

THE BOROUGH, 3-5 DALTON SQUARE, LANCASTER

APPLICATION FOR VARIATION OF PREMISES LICENCE

DECISION OF LICENSING ACT SUB-COMMITTEE

THURSDAY 7TH JULY 2016

The Sub-Committee comprised of Councillor Terrie Metcalfe (Chairman), Councillor Sylvia Rogerson and Councillor Roger Sherlock

The Legal Adviser was Luke Gorst, Solicitor.

The Democratic Support Officer was Jane Glenton.

An application for variation had been made under Section 34 of the Licensing Act 2003 by Martin Horner in respect of The Borough, 3-5 Dalton Square, Lancaster LA1 1PP.

The hearing was held in light of a relevant representations received from other persons as defined under the 2003 Act.

The applicant was not present at the hearing but was represented by Mark Rackham of the Boho pub company.

Of the other persons Hilary McManus, Nick Moule, James Mackie and Colin Wood of the Lancaster City Centre Residents Association and Vickie Brett of Adactus Housing, who had made relevant representations, were present.

Stuart Houghton had made a relevant representation but had indicated that he wished for his representation to be considered in his absence.

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

David Eglin, Licensing Enforcement Officer, introduced the report stating that the purpose of the original application was to amend the plans that accompany the premises licence so as to include the hotel bedrooms that are attached to the premises. This would facilitate mini bars being made available to guests. The variation was also to extend the opening hours, hours of sale of alcohol and hours for provision of late night refreshment for residents.

In addition to this the application sought to extend the hours for sale of alcohol, recorded music and films for both residents and non-residents for an extra hour until 01:30 hours.

The Sub-Committee were informed however that, following the representations received, the applicant no longer wished to seek the extension to the licensable hours for non-residents and wished only to pursue the changes that incorporated the bedrooms into the licence enabling 24 hr access to mini bars and late night refreshment between 23:00 hrs and 05:00 hrs the following day every day of the week. The applicant was also seeking to remove two conditions on the existing licence in relation to off sales and the function room.

The other persons present then presented their objections.

Mr Rackham then presented the applicant's case and helped answer questions.

The Sub-Committee then withdrew to make its decision, and sought advice from its legal adviser as to the appropriate phraseology of the decision.

DECISION

The Sub-Committee carefully considered all the written information before it, and the representations and views expressed at the hearing by other persons and the applicant's representative.

The Sub-Committee noted that the objections from other persons related mainly to the public nuisance licensing objective as they believed the application would lead to an increase in noise and disturbance, particularly from residents of the hotel.

The Sub-Committee further noted that the premises licence holder no longer wished to pursue all the extensions applied for and would only now be interested in obtaining a licence for the mini bars in the hotel rooms for the guests and removal of two licence conditions.

The Sub-Committee welcomed the consideration shown by the premises licence holder for the views of the nearby residents. The sub-committee is of the opinion that a variation to the plans to include the bedrooms and to the hours of sale of alcohol to residents only using the mini bars in their rooms would be appropriate in the circumstances and would be unlikely to adversely impact any of the licensing objectives.

Schedule 2 to the Licensing Act 2003 provides an exemption to licensing for the provision of late night refreshment to hotel guests and therefore the licence does not need amending in this respect.

In light of the above the Sub-Committee was of the opinion that it was appropriate for the licence to be modified as follows:-

1. To include the hotel bedrooms in the licensed area
2. To remove the conditions identified in the application relating to off sales and the function room
3. To vary the times for sale of alcohol to 24 hours a day every day.
4. To include the following condition:-

"Alcohol shall not be sold to persons other than residents and their bona fide guests via mini bar sales in their hotel rooms other than between 10:00 and 00:30 hours the following day every day. This condition will not apply between the hours of 00.30 and 02:30 on the day following Christmas Day; on the day following Christmas Eve; on the day following Boxing Day; on the day following Fridays, Saturdays and Sundays of Bank Holiday Weekends and between 00:30 on New Year's Eve and 10:00 on New Year's Day"

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

Importantly, the parties are reminded of the statutory right of responsible authorities and other persons to seek a review of a licence on the basis that the licensing objectives are not being met. This would be particularly relevant in the event of any ongoing complaints about noise.

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

Councillor Terrie Metcalfe (Chairman)

**Any queries regarding these Minutes, please contact
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