



**Committee:** LICENSING ACT SUB-COMMITTEE  
**Date:** WEDNESDAY, 27 SEPTEMBER 2017  
**Venue:** LANCASTER TOWN HALL  
**Time:** 10.30 A.M.

**A G E N D A**

1. **Dalton Rooms, 14 Dalton Square, Lancaster** (Pages 1 - 52)

Determination of Application to Vary a Premises Licence following Relevant Representations

**ADMINISTRATIVE ARRANGEMENTS**

**(i) Membership**

Councillors Mel Guilding (Chairman), Sheila Denwood and Peter Yates

**(ii) Queries regarding this Agenda**

Please contact Jane Glenton, Democratic Services - telephone: (01524) 582068 or email [jglenton@lancaster.gov.uk](mailto:jglenton@lancaster.gov.uk).

SUSAN PARSONAGE,  
CHIEF EXECUTIVE,  
TOWN HALL,  
DALTON SQUARE,  
LANCASTER, LA1 1PJ

Published on Monday, 18 September 2017.

<b>LICENSING ACT SUB COMMITTEE</b>
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**Determination of Application to Vary a Premise Licence  
following Relevant Representations –  
Dalton Rooms, 14 Dalton Square, Lancaster  
27th September 2017**

**Report of Licensing Enforcement Officer**

<b>PURPOSE OF REPORT</b>
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To enable Members to determine an application to vary a Premise Licence under Section 34 of the Licensing Act 2003 submitted by Lancaster Nightlife Ltd for Dalton Rooms, 14 Dalton Square, Lancaster, following the receipt of relevant representations.
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<b>The report is public.</b>
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**RECOMMENDATIONS**

**The Sub-Committee is requested to determine, in the light of the representations made and having regard to the Council's Statement of Licensing Policy, the Licensing Act 2003 and any Regulations made under that Act, as well as Government Guidance, whether to vary the application as requested, modify any conditions of the licence, or to reject the whole application. Members are reminded that they should state the reason(s) for their decision.**

**1.0 Introduction**

1.1 The Council grants permissions for Premise Licences submitted under the Licensing Act 2003 (the Act). Lancaster Nightlife Ltd have submitted an application under Section 34 of the Licensing Act 2003 to vary a premises licence for Dalton Rooms, 14 Dalton Square, Lancaster. It has been established that this is a properly served application with all relevant notices being displayed in accordance with the statutory requirements of the Act.

1.2 The current premises licence permits the following:-

Performance of Plays	Monday – Sunday	1000 to 0230	
Exhibition of Films	Monday – Sunday	1000 to 0400	
Performance of Live Music	Monday – Sunday	1000 to 0400	indoors
Playing Recorded Music	Monday – Sunday	1000 to 0400	indoors
Performance of Dance	Monday – Sunday	1000 to 0400	indoors
Late Night Refreshment	Monday – Sunday	2300 to 0400	indoors
Supply of Alcohol	Monday – Sunday	1000 to 0345	on and off

The current variation application is to increase the hours for provision of regulated entertainment (live and recorded music, performance of dance, anything of a similar description) until 0600 Monday to Sunday, late night refreshment until 0500 Monday to Sunday and the sale and supply of alcohol until 0545 Monday to Sunday.

Details of the application to vary the premises licence are set out in the application form, which is Appendix No.1 to this report.

- 1.3 There is a statutory requirement to advertise such applications for a period of 28 days, in which time representations in favour or against the application can be submitted. Any representation submitted must relate to the likely impact of the grant of the licence on one or more of the four licensing objectives which are:
- The prevention of crime and disorder;
  - Public safety;
  - The prevention of public nuisance;
  - The protection of children from harm.
- 1.4 A copy of the premises licence for the Dalton Rooms is attached at Appendix No. 2.
- 1.5 During the 28 day representation period three representations were received from Other Persons as defined by the Act. Copies of the representations are attached at Appendix No. 3 to this report.
- 1.6 The representations relate to the likely impact of the variation of the licence in relation to two of the licensing objectives, namely:
- The prevention of public nuisance;
  - The prevention of crime & disorder (through anti-social behaviour).
- 1.7 Under Section 35(3) of the Act, it is necessary for a hearing to be held to consider the application, as representations have been received from Other Persons. The relevant section prescribes:

Where relevant representations are made, the authority must-

- (a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary; and
- (b) having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives.

The steps are-

- (a) to grant the application subject to –
  - (i) the conditions mentioned in subsection 2 (a) modified to such extent as the authority considers appropriate for the promotion of the licensing objectives; and
  - (ii) any condition which must under section 19, 20 or 21 be included in the licence;

(b) to exclude from the scope of the licence any of the licensable activities to which the application relates.

- 1.8 The relevant parts of the Council's Statement of Licensing Policy as well as Government Guidance in relation to public nuisance are attached at Appendix No. 4a and 4b to this report.
- 1.9 In accordance with the relevant Regulations, the parties have been given Notice of the Hearing. A copy of the Notice is attached for Members' attention at Appendix No. 5. It was not felt necessary to request any clarification from the parties. The parties have been required, in accordance with the Regulations, to indicate at least five working days before the hearing whether they intend to attend and/or be represented at the hearing and if they wish any witness to appear at the hearing. Any responses and any further documentation submitted by any of the parties after the circulation of this Agenda will be circulated to Members in advance of the meeting. Members are reminded that documentary or other information submitted on the day of the hearing may only be taken into account with the consent of the Sub-Committee and all the parties.
- 1.10 Members are reminded that they must follow the rules of natural justice, and must also consider human rights implications. In particular, in accordance with Article 6, all parties are entitled to a fair hearing. Consideration also needs to be given to the right to respect for private and family life and home, contained within Article 8, although this is a qualified right, and interference is permitted where this is in accordance with the law, or is necessary in a democratic society in the interests of public safety or the prevention of crime and disorder, or for the protection of the rights and freedoms of others. Article 1 of the First Protocol provides that every person is entitled to the peaceful enjoyment of his possessions, although again this right is qualified in the public interest.

## **2.0 Conclusion**

- 2.1 Members should consider, having regard to the Council's Statement of Licensing Policy, the Licensing Act 2003 and any Regulations made under that Act, Government Guidance and representations made, whether to grant the application as requested, modify any conditions of the licence, or to reject the whole application. Members are reminded that they should state the reasons for their decision.
- 2.2 Members should note that, due to exemptions contained in the Live Music Act 2012, if the application is granted with conditions, any condition relating to live music would not be applicable between the hours of 0800 and 2300 provided that the premise is open for the sale of alcohol and there is an audience of no more than 500. In the case of this particular application, if granted as submitted, the relevant hours for the exemption would be 1100 hours to 2300 hours.

