

LICENSING ACT SUB COMMITTEE

LICENSING ACT 2003

PREMISE LICENCE GRANT– LUNA BARGAIN, 2 NEW STREET, LANCASTER, LA1 1EG.

**DETERMINATION OF APPLICATION FOLLOWING
RELEVANT REPRESENTATIONS**

22ND MAY 2025

Report of Licensing Enforcement Officer

PURPOSE OF REPORT
To enable members to determine an application for a Premises Licence under Section 17 of the Licensing Act 2003 submitted by Singhandkumar Ltd, 171 Henrietta Street, Manchester, M16 9PS, following the receipt of relevant representations.
The report is public

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 and the Licensing Act 2003 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.

1.0 Introduction

- 1.1 The Council grants permissions for Premises Licences submitted under the Licensing Act 2003 (the Act). Singhandkumar Limited have submitted an application under Section 17 of the Licensing Act 2003 for the grant of a premises licence in respect of Luna Bargain, 2 New Street, Lancaster, LA1 1EG.

The application is for a licence to facilitate the following:

Sale & Supply of Alcohol Monday – Sunday 07:00 until 23:00 (off premises)

The applicant has identified due diligence to the promotion of the licensing objectives within a thorough operating schedule of the premise licence application in terms of extensive CCTV coverage, staff training and adherence to the Challenge 25 proof of age scheme.

Details of the application for the premises licence are set out in the application form including the plan, which is detailed as **Appendix No.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 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

The application was sent to relevant Responsible Authority's, advertised in the local press (Lancaster Guardian of 10th April 2025) and uploaded to the Council's website where it was available via a link for viewing.

- 1.3 During the 28-day statutory consultation period there were no representations received from any of the Responsible Authorities who are considered experts in one or more of the Licensing Objectives.

However, the Council received two relevant representations from "Other Persons" as defined by The Act. These relate to both the Public Nuisance and Crime Prevention licensing objectives.

Details of the representations are attached at **Appendix No.2** to this report.

- 1.4 The concerns of the other persons relate predominantly to public nuisance where it is perceived that should members seek to grant this licence then there would be a strong likelihood of an increase to both noise nuisance and alcohol fuelled anti-social behaviour in respect of this largely commercial area of the city centre.

Further, they believe that to allow the retail sale of alcohol for 16 hours per day from the premises would encourage homeless people who they contend regularly use the steps of the premises directly opposite to congregate and thereby exacerbate alcohol consumption in the street and any associated anti-social behaviour which would be wholly detrimental to the current status quo of this area of Lancaster.

- 1.5 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 Other Persons as defined in the Licensing Act. 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 Members may take 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

(c) to refuse to specify a person in the licence as the premises supervisor.

(d) to reject the application

2.0 **Statement of Licensing Policy 2023-2027**

The updated Council's Statement of Licensing Policy was approved by Licensing Committee in November 2023 and was subsequently considered by Cabinet in February 2024, prior to approval by Full Council in April 2024.

2.1 This is attached at **Appendix No.3** to this report. The following sections are relevant to this application:

3.6 Representations

3.6.1 Under the 2003 Act both Responsible Authorities and 'other persons' may make representations on licence/certificate applications and review existing premises licences/certificates.

3.6.2 Other persons are defined as any individual, body or business that may be affected by the operation of a licensed premise regardless of their geographical location. Although the other person may be in any geographical location, any representation they make must be relevant to one or more of the licensing objectives. In addition, the other person is encouraged to provide evidence supporting their representation or review. This may be for example by way of recording dates where noise nuisance or anti-social behaviour occurs. Any representation however must be specific to the premises in question and not to the area in general. The representation should also detail how the granting of the application is likely to affect the person making it.

3.6.3 The Licensing Authority will however consider the geographical location of the other person who has made the representation in their consideration of their evidence.

3.6.4 In addition all representations must be relevant relating to the likely effect of the grant of the licence/certificate on the promotion of at least one of the licensing objectives. The Licensing Authority will determine whether a representation from an individual, body or business is relevant, frivolous, repetitive or vexatious. If appropriate, the benefit of the doubt will be given to the person or body making that representation.

4.1 Premises Licence

4.1.1 The Premises Licence application outlines the operating conditions and the Operating Schedule that will form the basis of conditions that will be attached to the Licence. It should include information that is necessary to enable any Responsible Authority or other person to assess whether the steps to be taken to promote the licensing objectives are satisfactory. The Licensing Authority shall expect the applicant to have carefully considered the promotion of all four Licensing Objectives in their Operating Schedule.

4.1.2 It is recommended that applicants liaise with neighbours and/or any relevant community group such as a local residents association, or other such groups, as may be appropriate prior to submitting an application.

4.1.3 The Licensing Authority especially recommends that applicants liaise with the Relevant Authorities prior to submitting their applications, e.g. Police or Fire Authority, when compiling their Operating Schedules and the local Pubwatch if one operates in that area.

