



Committee: LICENSING ACT SUB-COMMITTEE

Date: WEDNESDAY, 18 NOVEMBER 2015

Venue: LANCASTER TOWN HALL

Time: 10.30 A.M.

A G E N D A

1. **Dalton Rooms, 14 Dalton Square, Lancaster** (Pages 1 - 46)

Application for Review of Premises Licence

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Alan Biddulph (Chairman), Sylvia Rogerson and Roger Sherlock

(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 on Monday, 9 October 2015.

Meeting of: LICENSING ACT SUB-COMMITTEE

Date: 18TH NOVEMBER 2015

Report of: LICENSING MANAGER

Reference: WP/DWE

Title: DALTON ROOMS, 14 DALTON SQUARE, LANCASTER, LA1 1PL
LICENSING ACT 2003 – APPLICATION FOR REVIEW OF PREMISES
LICENCE

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

1. Copy of application for review of premises licence (pages 8 to 15)
2. Copy of the current premises licence (pages 16 to 23)
3. Copy of notice of review posted on the premises (page 24)
4. Notice of hearing (pages 25 to 32)
5. Copies of Police Representation and those of Other Persons (pages 33 to 46)

Current Licence under Licensing Act 2003

The Dalton Rooms, 14 Dalton Square, Lancaster, LA1 1PL, is currently covered by a premises licence under the Licensing Act 2003. The licence provides for the following licensable activities:-

Plays: Monday to Sunday 10:00 – 02:30

Films: Monday to Sunday 10:00 – 04:00

Regulated Entertainment: Monday to Sunday 10:00 – 04:00

Late Night Refreshment: Monday to Sunday 10:00 – 04:00

Sale by Retail of Alcohol: Monday to Sunday 10:00 – 03:45

Details of the application for Review:

Under Section 51 of the Licensing Act 2003, Lancaster City Council's Environmental Health Services for Community Protection as Responsible Authority has submitted an application for a review of the premises licence for The Dalton Rooms, 14 Dalton Square, Lancaster, LA1 1LU. The grounds for a review are listed as the prevention of public nuisance.

A copy of the application for review of the above premises licence is at Document 1.
A copy of the current premises licence for Dalton Rooms is at Document 2.
A copy of the Notice of Review of the premise licence is at Document 3.

The application for review is to consider historical and on-going complains relating to public nuisance from licensable activities associated with the playing of recorded amplified music and noise associated with patrons congregating outside the premises. Environmental Health Services for Community Protection contend local residents have been substantially adversely impacted over a number of years.

During the statutory 28 day consultation period a representation was received from PC 2338 Andrew Taylor, Licensing Officer of Lancashire Constabulary in support of the application together with one from a local resident. There are 3 representations from Other Persons in support of Lancaster Lounge & Bars Limited (the licence holder) and the current operation of the premises. A copy of the representations is at Document 4.

On 2nd November 2015 Police contacted the Licensing Department to withdraw their representation following mediation with the premise licence holder and his solicitor which resulted in an agreement that the following condition is attached to the licence:-

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.

A copy of this e mail agreement is attached at Document 4.

Legal background to Review Application

Under Section 51 (1) of the Licensing Act 2003, a responsible authority or interested party may apply to the licensing authority for the review of a licence.

The grounds for review must relate to one or more of the licensing objectives and as Members will be aware, these are:

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

An application for review must be copied to the premises licence holder and to the responsible authorities. Once such an application is received, the licensing authority must place a notice at the premises, and there is then a period of 28 days during which representations may be made to the licensing authority.

A copy of the notice which was displayed at the premises during the 28 day period is attached at Document 5. Licensing Enforcement Officers made occasional checks throughout the 28 day period to satisfy that the notice was still in place.

The licensing authority is required to arrange a hearing within 20 working days of the expiry of the period for making representations, and ten working days' notice of the hearing must

be given. These time limits have been complied with, and a copy of the Notice of Hearing is attached as document 6.

Matter for Decision

The Sub-Committee is requested to consider Lancaster City Council's Environmental Health Services Community Protection application for review of the premises licence.

In accordance with Section 52 (3) and (4) of the Licensing Act 2003, the Sub-Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

- (a) to modify the conditions of the licence,
- (b) to suspend the licence for a period not exceeding three months,
- (c) to revoke the licence

The matter for decision, therefore, is which, if any, of these steps should be taken.

Government Guidance under Section 182 of the Licensing Act 2003

In relation to crime and disorder, Members may wish to note that paragraph 2.1 of the Guidance issued by the Government under Section 182 of the Licensing Act 2003 states that "The steps any licence holder or club might take to prevent crime and disorder are as varied as the premises or clubs where licensable activities may be carried on. Licensing authorities should therefore look to the police as the main source of advice on these matters".

With regard to the powers of the Licensing Authority on the determination of a review, paragraph 11.16 states that "The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach".

Relevant Parts of the Council's Statement of Licensing Policy

With regard to the prevention of crime and disorder and prevention of public nuisance, the Policy provides as follows:

9. The prevention of crime and disorder

- 9.1 The central concerns of licensing in relation to law and order are acts of violence and vandalism brought about by consumption of alcohol and the use of licensed premises as part of a distribution network for illegal drugs.
- 9.2 It is not the function of licensing to impose good practice in the adoption of wider crime reduction measures, such as those for securing premises outside of trading hours. It is also not a purpose of licensing to require that measures be put in place to enhance the opportunities for gathering evidence in relation to crime of a general

nature. However, the Licensing Authority recognises that CCTV cameras at premises have an important role in preventing crime and disorder.

9.4 The Licensing Authority's starting point is to seek a reduction in crime and disorder throughout the area, consistent with its statutory duty under section 17 of the Crime and Disorder Act 1998. Licences may be granted if applicants can demonstrate that a positive reduction in crime and disorder will result, or that it will not increase, as a result of the application being granted.

