

## REGULATORY COMMITTEE

*At a special meeting of the Regulatory Committee held at the Town Hall, Runcorn on 21<sup>st</sup> September 2005.*

Present: Councillors Philbin (Chairman), Cole, Drakeley, D. Inch, Lowe, E. Ratcliffe and Tyrrell.

Apologies for absence: Councillors Cross, Gilligan and Wainwright.

Absence declared on Council business: Pearsall.

Officers present: J. Tully, K. Cleary, and I. Mason.

### ITEMS DEALT WITH UNDER POWERS AND DUTIES EXERCISABLE BY THE COMMITTEE

**Note: The jurisdiction of the Regulatory Committee, when acting Licensing , under the Licensing Act 2003.**

*Action*

#### REG44 APPLICATION TO VARY PREMISES LICENCE – THE APPLETON ARMS, WIDNES

The Committee considered an application which had been made under Section 34 of the Licensing Act 2003 (the 2003 Act) as applied by Schedule 8 Paragraph 7 to the Variation of Premises Licence in relation to the above property.

The hearing was held in accordance with the 2003 Act and the Licensing Act 2003 (Hearing) Regulations 2005.

The Committee considered the representations made by the Police the Environmental Health Department and an interested party (local residents)

Prior to and at the hearing the applicant agreed to amend the application to include the following matters relating to environmental health

1. The use of any outside area shall cease at 23.20 hours
2. Noise from any regulated entertainment (categories E – Live Music & F - Recorded Music) shall be inaudible between 23.00 and closing at any noise sensitive property.
3. All doors & windows must be kept closed when any amplified music or voices are being played within the premises.
4. No external speakers shall be used outside the building this will include any beer gardens or outside drinking area or car park.

The applicant was reminded that the application did not include any external areas and that this volunteered condition was merely declaratory since no regulated entertainment could take place in such areas.

Prior to and at the hearing the applicant agreed to amend the application to include the following matter relating to Crime & Disorder and Public Nuisance, which had been raised by Cheshire Constabulary

A notice or notices shall be displayed in and at the entrance to the premises where they can be clearly seen and read and shall indicate that it is unlawful for persons under 18 to purchase alcohol or for any person to purchase alcohol on behalf of a person under 18 years of age.

However the applicant would not agree a Challenge 21 condition as proposed by the Police.

Consequently the Police gave evidence of underage drinking at the premises and of a need for a robust policy on under age drinking.

RESOLVED: That having considered the application in accordance with section 4 Licensing Act 2003 and all other relevant considerations it is decided that the application be granted subject to the conditions set out below:

#### **CONDITION NO. 1**

Nature of condition: Challenge 21 Condition

Extent of Condition: The following condition shall apply to the premises:

The licence holder shall ensure that anyone who appears to be under 21 years of age who is consuming alcohol or attempting to purchase alcohol will be asked to prove their age. Accepted methods of proof of age are: passports, photo driving licences and PASS accredited proof of age cards e.g. Validate, Connexions, Citizen Card, Prove It Card. If any such person fails to satisfy the licence holder by means of such proof of age that they are 18 years old or older that person shall be ejected from the premises forthwith.

Reason for condition – Prevention of crime and disorder and public nuisance

#### **CONDITION NO. 2**

Nature of condition: The standard hours for all licensable activities (categories E - Live Music F Recorded Music -J Provision of Facilities

for Dancing K – Provision of facilities for entertainment of a similar description to I & J & M – Supply of Alcohol) shall be:

Monday – Thursday 11.00 to 23.30  
Friday & Saturday 11.00 to 00.00  
Sundays 12.00 to 23.00

Reason for condition: Prevention of crime and disorder and public nuisance

### **CONDITION NO. 3**

Nature of condition: Hours of Opening for Category 0 – (Hours premises are open to the public) shall be

Monday – Thursday 11.00 to 00.00  
Friday & Saturday to 11.00 to 00.30  
Sundays 12.00 to 23.30