<b>CONCLUSION OF IMPACT ASSESSMENT</b> <b>(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)</b>
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None.
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<b>FINANCIAL IMPLICATIONS</b>
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Financial Services have not been consulted as there are no financial implications.
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**LEGAL IMPLICATIONS**

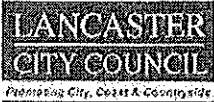
Legal implications are contained within the report. In accordance with Section 181 and Schedule 5 of the Licensing Act 2003, the parties have a right of appeal to the Magistrates' Court within 21 days.

**BACKGROUND PAPERS**

None

**Contact Officer:** David Eglin  
**Telephone:** 01524 582387  
**E-mail:** deglin@lancaster.gov.uk  
**Ref:** DWE

F315 CD CARD



Lancaster  
Application to vary a premises licence  
Licensing Act 2003

For help contact  
licensing@lancaster.gov.uk  
Telephone: 01524 582033

\*required information

Section 1 of 18

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference  This is the unique reference for this application generated by the system.

Your reference  You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?  Yes  No Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader
- Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House?  Yes  No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name  If the applicant's business is registered, use its registered name.

VAT number  Put "none" if the applicant is not registered for VAT.

Legal status

*Continued from previous page...*

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

An agent that is a business or organisation, including a sole trader

A sole trader is a business owned by one person without any special legal structure.

A private individual acting as an agent

**Your Address**

Address official correspondence should be sent to.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

Continued from previous page...

## Section 2 of 18

## APPLICATION DETAILS

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

\* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

Address     OS map reference     Description

## Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

## Premises Contact Details

Telephone number

Non-domestic rateable value of premises (£)

## Section 3 of 18

## VARIATION

Do you want the proposed variation to have effect as soon as possible?     Yes     No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes     No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.



*Continued from previous page...*

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

**Describe Briefly The Nature Of The Proposed Variation**

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

The premises operate as a bar/nightclub situated within a 2 storey building in centre of historic city. It has been operating for many years and the current owner now wishes to offer longer opening hours to customers.

**Section 4 of 18**

**PROVISION OF PLAYS**

See guidance on regulated entertainment

Will the schedule to provide plays be subject to change if this application to vary is successful?

- Yes                       No

**Section 5 of 18**

**PROVISION OF FILMS**

See guidance on regulated entertainment

Will the schedule to provide films be subject to change if this application to vary is successful?

- Yes                       No

**Section 6 of 18**

**PROVISION OF INDOOR SPORTING EVENTS**

See guidance on regulated entertainment

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes                       No

**Section 7 of 18**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

See guidance on regulated entertainment

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes                       No

**Section 8 of 18**

**PROVISION OF LIVE MUSIC**

Continued from previous page...

See guidance on regulated entertainment

Will the schedule to provide live music be subject to change if this application to vary is successful?

Yes  No

**Standard Days And Timings**

MONDAY

Start 10:00

End 06:00

Start

End

TUESDAY

Start 10:00

End 06:00

Start

End

WEDNESDAY

Start 10:00

End 06:00

Start

End

THURSDAY

Start 10:00

End 06:00

Start

End

FRIDAY

Start 10:00

End 06:00

Start

End

SATURDAY

Start 10:00

End 06:00

Start

End

SUNDAY

Start 10:00

End 06:00

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Will the performance of live music take place indoors or outdoors or both?

Indoors  Outdoors  Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Live bands playing amplified music on an occasional basis.

State any seasonal variations for the performance of live music

Continued from previous page...

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Additional hour to the standard times on the day British Summertime commences

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed, above below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

**Section 9 of 18**

**PROVISION OF RECORDED MUSIC**

See guidance on regulated entertainment

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

Yes                       No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start 10:00

End 06:00

Start

End

SUNDAY

Start 10:00

End 06:00

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

- Indoors       Outdoors       Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

As per existing conditions, music provided by in house and guest DJ's.

State any seasonal variations for playing recorded music.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Additional hour to the standard times on the day British Summertime commences

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

**Section 10 of 18**

**PROVISION OF PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes       No

**Standard Days And Timings**

MONDAY

Start 10:00

End 06:00

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="06:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY :

Start	<input type="text" value="10:00"/>	End	<input type="text" value="06:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="06:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="06:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="06:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="06:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the performance of dance take place indoors or outdoors or both?

- Indoors     
  Outdoors     
  Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

As per existing conditions

State any seasonal variations for the performance of dance.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Additional hour to the standard times on the day British Summertime commences

Non-standard timings. Where the premises will be used for the performance of dance at different times from those listed above, list below.

Continued from previous page...

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

**Section 11 of 18**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes                       No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

SUNDAY

Start 10:00

End 06:00

Start

End

Provide a description of the type of entertainment that will be provided.

One off promotional events

Will this entertainment take place indoors or outdoors or both?

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

- Indoors, Outdoors, Both

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

As per existing conditions

State any seasonal variations for entertainment.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Additional hour to the standard times on the day British Summertime commences

Non-standard timings. Where the premises will be used for entertainment at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 12 of 18

PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes, No

Standard Days And Timings

Continued from previous page...

MONDAY

Start 23:00

End 06:00

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start 23:00

End 06:00

Start

End

WEDNESDAY

Start 23:00

End 06:00

Start

End

THURSDAY

Start 23:00

End 06:00

Start

End

FRIDAY

Start 23:00

End 06:00

Start

End

SATURDAY

Start 23:00

End 06:00

Start

End

SUNDAY

Start 23:00

End 06:00

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors       Outdoors       Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

As per existing conditions

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Additional hour to the standard times on the day British Summertime commences



Continued from previous page...

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

**Section 13 of 18**

**SUPPLY OF ALCOHOL**

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes                       No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

SUNDAY

Start 10:00

End 05:45

Start

End

Will the sale of alcohol be for consumption?

- On the premises     Off the premises     Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Additional hour to the standard times on the day British Summertime commences

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

**Section 14 of 18**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

n/a

**Section 15 of 18**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start 10:00

End 06:00

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start 10:00

End 06:00

Start

End

WEDNESDAY

Start 10:00

End 06:00

Start

End

THURSDAY

Start 10:00

End 06:00

Start

End

FRIDAY

Start 10:00

End 06:00

Start

End

SATURDAY

Start 10:00

End 06:00

Start

End

SUNDAY

Start 10:00

End 06:00

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Additional hour to the standard times on the day British Summertime commences

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Continued from previous page...

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

None

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

premises licence to follow, currently with solicitor but will be sent within 48hrs

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LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

All existing conditions and steps to remain and staff to receive extra training to deal with extended hours and potential problems.

b) The prevention of crime and disorder

All existing conditions and steps to remain and staff to receive extra training to deal with extended hours and potential problems.

c) Public safety

All existing conditions and steps to remain and staff to receive extra training to deal with extended hours and potential problems.

d) The prevention of public nuisance

All existing conditions and steps to remain and staff to receive extra training to deal with extended hours and potential problems.

e) The protection of children from harm

All existing conditions and steps to remain and staff to receive extra training to deal with extended hours and potential

Continued from previous page...

problems.