9.5 Where there are relevant representations, the Licensing Authority will generally not grant a licence where it is likely that the premises will be used for unlawful purposes or where it is considered that the use of the premises is likely to cause an increase in crime and disorder in the area or the premises and this cannot be prevented by the imposition of conditions. When addressing crime and disorder, the applicant should identify any particular issues which are likely to adversely affect the promotion of the objective to prevent crime and disorder, taking account 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:

- Use of CCTV inside and outside the premises. The Lancashire Constabulary has produced suggested minimum requirements for CCTV and these are available from the Lancashire Constabulary or from the Licensing Authority's administrative staff
- Use of metal detection or other search equipment or procedures
- Crime and disorder risk assessment in relation to the proposed activities
- Measures to prevent the use or supply of illegal drugs and procedures for searching customers
- Ensuring that all staff are appropriately trained
- Ensuring 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 crime and disorder
- Employment of sufficient security staff where appropriate, controlling admission, monitoring capacity within the premises as a whole and in separate rooms/levels and patrolling the interior and exterior of the premises (any such staff must be licensed by the Security Industry Authority). The Licensing Authority recognises that there is a greater need for security staff in some premises than in others. For example there will be a greater need for security staff in a town centre nightclub than in a village pub. It will be for the applicant to consider the appropriate number of doorstaff required for the particular premises.
- Ensuring that a register of doorstaff and their working times is maintained
- Participation in Pub Watch, Best Bar None or other relevant schemes and using radio links/pages as a means of connecting to other licensed premises.
- Use of plastic or polycarbonate glasses and bottles, where appropriate, or toughened glass. Applicants are advised that the Government believes that a risk-based, rather than blanket, approach to requiring licensed premises to use safer alternatives is the best way to tackle the problem of glass-related injuries
- Wherever possible, agreed protocols with police and other organisations and a commitment to co-operate and provide such evidence as the Police require.
- Adopting the "Night Safe Initiative" and "Safer Clubbing Guide" as statements of best practice
- Following the trade codes of practice, for example BBPA and Portman Group, and not carrying out any irresponsible drinks promotions

- Providing a suitable environment for customers having regard to the activities going on in the premises, in particular appropriate levels of seating
- Ensuring that there are sufficient transport facilities available to ensure that customers can leave the premises safely and swiftly.
- Maintaining an incident log
- The steps the applicant has taken to prevent crime and disorder issues 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, due to location, control within and management of such areas.

9.6 Following the receipt of relevant representations, the Licensing Authority will not normally allow a person to be specified as a designated premises supervisor where that is likely to undermine the prevention of crime and disorder by reason of that person's known past conduct. A person is likely to be considered unsuitable if he has previous unspent convictions for a relevant offence, notwithstanding that he may have been granted a personal licence. However, each case would be considered on its own merits in the light of representations received.

Prevention of public nuisance

- 13.1 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.
- 13.2 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.
- 13.3 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.

13.4 Since the introduction of the Health Act 2006 the requirement for patrons to go outside a premises to smoke has caused an increase in the number of noise and anti-social behaviour complaints received by this and other Councils. It is therefore

expected by the Licensing Authority that the management of licensed premises will ensure that adequate provision is made to supervise those patrons who leave the premises for a short time to smoke, having regard to the health and safety of their staff. In certain cases some form of regular engagement between businesses and residents can lead to better understanding of the needs of each party and inspire a degree of trust. Wherever possible licence holders should try and ensure that smoking areas are away from doors that are open for access and egress.

- 13.5 The cumulative effects of litter around premises carrying on licensable activities can amount to public nuisance. The Licensing Authority requires that any premises that can cause litter, be it from a take away food establishment or cigarette debris left by its customers, must remove it at regular intervals. At the end of trading, management of the premises should arrange for a final check of the area immediately outside the premises, to ensure that no litter, spilled food or cigarette debris is left. In some cases it may be necessary to impose conditions on licences for take away premises which require litter bins to be provided or for litter dropped around of the premises to be collected and removed at regular intervals.

The Licensing Authority will expect the applicant to have carried out a risk assessment on these matters in producing the operating schedule. The above list is not intended to be exhaustive, and the Licensing Authority will expect the applicant to have considered all relevant aspects of the safety and suitability of the premises which are not dealt with under other legislation, and which are within the control of the applicant.

It should be noted that this list is not intended to be exhaustive. It may be appropriate for the applicant to consider other steps. Equally, the Licensing Authority recognises that not all the items in the list will be applicable to all premises.

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 the application for review of the premises licence and any steps it considers necessary for the promotion of the licensing objectives.

RECEIVED
24 SEP 2015

[Insert name and address of relevant licensing authority and its reference number (optional)]

Application for the review of a premises licence or club premises certificate 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 RACHEL STANTON

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 - Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description The Dalton Rooms 14 Dalton Square	
Post town Lancaster	Post code (if known) LA1 1PL

Name of premises licence holder or club holding club premises certificate (if known) Lancaster Lounge and Bars Ltd, Hustle, Spring Garden Street, Lancaster, LA1 1RQ
--

Number of premises licence or club premises certificate (if known) LAPLWA0345
--

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

Current postal
address if
different from
premises
address

Post town

Post Code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address CHIEF OFFICER (HEALTH & HOUSING) ENVIRONMENTAL HEALTH SERVICES MORECAMBE TOWN HALL MORECAMBE LA4 5AF CONTACT: RACHEL STANTON
Telephone number (if any) 01524 582707
E-mail address (optional) Rstainton@lancaster.gov.uk

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 2)

Public nuisance from licensable activities associated with the playing of and recorded amplified music and noise associated with patrons entering and exiting the premises and congregating outside the premises. Local residents have been substantially adversely impacted over a number of years.

Please provide as much information as possible to support the application (please read guidance note 3)

In June 2015 Lancaster City Council's Environmental Health Services received a complaint from a resident living on Dalton Square Lancaster that noise emanating from the Dalton Rooms during the early hours of the morning was causing sleep disturbance and causing them substantial interference with their rights to peaceful enjoyment (within reason) of their home. The disturbances are associated with patrons congregating outside the premises, some music noise and disturbances with people entering and leaving the premises.