4.1.4 In completing their Operating Schedule the Licensing Authority suggests the applicant considers the following:

General

- Premises log book
- Management and staff training and awareness of duties under the 2003 Act • Policies and procedures relating to e.g. age restricted sales, capacity, noise monitoring, dispersal, queuing, etc.
- Safe capacities
- Evidence of competent management procedures

Prevention of Crime and Disorder

- Drugs policy
- CCTV
- Pub Watch and Radio links with other licensed premises
- Security Industry Authority Door supervisors and Approved Contractor Scheme
- Polycarbonate or shatterproof vessels
- Frequency of glass bottle disposal and provision of secure storage before collection
- An appropriate ratio of tables and chairs to customers
- Management of outside areas
- Use of 'spikeys' or similar anti drink spiking device
- Policy for reporting of sexual harassment/ violence towards women
- Calming atmosphere at close of business/event
- Safe capacities
- Queuing policy
- Stewards for events and event plan Public Safety

Public Safety

- Health and Safety and Fire Safety risk assessments and staff training
- Safeguarding measures
- Use of CCTV in and around the premises
- Safe capacities and monitoring procedures
- Provision of local taxi companies who can provide safe transportation home
- Procedures to control access to and egress from premises
- Patrolling of premises
- Glass clearance policy
- Control of ventilation

- *Control of litter immediately outside the premises*
- *The presence of trained first aiders and appropriate & sufficient first aid kits*
- *Adequate external lighting*
- *Consideration of the safety of performers appearing at any premises*
- *Indoor sporting events: medical practitioner; flame retardant material, location of public to wrestling ring; water sports events – lifeguards*
- *Stewards for events and event plan; and regard to standards of the National Sporting Body*
- *Ensuring appropriate access for emergency services*

Prevention of Public Nuisance

- *Control of general noise, disturbance, light, odour, litter and anti-social behaviour*
- *Whilst regulated entertainment taking place, management of noise disturbance*
- *Control of litter (e.g. cigarette ends, rubbish, etc.), vomiting, urinating and anti-social behaviour in the vicinity of the premises*
- *Dispersal policy to ensure customers respect their neighbours*
- *Delivery vehicle management, ensuring no obstructions are caused in the vicinity of the premises.*
- *Removal of persons causing disturbance*
- *Management of outside areas, e.g. pub gardens, smokers, etc.*
- *Control of deliveries in early hours*
- *Queuing policy*
- *Winding down period*

Protection of Children from Harm

- *Refusals book*
- *Consideration of access to premises where adult entertainment may take place*
- *Consideration to proximity of premises to schools and youth clubs*
- *Restriction on hours when children under a specified age can be present and whether they should be accompanied by a responsible adult*
- *Clarity on activities and times at which events take place to determine whether or not it is appropriate to allow access to children*
- *Challenge 21 or 25 policy*
- *Prompting mechanism on tills at retail outlets*
- *Measures to control access to hotel minibars*
- *Operational measures to avoid proxy purchases*
- *How to prevent children from being exposed to alcohol sales at underage events, gambling, incidents of violence and disorder and drugs or drug taking*
- *Consideration of safeguarding issues*
- *Consideration of children as performers where relevant*
- *Supervision of children*
- *Under 18 event Code of Conduct, for example: searches, ticketed event, door supervisors, DBS checks, stewards monitoring event, set hours for event, restricted event, policy to ensure young people leave premise safely, etc.*

These lists are not exhaustive, and advice can be obtained from the relevant responsible authorities. However, applicants are reminded again to contact the relevant Responsible Authorities to seek their expert advice before an application is submitted to the Licensing Authority.

- 2.2 In accordance with the relevant regulations, the parties have been given notice of the hearing. 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.

- 2.3 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.

3.0 Relevant part of Government Section 182 Guidance

The Government's Section 182 guidance is utilised by Local Licensing Authorities to enhance and support its Statement of Licensing Policy with regard to upholding licensing objectives and substantiating representations both in support of and against an application.

Crime and Disorder

Sections 2.1 to 2.7 inclusive give further insight into dealing with this licensing objective where Licensing Authorities are advised to look to the Police as the main source of advice on crime and disorder.

Public Nuisance

Sections 2.21 to 2.27 inclusive gives guidance on the public nuisance licensing objective where the Licensing Act 2003 enables Licensing Authorities and Responsible Authorities through relevant representations received to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to a specific premises licence.

This guidance is attached at **Appendix No.4** to this report.

4.0 Options available to Members

- 4.1 Members should consider, having regard to the Councils 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 applied for.
 - modify any offered conditions within the application.
 - include additional conditions.
 - reject the whole application.

Members are reminded that they should state the reasons for their decision.

5.0 Conclusion

- 5.1 Members are asked to consider the application for the grant of a premises licence by Singhandkumar Ltd for an off-licence at No.2 New Street, Lancaster, the presentation made in support of the application by their agent and the representations of the Other Persons who oppose it on the grounds of upholding the public nuisance and crime & disorder licensing objective.

Consideration may be given to the effect the premises could have on the nighttime economy in this relatively high footfall part of the city centre where additional conditions to support the licensing objectives or amendment to timings for licensable activities applied for, may be deemed appropriate.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None.

FINANCIAL IMPLICATIONS

Financial Services have not been consulted as there are no financial implications.

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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