has been scanned for the presence of computer viruses.

LANCASTER CITY COUNCIL

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

NOTICE OF HEARING

To: The Applicant:
Lancaster City Council

The other person:

Mr & Mrs Davies

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 an application under Section 34 of the Licensing Act 2003 in respect of premises known as **The Nice Bar and Restaurant, The Storey Institute, Lancaster** will take place on the **5th December 2012 at Lancaster Town hall, commencing at 10.30am**

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 **26th November 2012** 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 as soon as possible 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.