Environmental Health Services (EHS) contacted the Designated Premises Supervisor (DPS) at the beginning of July to advise that a complaint had been made. The DPS was aware of previous complaints and described the measures already taken to minimise noise and public nuisance. Information gathered by Environmental Health Services and information provided by the complainant substantiated allegations of public nuisance and unreasonable disturbance from noise. Furthermore, during the initial stages of investigation other complaints were received from local residents, including from the Lancaster City Centre Residents Association.

EHS arranged and met at the beginning of August with Mr Grant Stringer, company director of Lancaster Lounge and Bars Ltd, the DPS of the Dalton Rooms, Lancashire Constabulary and representatives of the Lancaster City Council's Licensing section. During that meeting:

- it was established that there were justified complaints about noise and public nuisance that were having unacceptable impacts upon local residents
- The club representatives acknowledged there could be possible noise disturbances from amplified music and patrons using the premises.
- Some practical measures were recommended to prevent public nuisance and mitigate noise from the premises reaching nearby residents including limiting number of smokers outside the premises, improved control of patrons by door staff and limiting the time when the outdoor seating area could be used. Mr Stringer agreed that the outdoor seating area would not be permitted to be used after 00.00hours and improvements would be reviewed after a 5 week period. Following the meeting Mr Stringer contacted EHS and advised that the outdoor area would cease to be used (until after the review period) but limiting smokers outside or controlling customers leaving and entering the premises was unrealistic.

Following the review period it has been established that there is continued problems with early morning noise disturbances. As a result Mr Stringer proposed further measures, including provision of temporary acoustic barriers (with exception of Tues/Weds evening – unless open or busy), exit of the premises via the Glow Rooms at the rear of the premises on Mondays, Fridays and Saturdays after 02.00hrs and, creation of a temporary acoustic barriered smoking area at the front.

Ongoing review and investigation show that public nuisance continues and the measures implemented so far appear to be ineffective. There is a history of noise and public nuisance complaints associated with these premises dating back to early 2012. Following review of file information it appears that measures have been proposed and implemented by the business operator to reduce public nuisance/noise impacts to complainants. However, these appear to have achieved only short term/temporary improvements. It is therefore evident that more permanent and effective measures are required to prevent continuing public nuisance.

During the course of investigation Environmental Health Services has obtained wider information suggesting that nuisance is being experienced by other local residents who have either previously complained or not complained to Lancaster City Council about these premises. There is strong reason to suspect that this nuisance does in fact have a wider impact on the local residential community. This information is still being confirmed and will be provided at the review hearing.

Detailed information about specific dates / times and events will be presented at the review hearing without compromising the confidentiality of complainant personal information or the

regulatory investigation.

The investigation by Environmental Health Services into this matter remains ongoing at the time of writing.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO 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 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature



Date

24th September 2015

Capacity

Senior Environmental Health Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.



Governance
Licensing Section
Town Hall
Dalton Square
Lancaster
LA1 1PJ



Tel: (01524) 582000
email: licensing@lancaster.gov.uk

Premises Licence

LAPLWA0345

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDANCE SURVEY MAP REFERENCE OR DESCRIPTION

Dalton Rooms

14 Dalton Square, Lancaster, Lancashire, LA1 1PL.

Telephone 01524 845 785

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of a play
- an exhibition of a film
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- provision of late night refreshment
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
A. Performance of a play (Indoors)	Monday - Sunday	10:00	02:30
B. Exhibition of films (Indoors)	Monday - Sunday	10:00	04:00
E. Performance of live music (Indoors)	Monday - Sunday	10:00	04:00
F. Playing of recorded music (Indoors)	Monday - Sunday	10:00	04:00
G. Performance of dance (Indoors)	Monday - Sunday	10:00	04:00
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Monday - Sunday	10:00	04:00
I. Late night refreshment (Indoors)	Monday - Sunday	23:00	04:00
J. Supply of alcohol for consumption ON and OFF the premises	Monday - Sunday	10:00	03:45





Governance
Licensing Section
Town Hall
Dalton Square
Lancaster
LA1 1PJ



Tel: (01524) 582000
email: licensing@lancaster.gov.uk

Premises Licence LAPLWA0345

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday - Sunday	10:00	04:00

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON and OFF the premises

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Lancaster Lounge and Bars Limited
Hustle, Spring Garden St, Lancaster, Lancashire, LA1 1RQ.
grant.stringer@btinternet.com

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

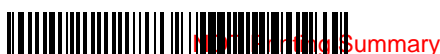
Lancaster Lounge and Bars Limited 05899461

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Grant Joseph STRINGER
The Hawthornes, Cabus, Garstang, Preston, PR3 1NF.

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. LAPA0316 Issued by Lancaster





Governance
Licensing Section
Town Hall
Dalton Square
Lancaster
LA1 1PJ



Tel: (01524) 582000
email: licensing@lancaster.gov.uk

Premises Licence

LAPLWA0345

ANNEXES

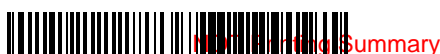
Embedded/Mandatory Conditions

On New Year's Eve alcohol may be sold from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 hours (midnight) on 31st December)

An additional hour to the standard times on the day when British Summertime commences

Mandatory conditions where licence authorises the supply of alcohol

- 1 No supply of alcohol may be made under the premises licence -
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. The supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence
3. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring





Governance
Licensing Section
Town Hall
Dalton Square
Lancaster
LA1 1PJ

LANCASTER
CITY COUNCIL

Tel: (01524) 582000
email: licensing@lancaster.gov.uk

Premises Licence

LAPLWA0345

- (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
 5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
 - 6.. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
 7. The responsible person shall ensure that:
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

Mandatory condition where Door Supervisors are provided

All individuals who carry out security activities must be licensed by the Security Industry Authority (SIA)

Mandatory condition where the licence permits the performance of Films

Where a programme includes a film in the 12A, 15 or 18 category, as classified by the British board of Film Classification, no person appearing to be under the age of 12 (and unaccompanied in that case), 15 or 18 as appropriate shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms-

PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE] CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction.