## Section 17 of 18

### NOTES ON REGULATED ENTERTAINMENT

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

**Section 18 of 18**

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. Variation Fees are determined by the non domestic rateable value of the premises. To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £8700	£315.00
Band D - £87001 to £12500	£450.00*
Band E - £125001 and over	£635.00*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £12500	£900.00
Band E - £125001 and over	£1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

\* Fee amount (£)

**DECLARATION**

I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the

Continued from previous page...

\* licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity

\* Date  /  /   
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/lancaster/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**OFFICE USE ONLY**

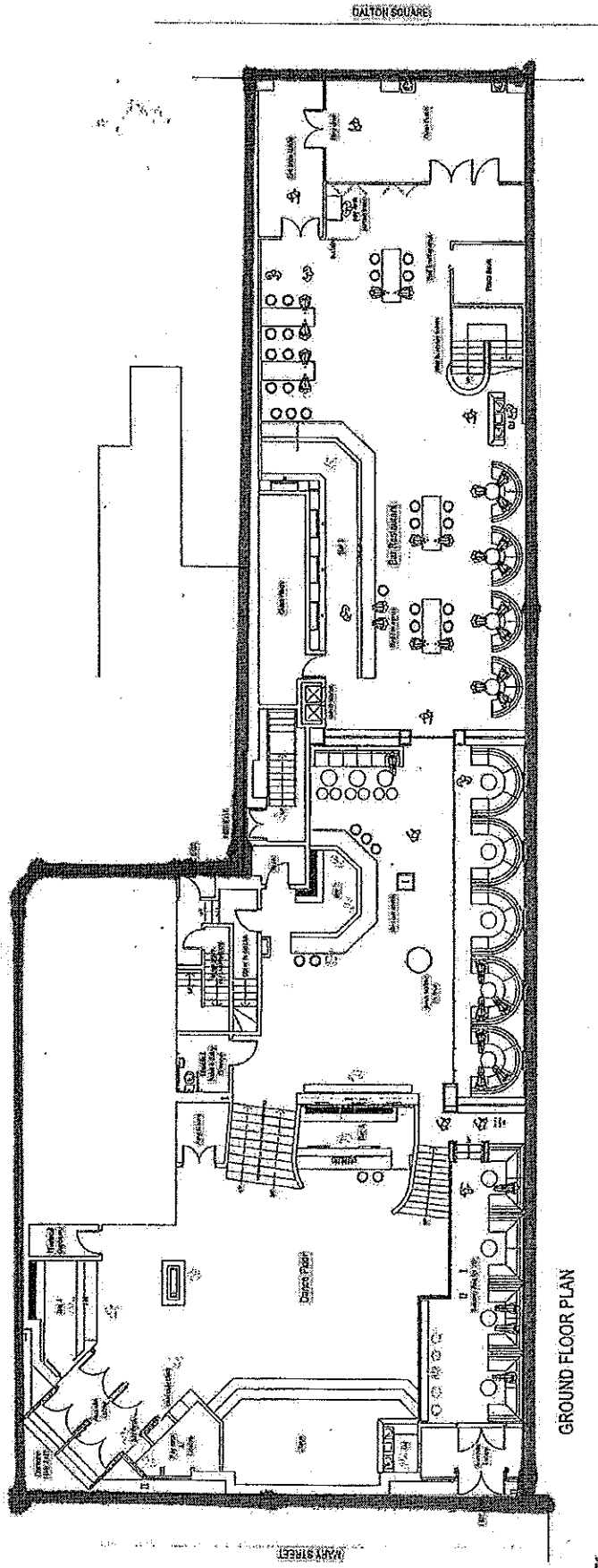
Applicant reference number	<input type="text" value="Dalton variation"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

< Previous 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 Next >

Licensable Area

01

Date 21.07.17



Project: The Dalton rooms  
Dalton Square, Lancaster

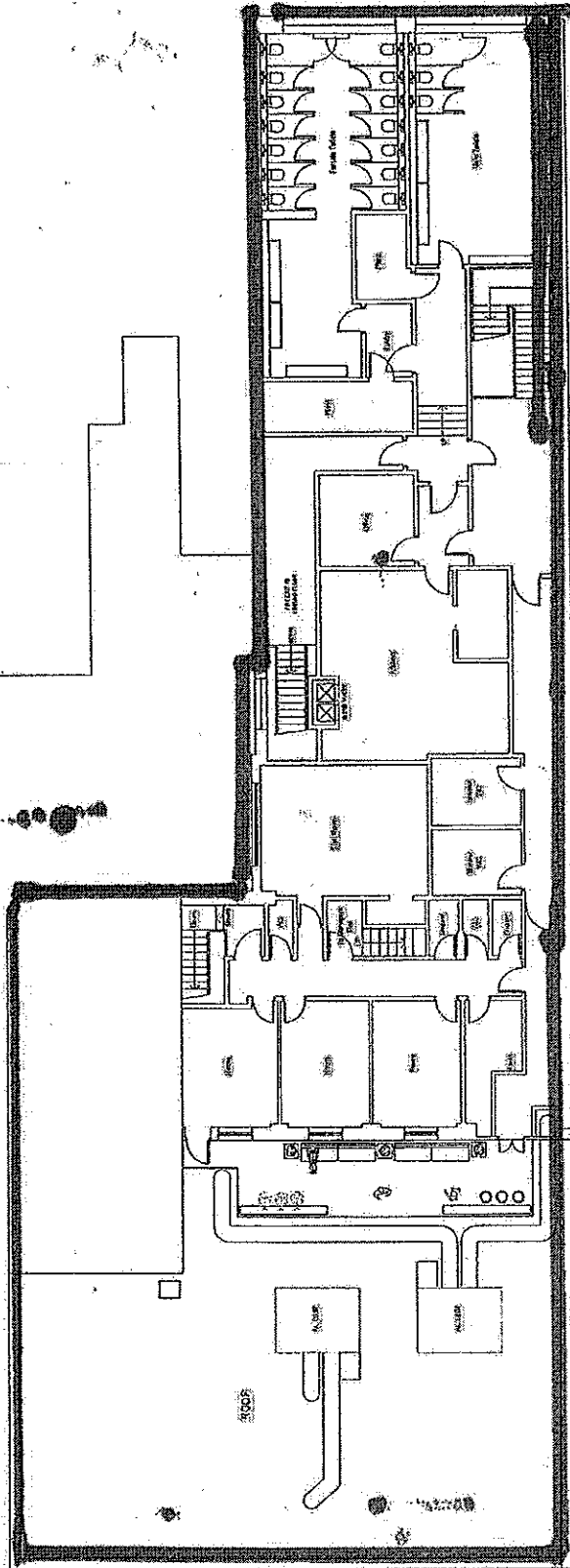
Ground Floor Plan



02

Date 21.07.17

Licensable Area



Project: The Dallen rooms,  
Dalton Square, Lancaster

First Floor Plan

L1



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## Premises Licence

# LAPLWA0345

### Part 1 - Premises Details

#### POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

### Dalton Rooms

14 Dalton Square, Lancaster, Lancashire, LA1 1PL.

Telephone 01524 845 785

#### WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

#### LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of a play
- an exhibition of a film
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- provision of late night refreshment
- the supply of alcohol

#### THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
A. Performance of a play (Indoors)	Monday - Sunday	10:00	02:30
B. Exhibition of films (Indoors)	Monday - Sunday	10:00	04:00
E. Performance of live music (Indoors)	Monday - Sunday	10:00	04:00
F. Playing of recorded music (Indoors)	Monday - Sunday	10:00	04:00
G. Performance of dance (Indoors)	Monday - Sunday	10:00	04:00
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Monday - Sunday	10:00	04:00
I. Late night refreshment (Indoors)	Monday - Sunday	23:00	04:00
J. Supply of alcohol for consumption ON and OFF the premises	Monday - Sunday	10:00	03:45



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# Premises Licence

## LAPLWA0345

### THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday - Sunday	10:00	04:00

### WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON and OFF the premises
--

### Part 2

### NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Lancaster Nightlife LTD Oaklands, Oldham Road, Grasscroft, Oldham, Greater Manchester, OL4 4HN. Telephone 01524 845785
--

### REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

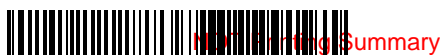
Lancaster Nightlife LTD	10189622
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### NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Paul Michael ROBERTS <del>500 Mill Lane, Hindley, Wigan, WN2 2SA</del> <del>Telephone 07427632313</del>
---

### PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. PA1369	Issued by Bolton
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## Premises Licence

LAPLWA0345

### ANNEXES

#### Embedded/Mandatory Conditions

On New Year's Eve alcohol may be sold from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 hours (midnight) on 31<sup>st</sup> December)

An additional hour to the standard times on the day when British Summertime commences

#### Mandatory Conditions

##### Mandatory Conditions where the licence authorises the sale of alcohol

- 1 No supply of alcohol may be made under the premise licence -
  - (a) at a time when there is no designated premise supervisor in respect of the licence, or
  - (b) at a time when the designated premise supervisor does not hold a personal licence, or his licence has been suspended.
- 2 The supply of alcohol under a premises licence must be made or authorised by a person who holds a personal licence.

##### Irresponsible Drinks Promotions - Mandatory Conditions

3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);



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## Premises Licence

**LAPLWA0345**

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

### **Age Verification Policy - Mandatory Condition**

5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
- (a) a holographic mark, or
  - (b) an ultraviolet feature.

### **Availability of different Measures - Mandatory Condition**

6. The responsible person must ensure that:
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises



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## Premises Licence

LAPLWA0345

(other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

- (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

### Mandatory condition where Door Supervisors are provided

All individuals who carry out security activities must be licensed by the Security Industry Authority (SIA)

### Mandatory condition for the showing of films

During the showing of films, the admission of children must be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 (the British Board of Film Classification - BBFC) or by the licensing authority.

### Alcohol Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purpose of the condition set out in paragraph 1-

- (a) "duty" is to be construed in accordance with the Alcohol Liquor duties Act (1979)
- (b) "permitted price" is the price found by applying the formula -

$$P=D + (D \times V)$$

Where-

- (i) P is the permitted price
- (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;



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## Premises Licence

LAPLWA0345

- (c) "relevant person" means, in relation to premises in respect of which there is in force a premise licence -
- (i) The holder of the premise licence
  - (ii) The designated premise supervisor (if any) in respect of such a licence, or
  - (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence.
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question: and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph (2) on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day

### Offered Conditions

1. A personal licence holder shall be on the premises after 8pm when alcohol is being sold or consumed, except in the case of an emergency
2. Whenever the designated premises supervisor is not at the premises another responsible person will be designated as the person responsible for alcohol sales and will have the contact details of the designated premises supervisor. The details of such person will be on prominent display.
3. On Sunday to Thursday evenings a minimum number of 2 members of door staff registered with the SIA will be on duty from 22:00 hours for the first 150 customers and thereafter one for every 150 or part thereof, if the premises trades after 1am.
4. On Friday and Saturday evenings a minimum number of 2 members of door staff registered with the SIA will be on duty from 22:00 hours for the first 150 customers and thereafter one for every 150 or part thereof.
5. Door supervisors registered with SIA shall be equipped with an appropriate method of keeping an



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## Premises Licence

### LAPLWA0345

- accurate record of the capacity levels, including any separate capacity levels for individual rooms or levels
6. Door Supervisors shall be positioned at each entrance/exit (other than fire only exits) to ensure that no customer leaves with any bottles or glasses
  7. The designated premises supervisor will maintain a daily record comprising of the start time and finish time of each door supervisor. The door supervisor will record their SIA badge number and will sign and print their name in a legible form at the beginning and end of each tour of duty. The record shall be kept securely on the premises for at least 6 months and shall be produced on request to the police or other authorised person
  8. To install, maintain and operate a CCTV system, which complies with the minimum requirements, expected of the Lancashire Constabulary and shall record during all hours that a licensable activity takes place on the premises
  9. Any person who looks or appears to be under the age of 18 shall be asked to provide identification that they are over the age of 18. The following are the only forms of identification acceptable: UK photo driving licence; Passport; PASS card (proof of age standards scheme)
  10. The maximum number of persons (including staff) allowed to be on premises at any time shall be 840
  11. No entry to or re-entry to the premises one hour prior to the terminal hour by members of the public or by any guests or friends of members of staff or the premises licence holder
  12. The designated premises supervisor or a person nominated by them shall be a member of and regularly attend meetings of any Pubwatch scheme for the area within which the premises are located and would include registration and use of community/network radio
  13. There will be no adult entertainment services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

#### Conditions added after review of the licence

1. On Thursday to Monday echo barriers will be in place from 23.00 until close. A member of management will carry out a risk assessment on Tuesday and Wednesday evenings to decide whether the echo barriers are necessary.
2. The doors which open on to Dalton Square will not be used, except for emergencies, between the hours of 02.00 and close of business. Door supervisors and signage will be in place to enforce this condition internally. Customers wanting to gain access to the premises will be informed to use the rear entrance.
3. Door supervisors will monitor and regulate any queue. Customers at the Dalton Square entrance will be directed to queue in the foyer area within the echo barriers. Any customers that are not adhering to the queuing policy will be refused entry and asked to leave the area.
4. Thursday to Monday customers will not be allowed to leave the premises via the Dalton Square exit to smoke outside the premises after 23.00. Any customers wishing to smoke after 23.00 will





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## Premises Licence

**LAPLWA0345**

leave the premises via the rear entrance on to St Marys Street.

