

**LICENSING SUB-
COMMITTEE**

10.30 A.M.

30TH SEPTEMBER 2021

**2 BUSINESS AND PLANNING ACT 2020 APPLICATION FOR PAVEMENT LICENCE -
ERIC BARTHOLOMEW, 10-18 EUSTON ROAD, MORECAMBE, LA4 5DD -
DETERMINATION OF APPLICATION FOLLOWING REQUEST TO REMOVE A
STANDARD CONDITION**

The Sub-Committee comprised of Councillor Joan Jackson (Chair), Councillor Abi Mills and Councillor Paul Anderton.

The Legal Adviser was Daniel Spencer.

The Democratic Support Officers were Sarah Moorghen and Alec Reid.

JD Wetherspoons PLC had submitted an application for a Pavement Licence under Part 1 of The Business and Planning Act 2020 in respect of The Eric Bartholomew, 10-18 Euston Road, Morecambe. The matter was submitted to the Sub Committee due to the request to remove / vary a standard condition.

During the prescribed consultation period there were no representations received in relation to the application.

Trainee Licensing Officer, Sarah Jones presented the report. Also present was Jennifer Curtis, Licensing Manager. The applicant was represented by Mr Rob McLean, Manager of the Eric Bartholomew who was present during the hearing and made oral representations.

As part of the application for a Pavement Licence the applicant has requested to remove the standard condition that states "Where alcohol is permitted to be served or consumed in the licensed area, glass receptacles including bottles cannot be used. Polycarbonate or similar material receptacles should be used". The application states that polycarbonates will be implemented on days of local football fixtures.

It was confirmed that the applicant had been granted a Pavement Licence for the same premises in May 2021, with this same condition removed. During that period there had been no complaints or issues as a result of the Pavement Licence being granted or the condition being removed.

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

DECISION

The Sub Committee carefully considered all of the documentation provided in advance of the hearing. The Committee also considered Part 1 of the Business and Planning Act 2020, Lancaster City Council's Pavement License Policy and the Government Guidance. They also considered all the representations and views expressed at the hearing.

The Sub-Committee noted that there had been no objections to the application and that the previous licence, which had been granted with the same amended condition did not cause any concerns or problems. It is the Sub-Committees decision to grant the application as applied for.

The Business and Planning Act does not provide for a right of appeal against a decision of the Council in respect of determining Pavement Licence applications, however where a party considers that there has been maladministration, the complaints procedure and the Local Government Ombudsman can investigate. In addition, a judicial review process is available via the High Court.

(The meeting ended at 10.50 a.m.)

**Any queries regarding these Minutes, please contact
Sarah Moorghen, Democratic Services - email smoorghen@lancaster.gov.uk**