

# LICENSING ACT SUB COMMITTEE

## Licensing Act 2003 Premise Licence Grant - The Storey, Meeting House Lane, Lancaster, LA1 1TH Determination of Application following Relevant Representations 18<sup>th</sup> December 2018

### Report of Licensing Manager

#### PURPOSE OF REPORT

To enable members to determine an application for a Premise Licence under Section 17 of the Licensing Act 2003 submitted by Sarah Price as the Facilities Manager on behalf of Lancaster City Council (the Applicant), Dalton Square, Lancaster, LA1 1PJ for The Storey, Meeting House Lane, Lancaster, LA1 1TH following the receipt of relevant representations.

The report is public

#### RECOMMENDATIONS

- a) The Sub Committee is requested to determine, in light of the representations made against the application, the agreements made between all parties concerned through the mediation process.
- b) The Sub Committee is requested to have 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.
- c) Members must decide whether to grant the application as requested, modify any conditions of the licence as agreed, or to reject the whole application.
- d) Members are reminded that they should state the reasons for their decision.

#### 1.0 Introduction

- 1.1 The Council grants permissions for Premises Licences which are submitted under the Licensing Act 2003 (the Act). 'The Applicant' submitted, on 30<sup>th</sup> October 2018, an application under Section 17 of the Licensing Act 2003 for a Premises Licence for premises known as The Storey, Meeting House Lane, Lancaster, LA1 1TH.

The application is for a licence to facilitate the following licensable activities:

- Provision of Plays (Indoors + Outdoors)

08:00hrs to 00:00hrs Monday – Sunday

- Provision of Films (Indoors)  
08:00hrs to 00:00hrs Monday – Sunday
- Provision of Live Music (Indoors + Outdoors)  
08:00hrs to 00:00hrs Monday – Sunday
- Provision of Recorded Music (Indoors + Outdoors)  
08:00hrs to 00:00hrs Monday – Sunday
- Provision of Performances of Dance (Indoors + Outdoors)  
08:00hrs to 00:00hrs Monday – Sunday
- Provision of anything of a similar description to Live Music, Recorded Music or Performances of Dance (Indoors + Outdoors)  
08:00hrs to 00:00hrs Monday – Sunday
- Late Night Refreshment (Indoors + Outdoors)  
23:00hrs to 01:00hrs Monday – Sunday
- Supply of Alcohol (Indoors + Outdoors)  
08:00hrs to 01:00hrs Monday – Sunday
- Hours Premises are Open to the Public  
08:00hrs to 01:30hrs Monday – Sunday

Details of the application for the premises licence are set out in the application form, which is **Appendix 1** to this report.

- 1.2 There is a statutory requirement to advertise such applications for a period of 28 days, in which time representations in support or in objection of the application can be submitted. The last date of representations was 27<sup>th</sup> November 2018. The Public Notice was displayed on the premises for 28 days and the Public Notice was also published in the Lancaster Guardian on 8<sup>th</sup> November 2018.

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.

## **2.0 Background**

- 2.1 During the 28 day representation period, a representation was received from Lancashire Police (PC2338 Andrew Taylor – Licensing Officer Lancaster Police Station) **Appendix 2**.

Lancashire Police requested conditions be put on the Premises Licence as per below:

- Challenge 25 scheme in operation;
- Proof of Age scheme in operation;
- Staff training in relation to alcohol sales;

- Incident book to be kept at the premises;
- CCTV in use and images kept for minimum 30 days;
- Drugs Policy in place;
- Daily and Bookings risk assessments;
- Personal Licence holder on duty at all times.

2.2 There were FIVE representations received from ‘other people’ as defined by the Act who were all residents within close proximity of the premises between 12<sup>th</sup> and 26<sup>th</sup> November 2018. Copies of these representations are attached at **Appendix 3** to this report.

These representations were mainly around the hours of operation and noise issues that may encounter in relation to the outdoor activities permitted at those times.

The parties which submitted a representation against the grant of the Premises Licence application were as follows:

Representation Number	Name	Address	Date received at Licensing Office
1	Mrs Jenny Eaden	14 Castle Park Lancaster LA1 1YQ	12-11-2018
2	Mr GR & Mrs JRM Ward	22 Castle Park Lancaster LA1 1YQ	15-11-2018
3	Mrs Diane Lamb	Flat B, 24 Castle Park Lancaster LA1 1YQ	20-11-2018
4	Mr William Weir	20 Castle Park Lancaster LA1 1YQ	16-11-2018
5	Ms Maureen McNeil	Flat 2, 24 Castle Park Lancaster LA1 1YQ	26-11-2018

2.3 The representations relate to the likely impact of the grant of the licence in relation to four licensing objectives, namely:

- The Prevention of Crime and Disorder;
- Public Safety;
- The Prevention of Public Nuisance;
- The Protection of Children from Harm.

2.4 Under Section 18(3) of the Act, it is necessary for a hearing to be held to consider the application, as representations have been received from a Responsible Authority and Other Persons. The relevant section prescribes:

Where relevant representations are made, the authority must-

- 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
- 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 licence 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;

2.5 The Council's Statement of Licensing Policy is attached at **Appendix 4** to this report. The following sections are important to this application:

Section 2 refers to the exemptions set out in the Act following the Live Music Act Order.

Section 3 refers the duty to protect residential properties and having wider considerations to the application.