This condition does not apply to members of staff under the relevant age while on duty provided the prior written consent of the person's parents or legal guardian has first been obtained.

Immediately before each exhibition of a film passed by the British Board of Film Classification there shall



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be exhibited on screen for at least five seconds in such a manner that it can be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the category of the film

Offered Conditions

1. A personal licence holder shall be on the premises after 8pm when alcohol is being sold or consumed, except in the case of an emergency
2. Whenever the designated premises supervisor is not at the premises another responsible person will be designated as the person responsible for alcohol sales and will have the contact details of the designated premises supervisor. The details of such person will be on prominent display.
3. On Sunday to Thursday evenings a minimum number of 2 members of door staff registered with the SIA will be on duty from 22:00 hours for the first 150 customers and thereafter one for every 150 or part thereof, if the premises trades after 1am.
4. On Friday and Saturday evenings a minimum number of 2 members of door staff registered with the SIA will be on duty from 22:00 hours for the first 150 customers and thereafter one for every 150 or part thereof.
5. Door supervisors registered with SIA shall be equipped with an appropriate method of keeping an accurate record of the capacity levels, including any separate capacity levels for individual rooms or levels
6. Door Supervisors shall be positioned at each entrance/exit (other than fire only exits) to ensure that no customer leaves with any bottles or glasses
7. The designated premises supervisor will maintain a daily record comprising of the start time and finish time of each door supervisor. The door supervisor will record their SIA badge number and will sign and print their name in a legible form at the beginning and end of each tour of duty. The record shall be kept securely on the premises for at least 6 months and shall be produced on request to the police or other authorised person
8. To install, maintain and operate a CCTV system, which complies with the minimum requirements, expected of the Lancashire Constabulary and shall record during all hours that a licensable activity takes place on the premises
9. Any person who looks or appears to be under the age of 18 shall be asked to provide identification that they are over the age of 18. The following are the only forms of identification acceptable: UK photo driving licence; Passport; PASS card (proof of age standards scheme)
10. The maximum number of persons (including staff) allowed to be on premises at any time shall be 840
11. No entry to or re-entry to the premises one hour prior to the terminal hour by members of the public or by any guests or friends of members of staff or the premises licence holder
12. The designated premises supervisor or a person nominated by them shall be a member of and regularly attend meetings of any Pubwatch scheme for the area within which the premises are located and would include registration and use of community/network radio
13. There will be no adult entertainment services, activities, other entertainment or matters ancillary



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to the use of the premises that may give rise to concern in respect of children





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Premises Licence Summary

LAPLWA0345

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Dalton Rooms

14 Dalton Square, Lancaster, Lancashire, LA1 1PL.

Telephone 01524 845 785

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of a play
- an exhibition of a film
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- provision of late night refreshment
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
A. Performance of a play (Indoors)	Monday - Sunday	10:00	02:30
B. Exhibition of films (Indoors)	Monday - Sunday	10:00	04:00
E. Performance of live music (Indoors)	Monday - Sunday	10:00	04:00
F. Playing of recorded music (Indoors)	Monday - Sunday	10:00	04:00
G. Performance of dance (Indoors)	Monday - Sunday	10:00	04:00
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Monday - Sunday	10:00	04:00
I. Late night refreshment (Indoors)	Monday - Sunday	23:00	04:00
J. Supply of alcohol for consumption ON and OFF the premises	Monday - Sunday	10:00	03:45





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Premises Licence Summary

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THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday - Sunday	10:00	04:00

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON and OFF the premises

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Lancaster Lounge and Bars Limited
Hustle, Spring Garden St, Lancaster, Lancashire, LA1 1RQ.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Lancaster Lounge and Bars Limited 05899461

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Grant Joseph STRINGER

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED



**NOTICE OF AN APPLICATION FOR A REVIEW OF
PREMISES LICENCE FOR THE DALTON ROOMS,
14 DALTON SQUARE, LANCASTER, LA1 1PL**

TAKE NOTICE THAT Lancaster City Council's Environmental Health Services has applied to Lancaster City Council (The Licensing Authority), for a **Review of the Premises Licence** in respect of the above premises.

The grounds of the application for review as stated by the Licensing Authority are: the prevention of public nuisance

Any interested parties or responsible authorities may make representations on this application to the Licensing Authority, and any such representations should be submitted in writing by the **22nd October 2015** to **The Licensing Manager, Governance, Town Hall, Dalton Square, Lancaster, LA1 1PJ** or by email to licensing@lancaster.gov.uk.

The full application may be viewed at the **Town Hall Dalton Square Lancaster** between 10.00 – 12.00 and 14.00 and 16.00 Mon – Fri.

IT IS AN OFFENCE, to knowingly or recklessly make a false statement in connection with an application, and the maximum fine for which a person is liable on summary conviction for the offence is £5000.

Dated this 24th day of September 2015

Wendy Peck, Licensing Manager, Town Hall, Dalton Square, Lancaster, LA1 1PJ

LANCASTER CITY COUNCIL

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

NOTICE OF HEARING

To: The Applicant: **Lancaster City Council Environmental Health Community Protection**

Responsible Authority: **Chief Constable of Lancashire Constabulary**

The Licence Holder: **Lancaster Lounge and Bars Limited**

Other Persons: Benjamin Ruth
Wesley Downham
Liz Hickingbotham
Michael P Nunn

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 a request for a review of the licence under Section 51 of the Licensing Act 2003 in respect of premises known as **Dalton Rooms, 14 Dalton Square, Lancaster, LA1 1PL** will take place on the **18th November 2015** at **Lancaster Town Hall**, commencing at **10.30 a.m.**

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 day of 3rd November 2015 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 be 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 at least **7 days 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.

Eglin, David

From: Taylor, Andrew <Andrew.Taylor2@lancashire.pnn.police.uk>
Sent: 02 November 2015 13:33
To: Eglin, David; Peck, Wendy
Cc: Samantha Faud (samantha.faud@napthens.co.uk)
Subject: FW: Dalton Rooms, Lancaster

Hi David,

In relation to the Licence Review for Dalton Rooms please accept via email that at the present time the Police are withdrawing their representations as the owner has agreed certain conditions via his Solicitor. I apologise for any inconvenience caused.

