

**THE CHIEFTAIN, 24 PEDDER STREET, MORECAMBE**

**APPLICATION FOR VARIATION OF PREMISE LICENCE**

**DECISION OF LICENSING ACT SUB-COMMITTEE**

**WEDNESDAY, 23<sup>RD</sup> NOVEMBER 2016**

The Sub-Committee comprised of Councillor Charlie Edwards (Chairman), Councillor June Ashworth 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 The Craft Union Pub Company Ltd in respect of The Chieftain, 24 Pedder Street, Morecambe, LA4 5DZ

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 Richard Taylor of Gosschalks Solicitors who was accompanied by Gemma Harling, the area manager for the pub company.

Robert Wilson, the other person who had made a relevant representation was not in attendance. The Sub-Committee, having not been provided with any information as to the reason for non-attendance, decided to proceed in his absence pursuant to their powers under regulation 20 of the Licensing Act 2003 (Hearings) Regulations 2005.

The Chairman 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 hours for all licensable activities, which are currently permitted, to 01:00 hours the following day all week.

In addition to this, the application sought to amend the hours for non-standard days to 02:00 hours the following day including Fridays to Mondays of Bank Holiday weekends, certain Saints Days, Bonfire Night, from 24<sup>th</sup> to 30<sup>th</sup> December inclusive and on New Year's Day. The hours on New Year's Eve were to be amended to 03:00 hours the following day.

Mr Taylor then presented the applicant's case and asked to remove the part of the application relating to New Year's Eve as the current licence already permitted a longer extension.

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 on the residents of a block of flats which his company appears to own or manage.

The objector, Mr Wilson, wrote that there was a lot of noise already emanating from the Pedder Street car park area. Mr Wilson went on to state that most of the problems come from people leaving another establishment in the vicinity of the applicant's premises.

The Sub-Committee had no evidence before it that the applicant's premises were the source of this nuisance, or that they had been a problem in the past or that they were likely to be in the future as a result of the increased hours.

Also, and importantly, no representations were received from Environmental Health.

Pursuant to the guidance issued under s182 of the 2003 Act any determination by this Sub-Committee should be evidence based.

Therefore, 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 subject to the removal of the extension of hours on New Year's Eve.

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 Charlie Edwards (Chairman)

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