

LICENSING ACT SUB COMMITTEE

LICENSING ACT 2003

PREMISE LICENCE GRANT–SCALE HALL STORES, LANCASTER, LA1 1HD

DETERMINATION OF APPLICATION FOLLOWING RELEVANT REPRESENTATIONS

12 FEBRUARY 2026

Report of Licensing Officer

PURPOSE OF REPORT

Following receipt of relevant representations, members are asked to determine an application for a Premises Licence (Section 17 of the Licensing Act 2003) submitted by Scale Hall Stores, 74 Cleveleys Avenue Lancaster, LA1 1HD.

The report is public

RECOMMENDATIONS

In light of representations made, the Sub-Committee is requested to determine the premises licence application, members must have regard to the Council's Statement of Licensing Policy, the Licensing Act 2003 and associated guidance when considering the options available to them.

Those options are:

- Grant the application as applied for
- Exclude any licensable activities
- Modify any conditions within the application
- Include additional conditions
- Reject the whole application

Members are reminded that they should state full and detailed reasons for their decision.

1.0 Introduction

1.1 The Council grants permissions for Premises Licences submitted under the Licensing Act 2003 (the Act). Niranjan Sivanathan has submitted an application made under

Section 17 of the Licensing Act 2003 for the grant of a premises licence in respect of Scale Hall Stores, 74 Cleveleys Avenue, Lancaster, LA1 1HD.

The application is for a licence to facilitate the following:

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

The applicant has exercised due diligence in promotion of the licensing objectives with a thorough operating schedule set out as part of the premise licence application. Measures include, CCTV, staff training with refresher training every 6 months, adherence to the Challenge 25 proof of age scheme and an incident log record.

Details can be found in the application form and supporting documents, which can be seen at **Appendix 1** of this report.

- 1.2 There is a statutory requirement to advertise such applications for a period of 28 days in which time representations 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 9th January 2026**) 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.
- 1.4 The Council received 14 relevant representations from "Other Persons" as defined by The Act. The representations received relate to the public safety, crime and disorder, prevention of noise nuisance and the protection of children from harm licensing objectives.

Details of the fourteen representations are attached at **Appendix 2** to this report, they are summarised as follows.

Objection 1, which was submitted by Jodie Watt (other persons) relates to public nuisance, crime and disorder, public safety, and protection of children. Ms Watt states that alcohol sales until 11 pm would increase noise, litter, and antisocial behaviour in a quiet residential area, negatively affecting residents' wellbeing and safety, particularly given the proximity to homes and children.

Objection 2, which was submitted by Mark Edmondson (other persons). Mr Edmondson's concerns relate to public safety, crime and disorder, prevention of noise nuisance and protection of children from harm licensing objectives. Mark Edmondson states there will be an increased noise, traffic, litter, antisocial behaviour, and public safety in a residential area.

Objection 3, which was submitted by Christine Robinson (other persons). Ms Robinson concerns relate to public safety, crime and disorder, prevention of noise nuisance and protection of children from harm. Christine Robinson states that the

premises is in a quiet residential area and that the licence would increase traffic, noise, antisocial behaviour, and potential crime, posing risks to children and disrupting residents' wellbeing.

Objection 4, which was submitted by William Hopps (other persons). Mr Hopps concerns relate to public safety, prevention of noise nuisance and protection of children from harm. William Hopps states that the sale of alcohol at the shop will increase antisocial behaviour as well as noise nuisance.

Objection 5, which was submitted by Pam Hannah (other persons). Ms Hannah's concerns relate to public safety, prevention of noise nuisance and protection of children from harm licensing objectives. Ms Hannah is concerned about increased traffic, noise, and waste creating an unsafe and unhealthy environment for young families and older residents.

Objection 6, which was submitted by Lisa Richardson (other persons). relates to the protection of children from harm, crime and disorder and public safety licensing objectives, Lisa Richardson states that alcohol sales from 7am to 11pm would disrupt a quiet, family-orientated street through increased noise, traffic, deliveries, and antisocial behaviour, making residents feel unsafe.

Objection 7, which was submitted by Moira Buchan (other persons). This relates to the prevention of noise nuisance licensing objectives. Moria Buchan states that another off-licence would lead to unacceptable increases in noise and traffic late at night in a residential area.

Objection 8, which was submitted by Lucy Hobbs (other persons). This relates to the crime and disorder and public safety licensing objectives. Lucy Hobbs feels that a similar off-licence has previously led to antisocial behaviour and vandalism, which they fear would be repeated and harm the family-oriented community.

Objection 9, which was submitted by Jacob Simpson (other persons). This relates to public safety, prevention of noise nuisance and protection of children from harm licensing objectives, Mr Simpson states that the sale of alcohol would lead to increased late-night noise, littering, antisocial behaviour, and traffic safety issues.

Objection 10, which was submitted by Jessica Slater (other persons). This relates to public safety, prevention of noise nuisance and protection of children from harm licensing objectives, Jessica Slater raises concerns that granting the licence will increase noise, antisocial behaviour, in a busy residential street.

Objection 11, which was submitted by Andrew & Katrina Blayden-Byrne (other persons) Relates to public nuisance, crime and disorder and protection of children licence objectives, Andrew & Katrina Blayden-Byrne states licensing this premises will lead to increased noise concerns, increased risk of incidents to residents and children.