Kind regards
Andrew

Samantha,

As discussed for your information.

Andrew

PC 2338 Andrew Taylor
Licensing Officer
West Division (Northern Area)
✉ Lancaster Police Station Thurnham Street Lancaster LA1 1YB

☎ 01524 596631/596648 Internal 496648/496631

✉ andrew.taylor2@lancashire.pnn.police.uk



From: Samantha Faud [mailto:samantha.faud@napthens.co.uk]
Sent: 02 November 2015 13:01
To: Taylor, Andrew
Subject: FW: Dalton Rooms, Lancaster

Hi Andy

Please see the emails below. Would you mind just dropping the Council a quick email confirming the position.

Thanks.

Sam

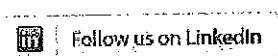
Samantha Faud
Solicitor
Naphthens LLP

Address: Greenbank Court | Challenge Way | Greenbank Business Park | Blackburn | Lancashire | BB1 5QB
Direct Dial: 01254 686225
Mobile: 07415 447358
Fax: 01254 681166
Web: www.naphthens.co.uk

For information about our Employer Protection Scheme, please visit [HR3](#)



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solicitors



From: licensing [<mailto:licensing@lancaster.gov.uk>]
Sent: 02 November 2015 12:58
To: Samantha Faud
Subject: RE: Dalton Rooms, Lancaster

Good Afternoon

I can confirm that at the moment we have had nothing in writing from the police which states that the representation has been withdrawn. I do however note that the email below on the face of it confirms to you that the representation has been, or is going to be withdrawn, however until we have had confirmation from the police I will have to continue on the basis that the representation is still valid.

Regards

Wendy

Wendy Peck
Licensing Manager
Lancaster City Council
01524 582317

From: Samantha Faud [<mailto:samantha.faud@naphthens.co.uk>]
Sent: 02 November 2015 11:27
To: licensing <licensing@lancaster.gov.uk>
Subject: FW: Dalton Rooms, Lancaster

Hi Wendy

Please confirm receipt of this email which I sent last week.

Kind regards.

Sam

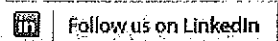
Samantha Faud
Solicitor
Naphthens LLP

Address: Greenbank Court | Challenge Way | Greenbank Business Park | Blackburn | Lancashire | BB1 5QB
Direct Dial: 01254 686225
Mobile: 07415 447358
Fax: 01254 681166
Web: www.naphthens.co.uk

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From: Samantha Faud
Sent: 29 October 2015 16:13
To: licensing@lancaster.gov.uk
Subject: FW: Dalton Rooms, Lancaster

Good afternoon

Please see the below email from the Police in relation to the review application.

Please can you confirm that there are now no representations in support of the applicant.

I look forward to hearing from you.

Kind regards.

Sam

From: Taylor, Andrew [<mailto:Andrew.Taylor2@lancashire.pnn.police.uk>]
Sent: 29 October 2015 14:45
To: Samantha Faud
Subject: RE: Dalton Rooms, Lancaster

Hi Sam,

Thanks for your email in relation to your clients Dalton rooms at Lancaster.

I can confirm that following discussions with your client and other partner agencies at this time the Police Licensing department are withdrawing their reps in relation to this review. This is as you stated your client is prepared to work in partnership with the Police in running his establishment and there is in writing an agreement that as from 02.00 am the doors on Dalton Rooms side will be closed and only used in an emergency.

Kind regards
Andy

PC 2338 Andrew Taylor
Licensing Officer
West Division (Northern Area)
☒ Lancaster Police Station Thurnham Street Lancaster LA1 1YB

☎ 01524 596631/596648 Internal 496648/496631

✉ andrew.taylor2@lancashire.pnn.police.uk



From: Samantha Faud [<mailto:samantha.faud@naphthens.co.uk>]
Sent: 29 October 2015 14:00
To: Taylor, Andrew
Subject: Dalton Rooms, Lancaster

Hi Andy

Further to our telephone conversation regarding the review application.

I understand you are happy to withdraw your representation in support of the applicant providing my client offers and adheres to the following condition:

The doors which open on to Dalton Square will not be used, except for emergencies, between the hours of 02.00am and close of business.

Please can you confirm you are happy with the above and therefore withdraw your objection.

I look forward to hearing from you.

Kind regards.

Sam

Samantha Faud
Solicitor
Naphthens LLP

Address: Greenbank Court | Challenge Way | Greenbank Business Park | Blackburn | Lancashire | BB1 5QB
Direct Dial: 01254 686225
Mobile: 07415 447358
Fax: 01254 681.166
Web: www.naphthens.co.uk

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Eglin, David

To: licensing
Subject: RE: Dalton Rooms premises licence review

from: Benjamin Ruth [REDACTED]
Sent: 21 October 2015 10:11
To: licensing <licensing@lancaster.gov.uk>
Subject: Dalton Rooms premises licence review

To Whom It May Concern,

I have been informed by Grant Stringer, lease holder for the Dalton Rooms, that a small number of complaints about noise outside of the venue has led to a premises review.

As an ardent promoter of the music scene of Lancaster to the rest of the UK I would like to add my voice to those of us involved in the night time economy of this marvelous city of our growing concern over the pressure that's coming to bear on existing late night venues in the city centre of which the Dalton Rooms is an obvious example.

I know of no specific disturbances at Dalton Rooms having performed there a number of times as well as assisting in booking acts there throughout 2015 culminating in a highly successful weekend during the 2015 music festival.

I've never known the outside volume at the Dalton Rooms be anything more than you would expect from people talking over drinks in an outside seating area. A scene you would see repeated in any European or North American town or city centre fortunate enough to have a vibrant night time economy.

There's a wider issue at work here and one that goes to the heart and soul of just what Lancaster's cultural identity is.

