

**THE PAVILION, REGENT PARK BOWLING CENTRE, REGENT PARK, MORECAMBE**

**APPLICATION FOR A PREMISE LICENCE**

**DECISION OF LICENSING ACT SUB-COMMITTEE**

**WEDNESDAY, 21<sup>ST</sup> DECEMBER 2016**

The Sub-Committee comprised of Councillor Terrie Metcalfe (Chairman), Councillor Alan Biddulph and Councillor June Ashworth

The Legal Adviser was Luke Gorst, Solicitor.

The Democratic Support Officer was Jane Glenton, Democratic Services.

An application for a premises licence had been made by Mr Brian Cooke and Mr Paul Buckley under Section 17 of the Licensing Act 2003 in respect of The Pavilion, Regent Park Bowling Centre, Regent Park, Regent Road, Morecambe.

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

Mr Buckley was present at the hearing.

Mr Peter Cooper who had made a relevant representation was also present.

The Chairman explained the procedure to those present, and stated that the hearing would be a discussion led by the licensing authority, and any questions would be put through the Chairman.

David Eglin, Licensing Officer, introduced the report.

Mr Cooper then presented his objection and helped answer questions.

Mr Buckley then presented the applicant's case.

After summing up by the parties the Sub-Committee withdrew to make its decision, and sought advice from its legal adviser as to the appropriate phraseology of the decision.

**DECISION**

The Sub-Committee has carefully considered all the written information before it, and all the representations and views expressed at the hearing.

The licence application was to enable the premises to sell alcohol for consumption on the premises from 1100 hours until 2300 hours Sunday to Friday and from 1100 hours to midnight on Saturday. The application also sought to facilitate live music on Saturdays between 2030 hours and midnight and late night refreshment between 2300 hours and midnight on Saturdays only.

The provisions of the Live Music Act contains exemptions which, if the premises is

selling alcohol and there are no more than 500 persons, means that this application is in reality in relation to an hour from 2300 hours to midnight on Saturday for live music.

The Sub-Committee has noted the representations from other persons mainly relate to the potential for public nuisance arising from the premises. However, the use of the park by children also give rise to concerns regarding the impact this application may have on the protection of children from harm.

The applicant has told the Sub-Committee that the objections are not evidence based and are speculative in nature. The Sub-Committee agrees with the applicant in this respect.

The applicant further stated that the premises was, in effect, only going to operate as a members club with no entry to the general public. This measure alleviates most of the concerns of Mr Cooper.

The sub-committee has seen no evidence that this application will adversely affect the licensing objectives.

The Sub-Committee has taken into consideration that the test that is to be applied is whether the decision of the committee is appropriate and proportionate as a means of upholding the licensing objectives and has concluded that the licensing objectives would not be significantly harmed if the licence was granted as applied for.

In accordance with Section 181 and Schedule 5 of the Licensing Act 2003, the parties have a right of appeal against this decision to the Magistrates' Court within 21 days of receiving this written decision. The parties are also 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 and crime and disorder.

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

Councillor Terrie Metcalfe (Chairman)

**Any queries regarding these Minutes, please contact  
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jglenton@lancaster.gov.uk**