5. From 23.00 on a Thursday to Monday door supervisors will be positioned by the Dalton Square entrance doors to ensure that customers are informed to smoke to the rear of the premises.
6. Thursday to Monday there will be at least one member of door staff that will monitor the external area on Dalton Square to ensure that customers are not smoking and re-entering the premises after 23.00.
7. Any customers that are smoking will be monitored to ensure they are not acting in a rowdy manner.
8. Doors and windows will be kept closed whenever there is regulated entertainment apart from access and egress.
9. Door supervisors will remain employed until the last customer has left the building and the immediate vicinity of the premises.
10. If requested, any person living in or around Dalton Square, will be provided with a contact number for management at the premises. This number will be available whenever the premises is open and will allow those residents to have direct communication with the venue.
11. Whenever regulated entertainment is taking place, regular assessments shall be made of any noise emanating from the premises. Wherever said assessments indicate that noise is likely to cause nuisance to any residents or businesses in the vicinity, steps will be taken to reduce the level of noise.
12. Any music that is played within the upper tier of the premises must be played through a sound limiting device.





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## Premises Licence Summary

# LAPLWA0345

### Premises Details

#### POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

### Dalton Rooms

14 Dalton Square, Lancaster, Lancashire, LA1 1PL.

Telephone 01524 845 785

#### WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

#### LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of a play
- an exhibition of a film
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- provision of late night refreshment
- the supply of alcohol

#### THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
A. Performance of a play (Indoors)	Monday - Sunday	10:00	02:30
B. Exhibition of films (Indoors)	Monday - Sunday	10:00	04:00
E. Performance of live music (Indoors)	Monday - Sunday	10:00	04:00
F. Playing of recorded music (Indoors)	Monday - Sunday	10:00	04:00
G. Performance of dance (Indoors)	Monday - Sunday	10:00	04:00
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Monday - Sunday	10:00	04:00
I. Late night refreshment (Indoors)	Monday - Sunday	23:00	04:00
J. Supply of alcohol for consumption ON and OFF the premises	Monday - Sunday	10:00	03:45





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# Premises Licence Summary

## LAPLWA0345

**THE OPENING HOURS OF THE PREMISES**

Description	Time From	Time To
Monday - Sunday	10:00	04:00

**WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES**

- J. Supply of alcohol for consumption ON and OFF the premises

**NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE**

Lancaster Nightlife LTD  
Oaklands, Oldham Road, Grasscroft, Oldham, Greater Manchester, OL4 4HN.

**REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)**

Lancaster Nightlife LTD 10189622

**NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

Paul Michael ROBERTS

**STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED**



**From:** Lancaster City Centre Residents Association [REDACTED]  
**Sent:** 29 August 2017 10:16  
**To:** licensing  
**Cc:** Eglin, David; Peck, Wendy  
**Subject:** Objection to the Dalton Rooms Licensing Application

**RE. Dalton Rooms Licensing Application for Extension to 6.00 am**

License No. LAPLWA0345

We would like to register our formal objection to the extension of the current license to 6.00 am on the grounds of increased **anti-social consequences and public nuisance**.

We would remind the City Council and point out to the current management of the Dalton Rooms that their premises are situated within a RESIDENTIAL AREA. The 'Glow Rooms' (being the rear of the Dalton Rooms) directly affects a community of residents in several dwellings some of whom are elderly and have been resident for over 25 years. The Glow Rooms currently causes untold alarm and distress with its incredibly loud music and a door policy (or lack of) that allows the music and customers to spill onto the streets and back streets around our residents' flats and houses until and beyond 4.00am. It is clear that encouraging deafening music to escape into the surrounding streets is an **intentional marketing device** employed by clubs to the alarm and misery of people who live in the area.

These residents are not people who have just 'moved in next to a pub and immediately complain about the noise'. These are residents that have lived here since the Dalton Rooms was a restaurant and cocktail bar – a welcome addition to the Town Centre. Since then we have had to watch, powerless, as the City Council continually grant permissions and licensing changes that have allowed it to turn into something else entirely. The Dalton Rooms have been formally taken to **Tribunal** in the past because of the serious antisocial consequences of its own behaviour and that of their drunken customers. Extending their activities to 6.00 am when some people are getting up, having breakfast and going to work is simply unnecessary and unfair. Six o'clock in the morning is not any part of a 'Night Time Economy'.

The Dalton Rooms already has a reputation for diminishing the quality of life for residents on the same side of the square, Mary Street, Moor Street, Gage Street, in Wesley House and residents of Sulyard Street. Residents as far away as Moor Lane can hear the music and suffer the regularly reported consequences of screaming, shouting, vomiting and urinating young people that result from Lancaster's late night/early morning drinking culture.

We urge the City Council not to grant this extension and to revisit the restrictions imposed on the Dalton Rooms from the last time the club was taken to task to ensure that the stress and unhappiness caused is kept to a minimum.

Kind Regards

On behalf of Lancaster City Centre Residents Association



[www.lccra.co.uk](http://www.lccra.co.uk)

[REDACTED]

---

**From:** James Mackie [REDACTED]  
**Sent:** 29 August 2017 11:24  
**To:** licensing  
**Subject:** Objection to Dalton Rooms 6.00am Extension

James Mackie  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

29<sup>th</sup> August 2017

RE: Dalton Rooms Extension of License to 6.00am

I wish to object to the extension of opening hours of the Dalton Rooms/ Glow Rooms to 6.00am on the grounds of the increase of antisocial behaviour and the public nuisance caused by the sound of loud music and the behaviour of the customers that congregate around the entrance to the Glow Rooms on Mary Street/Moor Street.

The Dalton Rooms have been censured in the past for their adverse effects on the residents of Dalton Square, Gage Street, Moor Street and across the Square in Sulyard Street and Priory Street.

I suspect that none of the Council Representatives considering this application will think that serving alcohol to young people at 5.45 am is a good idea. I also expect that few or none of them will make a stand against the extension. If this is so, can I make a plea for the following list of conditions to be DEMANDED of the current management.

1. I have video evidence of the Glow Rooms erecting gazebo structures in Moor Street that have stayed there until 4.00am to allow customers to continue their revels under cover on the public highway to have a smoke. There are at least 5 households of residents that are directly affected by the dreadful noise of those people and the sound of the phenomenally loud music that escapes when the doors in and out of the club are continually opened- and in some cases propped open. In the past the club has placed speakers OUTSIDE the doors.

On the plans it shows two sets of doors at this entrance. They must remain CLOSED except when admitting new customers and allowing people to leave the club to move on elsewhere. There must be zero tolerance of people going in and out to smoke, socialise, call their mates on the phone etc. If the club needs ventilation on hot nights these doors must NOT be used to solve the problem.

Obviously, no structures should be allowed to be built in the street. Moor Street is the only access point for Fire Engines and emergency services to the rear of domestic and business premises on Dalton Square, Moor Street, Gage Street and the kitchens of the Chinese Restaurant.

2. I believe there is now a smoking area on the roof of the building. This must be monitored as a quiet area and must NOT have ANY MUSIC piped up to it.
3. Since being challenged in the past by Environmental Health and local residents the front of the Dalton Rooms has had sound reduction measures installed an their active nights. This has had some positive effect and must be continued along with a strict closed door policy at that side of the building too.
4. Queuing into both sides of the building must be strictly supervised by the doormen to minimise if not eradicate any loud and leery behaviour. This must be doubly reinforced when people leave.

