

## **APPLICATION FOR REVIEW OF PREMISES LICENCE**

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

**18<sup>TH</sup> NOVEMBER 2015**

The Sub-Committee comprised of Councillor Alan Biddulph (Chairman), Councillor Roger Sherlock and Councillor Sylvia Rogerson.

The Legal Adviser was Luke Gorst, Solicitor.

The Democratic Support Officer was Jane Glenton, Democratic Services.

Lancaster City Council's Environmental Health Services for Community Protection, as a Responsible Authority, had submitted an application for review for a premises licence under Section 51 of the Licensing Act 2003. The application related to Dalton Rooms, 14 Dalton Square, Lancaster.

During the prescribed consultation period, a further three representations were received from Other Persons, as defined under the Act, and a representation from the Police as Responsible Authority.

Of the Other Persons, one representation was in favour of the application for a review and two were in support of the premises.

Rachel Stainton was present on behalf of Environmental Health, who had made the application as a Responsible Authority.

Of the Other Persons, Michael Nunn and Liz Hickingbotham were also present.

The Premises Licence Holder, Lancaster Lounge and Bars Ltd, was represented by Samantha Faud of Naphthens Solicitors, who was accompanied by Grant Stringer, a director of the Premises Licence Holder and the DPS.

The Sub-Committee then considered requests from the applicant and the Premises Licence Holder for other persons to appear at the hearing. The Sub-Committee agreed that permission be given for the applicant to call Mr. Colin Wood as a witness to give evidence in support of its application and that the Premises Licence Holder be able to call Mr. Paul Paluch of Lee Engineering Ltd to give evidence in support of their case. The Sub-Committee considered that it was reasonable in the circumstances to allow the requests.

The Licensing Manager, Wendy Peck, then introduced the report. She stated that the Police had now withdrawn their representation following mediation and agreement of a condition being attached to the licence.

Rachel Stainton then presented the applicant's case stating that the premises had been the subject of a number of complaints regarding noise nuisance from residents since 2012. She then called her witness, Mr. Wood, to give evidence.

Mr. Nunn then gave his evidence.

Mrs. Faud then presented the Premises Licence Holder's case and Mr. Stringer helped answer questions. She also called Mr. Paluch to give evidence in relation to noise monitoring and noise reduction works on behalf of the Premises Licence Holder.

Liz Hickingbotham also gave a statement in support of the premises.

After summing up by all parties, 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 all the written information before it, and all the representations and views expressed at the hearing.

The Sub-Committee has noted the concerns of Environmental Health related to noise complaints from residents in Dalton Square and from statutory nuisance they say they have witnessed for themselves.

The Sub-Committee further notes, from the summary of complaints and investigation provided by Environmental Health, that many were not investigated further due to insufficient evidence or for the reason that they could not be attributable to the Dalton Rooms.

Noise monitoring was undertaken at Mr. Wood's flat and the conclusion from Daniel Finlayson, an Environmental Health Officer, was that the specific noise issues were with patrons using the outdoor seating area facing onto Dalton Square.

The Sub-Committee has also noted that the objection from Mr. Nunn, in the main, relates to problems from people outside the Dalton Rooms, not from noise from within the premises.

Turning to the Premises Licence Holder, it is clear to this Sub-Committee that Mr. Stringer has reacted with concern each time there appears to be a problem and has attempted to reduce noise levels. This shows a clear willingness to take steps to promote the licensing objective of prevention of public nuisance. Public nuisance being taken in the context of this busy city centre location where it is reasonable to expect that there will be a certain degree of noise associated with the late night economy.

The Sub-Committee welcomes the conditions now offered by the Premises Licence Holder, which go above and beyond the condition agreed with the Police, and feels that they are appropriate and proportionate steps in the circumstances. These measures should reduce any noise from people congregating at the front of the premises, which was the source of noise recorded by council officers from Mr. Wood's flat.

Whilst the Sub-Committee is concerned about public nuisance it is of the opinion much of the noise is from other sources and cannot be directly attributed to the Dalton Rooms which are, in effect, located in a busy city centre location.

The Sub-Committee welcomes the steps being taken by the Premises Licence Holder, such as willingness to engage with residents, in attempting to address any issues.

Importantly, the Sub-Committee has taken into account the noise impact assessment

undertaken by the Premises Licence Holder following implementation of changes at the premises and notes that there was no significant noise nuisance recorded on the residential noise receptors when compared with the current typical noise climate.

The Sub-Committee is of the opinion that the steps taken to reduce noise emanating from within and around the premises, together with the proposed conditions (attached at page 1), are appropriate as a means of upholding the licensing objective of prevention of public nuisance.

The conditions on the premises licence will therefore be amended by the addition of the attached proposed conditions, subject to condition 10 being amended as follows:

10. *If requested, any person living in or around Dalton Square will be provided with a contact number for management at the premises. This number will be available whenever the premises are open and will allow those residents to have direct communication with the venue.*

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

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

Councillor Alan Biddulph (Chairman)

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

**Dalton Rooms**

**Proposed Conditions:**

1. On Thursday to Monday echo barriers will be in place from 23.00 until close. A member of management will carry out a risk assessment on Tuesday and Wednesday evenings to decide whether the echo barriers are necessary.
2. The doors which open on to Dalton Square will not be used, except for emergencies, between the hours of 02.00 and close of business. Door supervisors and signage will be in place to enforce this condition internally. Customers wanting to gain access to the premises will be informed to use the rear entrance.
3. Door supervisors will monitor and regulate any queue. Customers at the Dalton Square entrance will be directed to queue in the foyer area within the echo barriers. Any customers that are not adhering to the queuing policy will be refused entry and asked to leave the area.
4. Thursday to Monday customers will not be allowed to leave the premises via the Dalton Square exit to smoke outside the premises after 23.00. Any customers wishing to smoke after 23.00 will leave the premises via the rear entrance on to St Marys Street.
5. From 23.00 on a Thursday to Monday door supervisors will be positioned by the Dalton Square entrance doors to ensure that customers are informed to smoke to the rear of the premises.
6. Thursday to Monday there will be at least one member of door staff that will monitor the external area on Dalton Square to ensure that customers are not smoking and re-entering the premises after 23.00.
7. Any customers that are smoking will be monitored to ensure they are not acting in a rowdy manner.
8. Doors and windows will be kept closed whenever there is regulated entertainment apart from access and egress.
9. Door supervisors will remain employed until the last customer has left the building and the immediate vicinity of the premises.
10. Any interested person will be provided with a contact number for management at the premises. This number will be available whenever the premises is open and will allow people to have direct communication with the venue.
11. Whenever regulated entertainment is taking place, regular assessments shall be made of any noise emanating from the premises. Wherever said assessments indicate that noise is likely to cause nuisance to any residents or businesses in the vicinity, steps will be taken to reduce the level of noise.
12. Any music that is played within the upper tier of the premises must be played through a sound limiting device.