Section 4 refers to the representations by Responsible Authorities and Other persons.

Section 9 refers to Operating Schedule and Conditions.

Section 11 refers to Opening Hours.

Section 13 refers to Public Nuisance (noise).

Section 14 refers to Prevention of Crime and Disorder.

Section 15 refers to Public Safety.

Section 16 refers to Live Music, Dancing, Theatre and Indoor Sport.

2.6 The representation received from Lancashire Police (Appendix 2) on 6<sup>th</sup> November 2018 was forwarded to the Applicant for their agreement. On 7<sup>th</sup> November 2018, the Applicant responded by agreeing to the Conditions put forward by Lancashire Police.

2.7 In relation to the Representations received from the 'Other Persons' (Appendix 2) being the residents, the Licensing section requested both parties who had made the representations and the Applicant, if they would like to take part in a mediation process which would be facilitated by them as part of the Licensing process.

This was agreed by Representation number 2 (Mr & Mrs Ward) and a meeting held on 20<sup>th</sup> November 2018 at their home address at their request due to personal reasons. Also in attendance was Representation 4 Mr Weir who had been invited by Mr Ward.

2.8 Licensing Officer Mr Wajed Iqbal chaired a meeting between Mr & Mrs Ward, Mr Weir and Sarah Price as the Applicant. During the meeting, a verbal agreement was reached that satisfied all parties.

2.9 The Applicant put forward that all outdoor activities will cease at 23:00hrs which was welcome by the parties in attendance. The new timings would be as follows (indoor timings to remain the same however outdoor activities to cease at 23:00hrs):

- Provision of Plays (Indoors + Outdoors)  
08:00hrs to 00:00hrs Monday – Sunday (Indoors)  
08:00hrs to 23:00hrs Monday – Sunday (Outdoor)
- Provision of Films (Indoors)  
08:00hrs to 00:00hrs Monday – Sunday

- Provision of Live Music (Indoors + Outdoors)  
08:00hrs to 00:00hrs Monday – Sunday (Indoors)  
08:00hrs to 23:00hrs Monday – Sunday (Outdoor)
- Provision of Recorded Music (Indoors + Outdoors)  
08:00hrs to 00:00hrs Monday – Sunday (Indoors)  
08:00hrs to 23:00hrs Monday – Sunday (Outdoor)
- Provision of Performances of Dance (Indoors + Outdoors)  
08:00hrs to 00:00hrs Monday – Sunday (Indoors)  
08:00hrs to 23:00hrs Monday – Sunday (Outdoor)
- Provision of anything of a similar description to Live Music, Recorded Music or Performances of Dance (Indoors + Outdoors)  
08:00hrs to 00:00hrs Monday – Sunday (Indoors)  
08:00hrs to 23:00hrs Monday – Sunday (Outdoor)
- Late Night Refreshment (Indoors ONLY now)  
23:00hrs to 01:00hrs Monday – Sunday
- Supply of Alcohol (Indoors + Outdoors)  
08:00hrs to 01:00hrs Monday – Sunday (Indoors)  
08:00hrs to 23:00hrs Monday – Sunday (Outdoors)
- Hours Premises are Open to the Public  
08:00hrs to 01:30hrs Monday – Sunday

Also the Applicant agreed to notify the residents of any outdoor activities taking place at the Premises with a seven day written notice. Mr & Mrs Ward requested if conditions on the current Premises Licences be transferred to the new licence which was agreed verbally by the Applicant.

The conditions requested were:

- Hours reduced for outdoor activities to 23:00hrs
- The Storey to give 7 days' notice to residents for outdoor activities
- Bookings contain details of parking provisions for users (not agreed to be put on licence as will be on booking form and not relevant to Licensing Objectives)
- CCTV installed and in covering entrances and images kept for 14 days
- Staff training including Challenge 25, first aid etc.
- Log of refusals kept
- Personal licence holder on duty for activities taking place after 23:00hrs
- Risk Assessments carried out
- All windows and doors to be kept closed after 23:00hrs except for access and egress
- Children accompanied by adults at all times

These conditions were agreed by the Applicant in writing following submission by Mr & Mrs Ward on 22<sup>nd</sup> November 2018. The Applicant and Licensing agreed that some conditions put forward overlapped what Lancashire Police had put forward and these be incorporated once the Premises Licence be issued.

2.10 Following the agreement of conditions and timings amended by the Applicant with Mr & Mrs Ward, the other four parties agreed to withdraw their representations once details were forwarded to them of the amendments. This were done on 27<sup>th</sup> November 2018 via email to Licensing.

### **3.0 Conclusion**

3.1 Members are reminded that through mediation the applicant has agreed to the conditions put forward by:

- Lancashire Police as a Responsible Authority
- Residents who are known as 'Other Persons'.

The applicant has also reduced the hours of licensable activities taking place outdoors so as not to cause nuisance to the nearby residents who are in agreement to the reduction in hours.

Therefore, a compromise has been reached by all parties concerned and all parties concerned are satisfied with the amended application.

3.2 Members should have regard to the Council's Statement of Licensing Policy, The Licensing Act 2003 and any Regulations made under that Act, Government Guidance and the representations when reaching their decision.

Members should decide whether to grant the application as requested following the amendments, modify any conditions of the licence, or to reject the whole application. Members should also state the reasons for their decision.

3.3 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.

<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

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