Yours sincerely

James Mackie

30 AUG 2017

Licensing Manager  
Lancaster City Council  
Town Hall  
Dalton Square  
Lancaster LA1 1PX  
30-08-2017

Dear Licensing Manager,

**Dalton Rooms Licensing Application for Extension to 6.00 a.m. License No. LAPLWA0345**

I am registering my objection to the application by Lancaster Night Life Ltd. to extend the Dalton Rooms current licence to 6.00 am due to the inevitable risk of increased anti-social consequences and public nuisance. The application is inconsistent with the Council's adopted licensing policy 2016-2021 and the Council's stated duty to protect the living amenity of residents and commercial interests (para 3.3. and other references). It also runs contrary to the council's ongoing planning policies of trying to encourage more city centre living and revitalise the city centre.

The Dalton Rooms are situated within an area of the city centre which has a high proportion of residential premises including houses, flats and elderly persons' accommodation. The 'Glow Rooms' at the rear of the Dalton Room) directly affects a community of residents in several dwellings some of whom are elderly and have been resident for long periods. Even where we live in Sulyard Street and beyond music from the Glow Rooms can be heard when doors open and customers spill out onto the streets with the resultant shouting, drunkenness and other antisocial behaviour. For those living even closer the distress caused at times I am aware can be intolerable.

It is accepted that living in the city centre will involve some disturbance as well as having its advantages. However, it is still a regular occurrence that in the early hours of the mornings there are gatherings of people in Dalton Square some of which certainly originate from the Glow Rooms which can involve alot of shouting and other anti-social behaviour. This is not midnight hours it is after 2 pm and beyond.

Concerns expressed are not from people who have just 'moved in next to a pub and immediately complain about the noise'. These are residents that have lived in the vicinity of the Dalton Rooms when it had a good reputation and was seen as making a vital contribution to both the economy and amenity of the city centre. Sadly, due to relaxed licensing hours generally and specifically to the Dalton Rooms and other changes that have happened the premises risk undermining the wellbeing of the city centre, local residents whether living close or the immediate vicinity and the repercussions this potentially has on adjacent business premises. Dalton Square and the mix of quality shops and offices

overall presents a good image of the city centre, but this is could be at risk by some of the ongoing activities at the Dalton Rooms.

You are fully aware the Dalton Rooms have previously been taken to Tribunal because of the serious antisocial consequences of its own activities and that of drunken customers. Extending their licensing hours to 6.00 am would be wrong and contrary to the interests of both residents and responsible businesses. At a time when public services are being stretched to the absolute limits- police, health, council and others - it is ill conceived to expect these services to have to pick up the 'debris' that inevitably results from a further licence extension.

The City Council is urged to fulfil its own stated commitment to protect the amenity of local residents by refusing this request for a licence extension and also revisit the restrictions imposed on the Dalton Rooms from the last time the club was investigated to ensure that the stress and unhappiness caused is kept to a minimum.

Moreover, the Council has also to widen its thinking about reinventing the city centre as a place to live, work and enjoy. Licensing policies are not freestanding- they make a vital contribution to whether a positive vision for the future of the centre is achieved or not. The Council have to recognise the experiences from elsewhere in the UK and abroad especially for a small city like Lancaster that 'over liberal' licensing policies are frequently damaging to long term 'place sustainability'.

Yours Sincerely



Nick Moule



## Appendix 4a

### 13.0 Prevention of public nuisance

- 13.1 The most obvious aspect of public nuisance is noise. The primary source of noise is amplified music, either uncontained outdoors or emanating from premises, which do not have sufficient measures in place to contain the sound. Late at night or in the early hours of the morning, individuals shouting in the street or groups of people talking in an animated fashion generate a substantial level of noise and in some cases this is aggravated by offensive language.
- 13.2 As customers leave licensed premises, the sound of their conversation can disturb residents. Potentially greater problems arise when customers congregate or accumulate outside the licensed premises. However, it is clear that the person in control of the premises has a responsibility to ensure that disturbance to residents and businesses is kept to a minimum.
- 13.3 In considering licence applications where relevant representations are received, the Licensing Authority will consider the adequacy of measures proposed to deal with the potential for nuisance and disorder having regard to all the circumstances of the application. When addressing public nuisance, the applicant should identify any particular issues which are likely to adversely affect the promotion of the objective to prevent public nuisance, taking account of the location, size and likely clientele of the premises, and the type of entertainment (if any) to be provided. Such steps as are required to deal with these issues should be included within the applicant's operating schedule, and may include:
- The steps the applicant has taken or proposes to prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment and human voices. Such measures may include the installation of soundproofing, air conditioning, noise limitation devices and keeping windows closed during specified hours.
  - The steps taken to ensure that all staff involved in the management of the premises have the capability, responsibility and training to supervise other staff and to ensure that the premises are operated in such a manner as to prevent public nuisance.
  - The steps the applicant has taken or proposes to prevent disturbance by patrons arriving at or leaving the premises, for example warning signs at exits, and warning announcements within the premises, and the use of door supervisors to pass on the message.
  - The steps the applicant has taken or proposes to prevent queuing, or if queuing is inevitable, to divert queues away from neighbouring premises, or otherwise manage and monitor the queue to prevent disturbance of obstruction, and to prevent patrons congregating outside the premises.
  - The implementation of a last admission time, and how the last admission time relates to the closing time of the premises.
  - The steps the applicant has taken or proposes to take to manage queues so that patrons who will not gain admission before any last admission time are advised accordingly.
  - The steps the applicant has taken to reduce queuing outside the premises and to minimise the length of time people have to queue at the premises.
  - The steps the applicant has taken to advise patrons that they will not be admitted if they are causing a disturbance, and the steps taken to implement a procedure

for banning patrons who continually leave or arrive at the premises in a manner, which causes a public nuisance or disturbance.

- The arrangements made or proposed for parking by patrons and the effect of parking on local residents.
- The arrangements the applicant has made or proposes to make for security lighting at the premises, and the steps the applicant has taken or proposes to take to ensure that lighting will not cause a nuisance to residents.
- Whether there is sufficient provision for public transport for patrons, for example the provision of a free phone taxi service or other arrangements with taxi companies, and whether information is provided to patrons about the most appropriate routes to the nearest transport facilities.
- Whether taxis and private hire vehicles serving the premises or traffic flow from the premises are likely to disturb local residents.
- Whether routes to and from the premises pass residential premises.
- Whether other appropriate measures to prevent nuisance have been taken, such as the use of CCTV or the employment of an adequate number of licensed door supervisors.
- The measures proposed to prevent the consumption or supply of illegal drugs, including any search and disposal procedures.
- The procedures in place for ensuring that no customer leaves with bottles or glasses.
- If the applicant has previously held a licence within the area of the Council, the history of any enforcement action arising from those premises.
- Whether the premises would result in increased refuse storage or disposal problems, or additional litter in the vicinity of the premises.
- The steps the applicant has taken or proposes to take in order to ensure that standards of public decency are maintained in any entertainment provided at the premises.
- If appropriate, whether music is played at a lower level towards the end of the evening in a "wind down period".
- The applicant's proposals for the length of time between the last sales of alcohol, and the closing of the premises.
- The steps the applicant has taken to prevent noise and other public nuisance from occurring in any open air parts of the premises, beer gardens, smoking shelters or areas that are used on an ad-hoc basis by patrons with the management consent for smoking e.g. a street or pavement adjacent to the premise.

