

THE BOOT & SHOE, 171 SCOTFORTH ROAD, LANCASTER

APPLICATION TO VARY THE PREMISES LICENCE

DECISION OF LICENSING ACT SUB-COMMITTEE

THURSDAY 27TH JULY 2016

The Sub-Committee comprised of Councillor Claire Cozler (Chairman), Councillor Alan Biddulph and Councillor Mel Guilding

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 Daniel Thwaites Plc in respect of The Boot and Shoe, 171 Scotforth Road, Lancaster.

The hearing was held in light of a relevant representation received from an other person as defined under the 2003 Act.

The applicant was represented by Samantha Faud of Naphthens Solicitors who was accompanied by Alistair Clark, the designated premises supervisor.

Mrs Inston, the other person who had made a relevant representation, had indicated that she thought a hearing wasn't necessary but that she did not want to withdraw her representation. As such a hearing was held to consider the representation in her 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 application sought to amend the plans to increase the bar area, to add late night refreshment until 01:00 hours the following day on Sunday to Wednesday and until 02:00 hours the following day on Thursday to Saturday and to amend the terminal times of the existing licensable activities until 01:00 hours the following day on Sunday to Wednesday and until 02:00 hours the following day on Thursday to Saturday.

Mrs Faud then presented the applicant's case and Mr Clark 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 the applicant's representative.

The Sub-Committee noted that the objection from other person related mainly to the

potential impact of extending the hours in what is a residential area. The concerns were that this may lead to an increase in noise nuisance and alcohol-fuelled disruptive behaviour.

The Sub-Committee however has no evidence before it that this has been a problem in the past or that it is likely to be in the future as a result of the changes in layout or the increased hours.

Importantly no representations were received from Environmental Health or any other nearby residents.

In light of the above the Sub-Committee was of the opinion that it was appropriate for the licence to be varied as applied for.

In addition to this the licence will also contain the following condition which was offered by the applicant at the hearing:-

- *There will be in place at all times a suitable and sufficient written dispersal policy in relation to customers who are leaving the premises.*

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 Claire Cozler (Chairman)

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