I speak from some experience when I state that Lancaster has a live music culture that is astonishing for such a small city and represents a truly unique contribution to the UK music scene as a whole. It is a culture with a tremendous amount of hard graft behind it and it should be cherished, nurtured and stood up for.

One of the continuing frustrations for live music venues around the UK is the disproportionate weight often given to a few, sometimes only one, residential complainant who has moved adjacent to an already existing late night venue.

Another venue closing activity is local council granting of new residential planning permission adjacent to existing venues where before no residential zone existed thus opening that venue to a premises licence review due to the complaints of one new resident.

Again, this is a national problem and constructively moving forward, as director of Lancaster Music Festival, I can state the festival's position on this creeping threat to existing thriving live music venues in Lancaster as thus:

1. Residents moving next to an existing late night venue operating within its existing premises licence need to sign a noise complaint waiver as a condition of their residence. Complaints should only be addressed where complainant has cause to believe premises are not operating within their pre-existing premises licence.

2. Planning permission of residential units next to existing late night venues should be considered in favour of the pre-existing venue not the new resident/s and this again should be codified by a resident contract.

Overall, the Lancaster Music Festival supports the phenomenal live music scene in this small city and believes our city council should also make a firm statement of support for this most culturally important part of Lancaster. And this statement of support should be backed up by action to protect our vulnerable night time economy which is the vehicle that enables our nationally recognised music scene to thrive and survive.

Speaking as an individual I object most strongly to any changes in the Dalton Room's premises licence that would impact that venue's ability to contribute to Lancaster's music scene.

Yours Truly,
Ben

Benjamin Ruth
Director CMB Artist Services
Director Lancaster Music CIC
19 Bath Street
Lancaster LA1 3PZ


UK VI Licensed Sponsor
(Grade A)

Eglin, David

To: licensing
Subject: RE: Dalton Rooms - Review

From: Wesley Downham [mailto:████████████████████]
Sent: 21 October 2015 14:52
To: licensing <licensing@lancaster.gov.uk>
Subject: Dalton Rooms - Review
Importance: High

Good Afternoon

I just wanted to briefly email yourselves with regards to the review placed by the EHO on Dalton Rooms. You may or may not know that we provide security to Dalton Rooms, and have done since opening. I therefore thought it necessary to show our support towards owner Grant Stringer and the venue. As a company who looks after many late night establishments all over the North West of England, I can honestly say that as an operator Mr Stringer is one of our most professional and compliant customers we deal with. Having provided Door Supervision staff to Mr Stringer at several of his Licenced Premises for over 10 years, I have never not known him not to cooperate fully with any complaints or issues arising from the general public, customers, suppliers or local authorities previously. Since the issue regarding Noise was highlighted, I know Mr Stringer has gone way beyond what we have ever seen from a late night operator before, in order to 'if any' reduce noise or nuisance in Dalton Square.

Please do not hesitate to contact me if you require any more information.

Best Regards

Wesley Downham
Business Director

████████████████████
████████████████████
Office ██████████
Mobile ██████████

FGH Security
Alston House
White Cross
Lancaster
LA1 4XQ

Dear Ms Peck,

CityLab, 4-6 Dalton Square,
Lancaster LA1 1PP

I am writing to you with regard to the Licence Review for Dalton Rooms in Lancaster, Dalton Square

CityLab, 4-6 Dalton Square,
Lancaster LA1 1PP
Email info@lancasterbid.org

A noise complaint has been issued by Environmental Health (EH) Office against Dalton Rooms and the owner, Mr Grant Stringer, is willing to correct the problem. The Environmental Health officer supervising this case has not been clear on what measures would be necessary to address the specific problem that had been reported, so Mr Stringer has put into action measures that he felt were appropriate for reducing noise from the front of the venue, therefore potentially relocating the noise nuisance to the back of the building. At no point has the EH officer advised Mr Stringer that a noise complaint has been reported relating to the rear of the premises. To date, Mr Stringer has gone to great lengths (and expense) to reduce the impact of the venue into Dalton Square. It is entirely possible that this action may be posing additional problems for residents on Mary Street but Mr Stringer has stated that he is happy to work out a solution to all of the potential complaints regarding noise coming generated by this venue.

Lancaster Business Improvement District (BID) does not feel that Mr Grant has been given a fair opportunity to implicate alternative, tried-and-tested, noise-reduction solutions that will allow Mr Grant to continue to trade within his existing licence restrictions. The EH is proposing a reduction in hours of trade but Lancaster BID is concerned that this action will have the potential to close the business with associated job losses. The BID is also mindful that this will set a precedent for other late-licence businesses in Lancaster city who trade late into the night and are trying to accommodate the proportion of their customers that need to be outdoors to smoke.

Mr Stringer has identified the following options for smokers and clientele entering/leaving the site:

- Front doors: keeping gate-fold doors closed, reducing the times when smokers can use the space, installing sound-proof mats (all of which have been implicated and have significantly reduced the sound leaving the venue)
- Back doors: sound-proof and crowd control barriers along a public alley. There is an option to change the entrance to a different door for customers accessing or leaving the Glow Rooms venue
- Roof Terrace: purpose built sound-proof smoking area that will reduce the need for anyone to be hanging around outside the club (front or back). This will require planning permission and will take weeks to implement. The planning application can be adjusted to take into consideration recommendations from the EH Office.

Lancaster BID would urge the Licencing Office to allow Mr Stringer to implicate temporary sound-proof solutions until a planning application for a suitable sound-proof roof terrace has been submitted and either rejected or accepted. A dialogue needs to be maintained between all interested parties to allow Mr Stringer to find a solution that suits his neighbours' specific needs. Lancaster BID feels that Mr Stringer should be allowed to continue to trade within his current licenced hours as a reduction in trading hours for Dalton Rooms will provide a competitive edge to other late-night venues trading in Lancaster city centre on later licences.

