

DECISION OF LICENSING ACT SUB-COMMITTEE

WEDNESDAY 2ND JULY 2014

APPLICATION FOR VARIATION OF LICENCE – THE LORD NELSON, 7 NELSON STREET, MORECAMBE

The Sub-Committee comprised of Councillor Roger Sherlock (Chairman), Councillor Margaret Pattison and Councillor Malcolm Thomas

The Legal Adviser was Luke Gorst, Solicitor.

The Democratic Support Officer was Jane Glenton.

An application for variation had been made under Section 34 of the Licensing Act 2003 by Teresa Winward in respect of The Lord Nelson, 7 Nelson Street, Morecambe.

The hearing was held in light of a relevant representations received from an other person.

The applicant was present at the hearing and accompanied by her husband Leslie Winward.

Adrian Dent who had made the relevant representation was not present but had indicated that he wished for his representation to be considered in his absence.

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

David Eglin, Licensing Enforcement Officer, introduced the report stating that the purpose of the application was to extend the bar area, remove the Children's Certificate and to add the Performance of Dance from 1030 hours until 0100 hours the next day Monday to Thursday and from 1030 hours until 0200 hours the following day on Friday to Sunday.

Mrs Winward presented the applicant's case and Mr Winward helped 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 carefully considered all the written information before it, the written representation from Mr Dent in his absence and the representations and views expressed at the hearing by the applicant.

The Sub-Committee noted that the objection from Mr Dent related to the public nuisance licensing objective.

Although there were also allegations about breach of conditions regarding door-staff provision there was no evidence before the Sub-Committee to substantiate those claims

and therefore those allegations were dismissed.

The Sub-Committee did not anticipate that the premises, a pub, would utilise the provision of dance authorisation regularly, if at all. The premises does have a dance floor, however provision of such a space is no longer a licensable activity. Also a licence is not needed for customers who may wish to dance to the music being played. Addition of this provision to the licence is unlikely to adversely impact any of the licensing objectives.

Importantly no objections had been received from any of the Responsible Authorities regarding this application.

In making the decision, the Sub-Committee took into account that this was in essence, a town centre location and there were a number of other pubs in the vicinity.

In moving the bar and removing the Children's Certificate the Sub-Committee could not see that any of the licensing objectives will be adversely affected.

In light of the above the Sub-Committee was of the opinion that the application was appropriate in all the circumstances and the licensing objectives were going to be upheld. The application was therefore granted in its entirety.

In accordance with Section 181 and Schedule 5 of the Licensing Act 2003, the parties have a right of appeal against this decision.

Importantly, the parties are 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.

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

Councillor Roger Sherlock (Chairman)

**Any queries regarding these Minutes, please contact
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