Objection 12, which was submitted by Dorothea Williamson (other persons) Relates to public nuisance, crime and disorder and protection of children licensing objectives. Dorothea Williams concerns include increased noise, traffic, antisocial behaviour, safety risks—particularly for elderly residents—and the likelihood of outdoor drinking.

Objection 13, which was submitted by Fiona Hopps (other persons) This relates to public nuisance, crime and disorder and protection of children licence objectives. Fiona Hopps states that granting this licence will lead to increased traffic, noise, and gatherings of youths will cause crime and disorder.

Objection 14, which was submitted by Christine Adams (other persons) This relates to the public nuisance and public safety licensing objectives. Christine raises concerns that extended hours would, cause noise, and road safety in an area that already experienced problems.

- 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.

- 1.6 As a result of the hearing, 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**

- 2.1 The Council's Statement of Licensing Policy was approved by Full Council in April 2024. The purpose of the policy is to provide clarity to applicants, other persons and Responsible Authorities on how the Licensing Authority will discharge its functions under the Licensing Act and to guide applicants, members and Officers.

- 2.2 This is attached at **Appendix 3** to the 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's 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

- 1. The Licensee shall ensure that each member of staff authorised to sell alcohol has received appropriate training on the law with regard to age-restricted products, proxy sales, and the licensable hours and conditions attached to the licence, including refresher training every six months, and that this is properly documented and training records kept. The training record (either written or electronic) shall be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police, on request.*
- 2. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions*
- 3. Cameras shall encompass all ingress and egress to the premises; fire exits and all areas where the sale and supply of alcohol occurs.*

4. Equipment must be maintained in good working order, be correctly time and date stamped, recordings **MUST** be kept on the hard drive and kept for a period of 31 days and handed to Police upon reasonable request.

5. The premises licence holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format to the Police and Local Authority upon reasonable request.

6. An Incident log shall be kept at the premises, and made available on request to a police officer, police licensing officer or council authorised licensing officer. It must be completed within 24 hours of the incident and will record the following:

- All crimes reported at the venue.
- All ejections of patrons
- Any complaints received concerning crime and disorder.
- Any incident of disorder
- All seizure of drugs or offensive weapons
- Any faults in the CCTV system, searching equipment or scanning equipment.
- Any refusal of the sale of alcohol
- Any visit by a relevant authority or emergency service
- Each entry is to be checked and signed by the DPS/Licensee no later than 1 week after the entry has been made. The register must be made available to Police, Police Licensing Officers and authorised officers from the Local Authority either electronically or hard copy.

Public Safety

7. The Licensee shall ensure that appropriate fire safety procedures are in place.

8. The Licensee shall ensure that all fire escapes/escape routes will be clearly marked and kept free from obstructions at all times

Prevention of Public Nuisance

9. Management will ensure that all customers move away from the premises after leaving the property and do not loiter in the area.

Protection of Children from Harm

10. Prominently advertise the scheme in your premises so that customers are aware, display proof of age signs at the point of sale. These can be downloaded for printing at <http://www.challenge25.org/downloads.html>.

11. Keep a refusals book on the premises and ensure it is completed whenever a sale is refused to a person who cannot prove they are over the age of 18 years.

12. The date should contact the date, time of the incident, a description of the customer, the name of the staff member who refused the sale and the reason the sale was refused.

13. The book should be made available to police and authorised council officer on request.

14. A 'challenge 25' scheme serves as a reminder to staff of the need to be vigilant in preventing underage sales and to customers that it is against the law for anyone under 18 to purchase alcohol. A useful website is <http://www.challenge25.org/>

15. Only accept photographic driving licence, passports or PASS (proof of age standards scheme) cars approved as means of

ID. If you accept other forms of ID such as EU national ID cards, these must bear a photograph, DOB, and holographic mar

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

3.0 Relevant part of Government Section 182 Guidance

- 3.1 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.

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.

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. Page 7

Public Safety

Sections 2.8 – 2.15 inclusive give further insight into dealing with this licensing objective where licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act.

Protection of Children from Harm

Sections 2.28 – 2.37 inclusive gives further insight into dealing with this licensing objective. 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, Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions

This guidance is attached at **Appendix 4** to this report.

4.0 Procedural Matters

- 4.1 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.
- 4.2 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.

- 4.3 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.

5.0 Options available to Members

- 5.1 Members are asked to consider, whilst 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.
- Impose additional conditions.
- Exclude any licensable activities
- Reject the whole application.

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

6.0 Conclusion

- 6.1 Members are asked to consider the application for the grant of a premises licence at, Scale hall Stores, 74 Cleveleys Avenue, Lancaster, LA1 1HD, the submission made in support of the application by the applicant and the representations of the other persons who oppose it on the grounds of upholding all 4 of the licensing objectives. (the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm).

- 6.2 No representations were received by responsible authorities during the consultation period.

- 6.3 Members may wish to impose additional conditions to the operating schedule to further promote the four licensing objectives. The statement of licensing policy includes model conditions that members may wish to consider at pages 23 – 29 of the policy. (The Statement of Licensing Policy can be found at **Appendix 3** of the report).

- 6.4 Members are reminded they should state full and detailed reasons for their decision.

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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