Yours sincerely



Liz Hickingbotham

Lancaster BID Manager

Eglin, David

From: [REDACTED]
Sent: 22 October 2015 14:08
To: licensing; Stainton, Rachel
Subject: Fwd: Dalton Rooms

Sent: Mon, 13 Jan 2014 14:09
Subject: Dalton Rooms

Hello Mr Finlayson

The current situation with The Dalton Rooms is that the noise levels are virtually back to where they were, despite the Stringers's undertakings. We were, for example, kept awake till after 3am this morning with the excessive shouting.

So we're looking forward to collecting some 'hard evidence' by means of your sound monitoring machines. We are at home for the rest of the day, and available all this week, daytime and evenings, except tomorrow early afternoon (hospital appointment) and Friday afternoon (weekend visitor). So please let us know when's best for you or whoever to install the kit.

Perhaps then, after the readings have been analysed, we can finally draw a line under this matter. It has gone on for far too long.

Looking forward to hearing from you very soon, and with belated New Year's greetings,

Sincerely,

Michael Nunn

-----Original Message-----

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Eglin, David

From: [REDACTED]
Sent: 22 October 2015 14:09
To: licensing; Stainton, Rachel
Subject: Fwd: Dalton Rooms

Sent: Tue, 26 Nov 2013 17:48
Subject: Dalton Rooms

Hello Dan

Forgive the delay in getting back to you: I'm actually glad I held off replying to your email till today.

Last night the noise levels were back to how they had been after the recent approaches to the Dalton Rooms. Patrons were using the glass fire doors (now seemingly fitted with self-returning arms) often during the time we were watching, and we could hear the DJ and the music loudly and clearly, even when the fire doors were shut, above our television, a little after midnight. The shouting and braying from the customers outside was significantly worse than it has been for a while now.

This continued till getting on for 2am when we finally got off to sleep - albeit with the bedroom window shut to block out some of the noise, despite the inconvenience to my breathing and the state of my lungs. We can't say how long after that it went on for.

Sunday night was just the same. There was the same continuous loud shouting from outside, despite the presence of two security staff in fluorescent jackets. We were not able to see whether smoking is still going on in that area between the glass doors and the pavement, though there seem to be plastic crowd barriers in place to keep the patrons off the road. Again we had to close the window - against the medical advice I have received for many years. On this occasion the disturbance continued till well after 3am.

Accordingly I am forwarding this email you your colleagues in Licensing who have contacted me before about this matter.

What do you suggest? It seems that the management and their staff have no interest whatever in ensuring the activities at their establishment do not disturb or inconvenience local residents. It is now early six months since we approached the Council about this, and there has been no real or significant change in the levels and frequency of the disturbances.

Eglin, David

From: [REDACTED]
Sent: 22 October 2015 14:10
To: licensing; Stainton, Rachel
Subject: Fwd: Dalton Rooms

Sent: Tue, 12 Nov 2013 13:01
Subject: Dalton Rooms

Hello Mr Finlayson and Ms Strachan

Thank you both for the visit to our flat last night. It was good to see you both, and we're glad you have had a chance to hear/see some of the noise problem for yourself. Unsurprisingly the noise got considerably louder after you left around midnight, and by 0130 it was well up to its usual volume with customers outside shouting as is usual for Sunday and Monday nights. It was more or less quiet again by 0230.

As we agreed, the problem is well on the way to being solved after the Rooms agreed to keep their fire doors closed. This means that we are spared the loud music, the DJ and some of the noise.

But there still remains the problem of the noise from their customers who hang about in the outside 'smoking area' between the fire doors and the pavement. Your colleague Ms Morphet has agreed to inform the Dalton Rooms that this cannot be used as a smoking area. We also agreed last night that notice should be given to Mr Stringer to instruct his security staff to ensure that customers 'keep the noise down' and respect the rights of local residents to a good night's sleep.

I'm sure that yourselves and Ms Morphet's department have this in hand between you, and am looking forward to hearing how far this aspect of the matter has progressed.

Meanwhile we shall continue to monitor the situation and keep you posted with future occurrences of loud noise.

Best wishes,

Michael Nunn and John Burkinshaw

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Regards Mrs J Millatt

From: Michaelpunn@aol.com [mailto:Michaelpunn@aol.com]
Sent: 21 October 2013 18:18

Subject: Noise at The Dalton Rooms

Dear Mrs Millatt

Your colleague David Findlayson telephoned me again earlier today regarding this matter. I am very concerned and disappointed that there has still been no progress with the noise problem.

I first contacted your office and received an acknowledgement on 23 July. I have since then (in late September) submitted you a detailed log of the disturbance which contains ample evidence of the problem over a substantial period of time.

Despite seeing Ed Lawrence (manager of the Dalton Rooms) and receiving verbal assurances that he would make efforts to ensure that the disturbances would be better contained, still nothing tangible has happened.

I recently saw my GP about these noise disturbances, compiling the log and loss of sleep, and they agreed that this matter, with others, was causing anxiety, and accordingly prescribed anti-depressants and sleeping medication. This is also affecting my physical health since I suffered a TIA (minor stroke) at the beginning of September. I was also advised that I should stop maintaining the record of the disturbances.

Whilst on the telephone earlier, I mentioned my concern that the Dalton Rooms 'smoking area' at the front of the building (ie the covered area outside the premises doors & windows and the pavement) was not a 'Designated Smoking Area' within the terms of UK non-smoking legislation.

Can you please investigate this aspect of the situation, send me full details of their Designated Smoking Area which I believe is part of their licence? I look forward to receiving your response very soon.

Your colleague also informed me that you have received a number of other complaints about this. He also explained that he has had some first-hand experience of the noise, as he too is a local resident, but this was at a relatively early time on what is usually a 'reasonable' night. Perhaps he would care to take a discreet walk past the premises late on a Sunday or Monday night so he can hear the scale of the problem - the volume and lateness on weekday mornings - for himself? Or at 0330 on a Monday or Tuesday morning?

This has gone on for long enough - without resolution. I am asking you again to intervene very soon as I have had quite enough.

I have copied this email to my local City Councillor for his comments and advice.