The above list is not intended to be exhaustive, and the applicant should consider all aspects of the operation that may affect public nuisance.

- 13.4 Since the introduction of the Health Act 2006 the requirement for patrons to go outside a premises to smoke has caused an increase in the number of noise and anti-social behaviour complaints received by this and other councils. It is therefore expected by the Licensing Authority that the management of licensed premises will ensure that adequate provision is made to supervise those patrons who leave the premises for a short time to smoke, having regard to the health and safety of their staff. In certain cases some form of regular engagement between businesses and residents can lead to better understanding of the needs of each party and inspire a degree of trust.
- 13.5 The cumulative effects of litter around premises carrying on licensable activities can amount to public nuisance. The Licensing Authority requires that any premises that can cause litter, be it from a take-away food establishment or cigarette debris left by its customers, must remove it at regular intervals. At the end of trading, management of the premises should arrange for a final check of the area immediately outside the

premises to ensure that no litter, spilled food or cigarette debris is left. In some cases it may be appropriate to impose conditions on licences for take-away premises which require litter bins to be provided or for litter dropped around of the premises to be collected and removed at regular intervals at the licence holder's expense including washing away to the gutter any spilled food.

#### **14.0 The prevention of crime and disorder**

14.1 The central concerns of licensing in relation to law and order are acts of violence and vandalism brought about by consumption of alcohol and the use of licensed premises as part of a distribution network for illegal drugs.

14.2 It is not the function of licensing to impose good practice in the adoption of wider crime reduction measures, such as those for securing premises outside of trading hours. It is also not a purpose of licensing to require that measures be put in place to enhance the opportunities for gathering evidence in relation to crime of a general nature. However, the Licensing Authority recognises that CCTV cameras at premises have an important role in preventing crime and disorder.

14.3 The Licensing Authority's starting point is to seek a reduction in crime and disorder throughout the area, consistent with its statutory duty under section 17 of the Crime and Disorder Act 1998. Licences may be granted if applicants can demonstrate that a positive reduction in crime and disorder will result, or that it will not increase, as a result of the application being granted.

14.4 Where there are relevant representations, the Licensing Authority will generally not grant a licence where it is likely that the premises will be used for unlawful purposes or where it is considered that the use of the premises is likely to cause an increase in crime and disorder in the area or the premises and this cannot be prevented by the imposition of conditions. When addressing crime and disorder, the applicant should identify any particular issues which are likely to adversely affect the promotion of the objective to prevent crime and disorder, taking account the location, size and likely clientele of the premises, and the type of entertainment (if any) to be provided. Such steps as are required to deal with these issues should be included within the applicant's operating schedule, and may include:

- Use of CCTV inside and outside the premises. The Lancashire Constabulary has produced suggested minimum requirements for CCTV and these are available from the Lancashire Constabulary or from the Licensing Authority's administrative staff.
- Use of metal detection or other search equipment or procedures.
- Crime and disorder risk assessment in relation to the proposed activities.
- Measures to prevent the use or supply of illegal drugs and procedures for searching customers.
- Ensuring that all staff are appropriately trained.
- Ensuring that all staff involved in the management of the premises have the capability, responsibility and training to supervise other staff and to ensure that the premises are operated in such a manner as to prevent crime and disorder
- Employment of sufficient security staff where appropriate, controlling admission, monitoring capacity within the premises as a whole and in separate rooms/levels and patrolling the interior and exterior of the premises (any such staff must be licensed by the Security Industry Authority). The Licensing Authority recognises that there is a greater need for security staff in some premises than in others. For example there will be a greater need for security staff in a town centre nightclub

than in a village pub. It will be for the applicant to consider the appropriate number of door staff required for the particular premises.

- Ensuring that a register of door staff and their working times is maintained.
- Participation in Pub Watch, Best Bar None or other relevant schemes and using radio links/pages as a means of connecting to other licensed premises.
- Use of plastic or polycarbonate glasses and bottles, where appropriate, or toughened glass. Applicants are advised that the Government believes that a risk-based, rather than blanket, approach to requiring licensed premises to use safer alternatives is the best way to tackle the problem of glass-related injuries.
- Wherever possible, agreed protocols with police and other organisations and a commitment to co-operate and provide such evidence as the Police require.
- Adopting the “Night Safe Initiative” and “Safer Clubbing Guide” as statements of best practice.
- Following the trade codes of practice, for example BBPA and Portman Group, and not carrying out any irresponsible drinks promotions.
- Providing a suitable environment for customers having regard to the activities going on in the premises, in particular appropriate levels of seating.
- Ensuring that there are sufficient transport facilities available to ensure that customers can leave the premises safely and swiftly.
- Maintaining an incident log.
- The steps the applicant has taken to prevent crime and disorder issues from occurring in any open air parts of the premises, beer gardens, smoking shelters or areas that are used on an ad-hoc basis by patrons with the management consent for smoking, due to location, control within and management of such areas.

It should be noted that this list is not intended to be exhaustive. It may be appropriate for the applicant to consider other steps. Equally, the Licensing Authority recognises that not all the items in the list will be applicable to all premises.

- 14.5 Following the receipt of relevant representations, the Licensing Authority will not normally allow a person to be specified as a designated premises supervisor where that is likely to undermine the prevention of crime and disorder by reason of that person’s known past conduct. A person is likely to be considered unsuitable if he has previous unspent convictions for a relevant offence, notwithstanding that he may have been granted a personal licence. However, each case would be considered on its own merits in the light of representations received.

## 2. The licensing objectives

### Crime and disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority ("SIA") as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder. For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.
- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

## Public safety

- 2.6 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.
- 2.7 A number of matters should be considered in relation to public safety. These may include:
- Fire safety;
  - Ensuring appropriate access for emergency services such as ambulances;
  - Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
  - Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
  - Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
  - Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
  - Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.11-2.12, and Chapter 10; and
  - Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).
- 2.8 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.33-8.41), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

## Ensuring safe departure of those using the premises

- 2.9 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:
- Providing information on the premises of local taxi companies who can provide safe transportation home; and
  - Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

## Maintenance and repair

- 2.10 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

## Safe capacities

- 2.11 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.
- 2.12 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act<sup>1</sup>, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.
- 2.13 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

## Public nuisance

- 2.14 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be

<sup>1</sup> S 177 of the 2003 Act now only applies to performances of dance.

disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

- 2.15 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.16 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 15). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.17 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.18 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.19 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.20 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.



