

DALTON ROOMS, 14 DALTON SQUARE, LANCASTER

APPLICATION TO VARY A PREMISES LICENCE

DECISION NOTICE OF LICENSING ACT SUB-COMMITTEE

WEDNESDAY 27TH SEPTEMBER 2017

The Sub-Committee comprised of Councillor Mel Guilding (Chairman), Councillor Sheila Denwood and Councillor Peter Yates

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 Lancaster Nightlife Ltd in respect of the Dalton Rooms, 14 Dalton Square, Lancaster.

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

The applicant was represented by Mr Garry Lee who was accompanied by the DPS Paul Roberts junior and the owner Paul Roberts senior.

Of the other persons James Mackie, who had made a relevant representation, was present.

Nick Moule, who had made a representation as an other person, was not present but had asked Victoria Brett to represent him at the hearing.

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 timings for licensable activities.

The other persons then took turns to present their representations and helped answer questions.

Mr Lee then presented the applicant's case and Mr Roberts 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 other persons and the applicant's representative.

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

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

This application is, in effect, for two extra hours' extension to the current permitted hours on the licence. This would, if granted, allow regulated entertainment to continue until 0600 hours every day and the sale of alcohol until 0545 hours every day.

The Sub-Committee accepts that this is a city centre location and has listened carefully to the reasons for the application. It has also taken into consideration that no representations were received from Environmental Health in relation to this application.

The Sub-Committee has considered the case of Daniel Thwaites v Wirral Borough Magistrates' Court and were mindful that the hearing in hand was not a review of the licence, but a variation application. They were of the opinion that there was insufficient evidence provided to show that the licensing objectives would be undermined if the variation was granted.

Had the complainants had concerns that the licensing objectives were not being upheld in relation to the premises, the review mechanism was open to them.

In light of the above, the Sub-Committee was of the opinion that it was appropriate for the licence to be varied in line with the application.

Whilst not a condition on the licence, the Sub-Committee would welcome the owners' continued co-operation with residents and hopes that further efforts are made to liaise with them.

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 Mel Guilding (Chairman)

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