Yours sincerely

Michael Nunn

UK businesses use up 2 million tonnes of paper each year. Think before you print this email - do you really need to?
Thank you. An Investor in People/Positive about Disabled People.
DISCLAIMER:

Eglin, David

From: [REDACTED]
Sent: 22 October 2015 14:13
To: licensing; Stainton, Rachel
Subject: Fwd: Ongoing noise and nuisance at The Dalton Rooms

Subject: Fwd: Ongoing noise and nuisance at The Dalton Rooms

Dear Mrs Millat

I send this to you as I've had an automatic 'out of office' acknowledgement from Mr Brownjohn's address.

Best,
Michael Nunn

Sent: 28/10/2013 15:13:01 GMT Standard Time
Subj: Ongoing noise and nuisance at The Dalton Rooms

Dear Messers Finlayson and Brownjohn

My latest records re disturbance at the Dalton Rooms are:

Sat 16/10/13 2308 fire doors open;

Mon 28/10/13 fire doors open at 0103 and loud shouting and music clearly audible at 0109.

These are from date/time-stamped texts I sent myself and which I have retained. I shall continue to keep further records in text messages.

Mr Brownjohn has stated (in an email to Cllr Brookes) that the council wishes 'to maintain a spirit of co-operation with a businesses such as The Dalton Rooms'. That is fair enough in the normal way of things, but when things go wrong - as they patently have in this instance, and for some months now - then it is surely right and proper that the Council should address any shortcomings on the part of businesses who choose to ignore the terms of their licence and ride roughshod over complaints from the public.

To do otherwise lays Council officials open to question whether they are supporting the intransigences of commercial enterprise at the expense of the well-being and peaceful existence of citizens and Council-taxpayers who of course do, in effect, pay the wages of Council employees.

If the Council does 'require to monitor the noise problem from the complainant's property during the late evening when the problem is occurring', then I have no problem whatever with this. The Council is free to come and install any such equipment in our flat for however long it takes to reach a solution. Just let me know when you want access and I will make sure I'm in. The sooner the better I think for a speedy resolution for all concerned.

As for noise generated by people on the street - passers by - I did not know

that this was best handled by the police, although I think that security staff at the Dalton Rooms have some leeway in urging noisy gawpers and the like to move on and keep the noise down. It does reflect badly on the management and the staff if they do not take the initiative and demonstrate some sense of responsibility for the disturbances.

That said, I am looking forward to hearing what response you have had from Mr Stringer about his security staff controlling the noise in the front, covered 'smoking area'. And, of course, to see what your monitoring equipment shows about this in due course.

Why do you assert that 'it is unlikely that we would be successful in bringing [a licence review] about in a busy city centre, bearing in mind the current guidelines on licensing premises'? Exactly which guidelines are you referring? Those that I have seen (see my email to Mr Finlayson of 22/13/13) show precisely the opposite, regardless of the location of the premises. Please explain, and show me the guidelines to which you refer.

Also, as requested in the same email cited above, I have not yet had a reply to my request for details of The Dalton Rooms' 'Designated Smoking Area'. Will you please arrange to send this document to me soonest.

Like Cllr Brookes, I believe that both the City Council's officers and the management and staff of The Dalton Rooms are 'continuing to string us along with a series of broken promises'.

Please give me the evidence that disproves this belief. If you cannot, I see no alternative to seeking other means of resolution.

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Thank you for your email, which has been passed to me for attention.

Dan Finlayson has been involved in dealing with Mr Nunn's complaint regarding the Dalton rooms, and was able to carry out a late-night observation recently, when he was able to confirm that the front doors of the Dalton Rooms were open, allowing noise to escape from the premises. This is in contradiction of the owner, Grant Stringer's assertion that doors were being kept closed late in the evening. Dan has written to Mr Stringer to bring this to his attention, and to advise him that we would be likely to take further action to prevent recurrence of this problem, either by service of statutory notice for noise nuisance, or by seeking a licence review.

It is reasonable to give Mr Stringer the opportunity to comply with this request before embarking on a course of more formal action. This not only allows the council to maintain a spirit of cooperation with a business such as the Dalton Rooms, it also avoids the inconvenience to the complainant which would be necessary in order to gain sufficient evidence for formal action (In order to serve notice, we would require to monitor the noise problem from the complainant's property during the late evening when the problem is occurring, and this is something we avoid if other measures are available). This is not to say we avoid being 'heavy handed', it is simply a means of achieving results with minimum inconvenience to the complainant. If a solution is not achieved, then we will of course resort to more formal action after gathering sufficient evidence.

Mr Nunn also reports being particularly concerned regarding noise from persons congregating outside the Dalton Rooms. Noise from patrons using the front sheltered area is clearly under that control of the management, and this has been brought to Mr Stringer's attention. If, however, this refers to persons in the street outside the Dalton Rooms, this would not be not actionable by ourselves as a noise nuisance, and is best addressed at the time by contacting the police. Mr Nunn has been advised accordingly.

Review of the licence to bring about a reduction in operating hours would of course, reduce the noise problem significantly, but I feel it is unlikely that we would be successful in bringing this about in a busy city centre, bearing in mind current guidance on licensing premises.

I hope I have been able to explain the action being taken to resolve this situation. Should you require any further information on this case, please do not hesitate to contact myself or Dan,

regards

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Dear Mr Finlayson

Whilst I realise that it is a late hour to contact you, I must inform you that the noise from the Dalton Rooms is yet again interrupting our sleep.

I have been in the living room of our flat since about 2200 (and noticed that I had to turn up the volume of the television at about 2300 to hear what we want to enjoy (check the date/time stamp of this email).

Going through to my bedroom just now I see that the telescopic doors of The Dalton Rooms are open and that there is a large group of noisy patrons outside who seem to have any concern for local residents. Security staff and management seem also to be oblivious to their legal responsibilities for the adequate management of the premises and their obligations to local residents.

I am sure that this is further evidence that you require to instigate a formal Review of the Licence of The Dalton Rooms, and I am looking forward to your prompt response to my concerns.

Yours sincerely,

Michael Nunn