## Protection of children from harm

- 2.21 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 2.22 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:
- adult entertainment is provided;
  - a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
  - it is known that unaccompanied children have been allowed access;
  - there is a known association with drug taking or dealing; or
  - in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.
- 2.23 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.
- 2.24 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.
- 2.25 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.
- 2.26 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:
- restrictions on the hours when children may be present;
  - restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;

## Appendix 5

### LANCASTER CITY COUNCIL

#### LICENSING ACT 2003 AND THE LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005

#### NOTICE OF HEARING

To: The Applicant: Lancaster Nightlife Ltd

Other Persons Lancaster City Centre Residents Association  
James Mackie  
Nick Moule

**THE LANCASTER CITY COUNCIL, AS LICENSING AUTHORITY, HEREBY GIVES YOU NOTICE** that a hearing before a Sub-Committee of the Licensing Act Committee to consider relevant representations in respect of an application under Section 34 of the Licensing Act 2003 in respect of premises known as **Dalton Rooms, 14 Dalton Square, Lancaster**, will take place on the **27<sup>th</sup> September 2017** at Lancaster Town Hall, commencing at 10.30 a.m.

**AND TAKE NOTICE THAT** each party, as listed above, is required to give to the Licensing Authority by no later than five working days before the day of the hearing a notice in writing stating whether that party intends to attend or be represented at the hearing, and whether he or she considers a hearing to be unnecessary.

**AND TAKE NOTICE THAT** if a party wishes any other person (other than the person he/she intends to represent him at the hearing) to appear at the hearing, the notice given by that party and referred to in the preceding paragraph must contain a request for permission for such other person to appear at the hearing, and must set out details of the name of that person and a brief description of the point or points on which that person may be able to assist in connection with the matter to be considered by the Sub-Committee.

**GIVEN** this 11th September 2017 by the Lancaster City Council as Licensing Authority.

## **INFORMATION TO ACCOMPANY NOTICE OF HEARING**

### **1. Right of attendance, assistance and representation**

A party may attend the hearing and may be assisted or represented by any person, whether or not that person is legally qualified.

The hearing will generally take place in public. However, the Sub-Committee may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking part in public. In such circumstances, a party and any person assisting or representing a party may be treated as a member of the public. The Sub-Committee will exclude the public (and the parties and their representatives) during the decision making process.

The Sub-Committee may require any person attending the hearing who in its opinion is behaving in a disruptive manner to leave the hearing, and may refuse to permit that person to return, or permit him to return only on such conditions as the Sub-Committee may specify. However, such a person may, before the end of the hearing, submit to the Sub-Committee in writing any information which he would have been entitled to give orally had he not been required to leave.

### **2. Representations and Supporting Information**

At the hearing a party shall be entitled to:

- (a) Give further information as applicable in response to a point upon which notice has been given to that party that clarification is required. (Note – if such clarification is required from a party this will have been indicated in the Notice of Hearing).
- (b) Question any other party, but only if given permission by the Sub-Committee; and
- (c) Address the Sub-Committee

### **3. Failure of Parties to attend the Hearing**

If a party has given notice that he does not intend to attend or be represented at a hearing, the hearing may proceed in his absence.

If a party who has not so indicated fails to attend or be represented at a hearing, the Sub-Committee may, where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or hold the hearing in the party's absence. If the hearing proceeds in a party's absence, the Sub-Committee will consider and give appropriate weight to the application, representation or notice given by that party in their absence.

### **4. Representations and Evidence**

A party who wishes to rely on information or documentary evidence that has not been submitted in advance of the issue of the Notice of Hearing should ensure that such information or evidence, together with sufficient copies for all the parties, is submitted to the Licensing Manager as soon as possible before the day of the hearing.

Parties are reminded that documentary or other information submitted on the day of the hearing may only be taken into account with the consent of all the other parties.

A party who wishes to produce audio/visual evidence should make such evidence available as soon as practical, and should give a minimum of two clear working days notice to the Licensing Manager to facilitate arrangements for the appropriate equipment to be available at the hearing.

## **5. Procedure**

A summary of the procedure that will normally be followed at the hearing is enclosed.

It should be noted that this is a general procedure intended to cover matters that will normally be applicable at all hearings.

However, depending on the circumstances of each individual case, it is recognised that other issues may need to be considered as preliminary points at the hearing. These may include (but are not limited to):

- Whether to proceed in the absence of a party
- Whether to admit new documents/information submitted at the hearing
- Whether it is in the public interest to exclude members of the public from the hearing or any part of the hearing (other than the decision making process)
- Whether any party wished to withdraw representations previously submitted

## **6. Special Needs**

Any person who intends to attend a hearing and who has special needs, for example in connection with access, language, hearing or vision, should inform the Licensing Manager as soon as practical prior to the day of the hearing, so that appropriate provision or arrangements may be made.

**PROCEDURE TO BE FOLLOWED AT HEARINGS TO WHICH THE LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005 APPLY**

1. The Chairman will introduce the Members and the Legal Adviser and Democratic Support Officer.
2. The Chairman will ask the parties to introduce themselves and any persons with them.
3. The Chairman will confirm that there is no reason why any of the three sub-committee Members should not participate in this matter.
4. The Chairman will confirm that this is a discussion led by the authority, that any questions should generally be put through the Chairman, and that cross-examination will only be permitted if the Sub-Committee considers that it is necessary.
5. The Chairman will ask the parties if they have any requests to cross-examine, and such requests will be considered by the Sub-Committee.
6. The Sub-Committee will consider any requests from the parties for permission for another person to appear at the hearing.
7. The Chairman will explain to the parties that the procedure to be followed will be the published one (unless the circumstances of the case require the normal procedures to be varied) – that is,
  - that the Licensing Manager (or his representative) will introduce the details of the application, the reason for the hearing, and the documentation,
  - that each party making representations will address the sub-committee in turn and will call other persons where permission has been given
  - that the applicant/licence holder will present his case and will call other persons where permission has been given
  - that Members may ask questions of all parties and persons
  - that questions from the parties must be directed through the Chairman unless cross-examination has been permitted under 4 above
  - that all parties will have the opportunity to make a closing statement, with the applicant/licence holder having the final word
  - that the Sub-Committee will withdraw to make its decision and formulate the reasons for the decision in private, and will ask its Legal Adviser and the Democratic Support Officer to join it in order to assist in documenting the decision and the reasons, or to provide clarification on any point. The decision will be announced in public and confirmed in writing. (In certain circumstances, the decision may not be made on the same day as the hearing). In the event that the Legal Adviser has been asked for clarification on any point then the point raised and the advice given will be declared to all parties.
8. The Chairman will indicate the maximum period of time each party will be allowed in which to present their case, and will seek comments from the parties before the Sub-Committee makes its final indication on this point.
9. The hearing will then proceed following the procedure in 7 above. The Chairman will arrange for reasonable comfort breaks throughout the hearing.