Reason for condition: Prevention of crime and disorder and public nuisance

### **CONDITION NO. 4**

Nature of condition: None Standard Hours – (for categories F - Recorded Music and M - Supply of alcohol only) shall be:

1. A further additional 30 minutes into the morning following every Friday, Saturday, Sunday & Monday for each May Bank Holiday Spring /Whitsun Bank Holiday and every August Bank Holiday weekend
2. A further additional 30 minutes into the morning following every Thursday Friday Saturday Sunday and Monday for the Easter Bank Holiday weekend
3. A further additional 30 minutes every Christmas Eve and Boxing Day
4. To reflect existing New Years Eve/Day hours

NOTE:

All additional hours are concurrent and not consecutive

Reason for condition: - Prevention of crime and disorder and public Nuisance

### **CONDITION NO. 5**

Nature of condition: None Standard Hours – (for category O) Hours open to the Public) shall be

- 1 A further additional 30 minutes into the morning following every Friday, Saturday, Sunday & Monday for each May Bank Holiday Spring /Whitsun Bank Holiday and every August Bank Holiday weekend
- 2 A further additional 30 minutes into the morning following every Thursday Friday Saturday Sunday and Monday for the Easter Bank Holiday weekend
- 3 A further additional 30 minutes every Christmas Eve and Boxing Day
- 4 To reflect existing New Years Eve/Day hours

**NOTE:**

All additional hours are concurrent and not consecutive

Reason for condition: Prevention of crime and disorder and public nuisance

**Note:**

Mandatory conditions and conditions consistent with the applicants operating schedule are not the subject of this determination

Conditions not consistent with the applicant's operating schedule have been imposed because they are required to meet the licensing objectives.

**REG45 APPLICATION TO VARY CLUB PREMISES CERTIFICATE – BRIDGEWATER MOTOR BOAT CLUB, VICTORIA DOCK YARD, VICTORIA ROAD, RUNCORN**

The Committee considered an application which had been made under Section 85 of the Licensing Act 2003 (the 2003 Act) as applied by Schedule 8 paragraph 19 for the Variation of the Club Premises Certificate 19.

The hearing was held in accordance with the 2003 Act and the Licensing Act 2003 (Hearing) Regulations 2005.

The Committee considered the representations made by a local resident.

**RESOLVED:** That having considered the application in accordance with Section 4 Licensing Act 2003 and all other relevant considerations, it is decided that the application be granted.

**Note:**

Mandatory conditions and conditions consistent with the applicant's operating schedule are not the subject of the determination.

REG46 APPLICATION TO VARY PREMISES LICENCE – THE CROWN,  
WIDNES

The Committee considered an application which had been made under Schedule 34 of the Licensing Act 2003 (the 2003 Act) as applied by Schedule 8 Paragraph 7 for the Variation of the Premises Licence in relation to the above property.

The hearing was held in accordance with the 2003 Act and the Licensing Act 2003 (Hearing) Regulations 2005.

The Committee considered the representations made by the Environmental Health Department.

The hearing took place in the absence of the applicant.

RESOLVED: That having considered the application in accordance with section 4 Licensing Act 2003 and all other relevant considerations it is decided that the application be granted subject to the conditions set out below

**CONDITION NO. 1**

Nature of condition - Standard Hours of opening for categories E- Live Music F – recorded Music & M- Supply of Alcohol shall be:  
Monday to Saturday 11.00 to 00.00  
Sundays 11.00 to 23.30

Reason for condition - Prevention of crime and disorder and public nuisance

**CONDITION NO. 2**

Nature of condition - Standard Hours of Opening for Category 0 – (Hours premises are open to the public) shall be:

Monday – Saturday 11.00 to 00.45  
Sunday 11.00 to 00.15

Reason for condition - Prevention of crime and disorder and public nuisance

**CONDITION NO. 3**

Nature of condition - All doors and windows must be kept closed when any amplified music or voices are being played within the premises.

Reason for condition: Prevention of crime and disorder and public nuisance

**CONDITION NO. 4**

Nature of condition - Any live music played at the premises shall be played through a noise limiting device. The activation of this device must be set and sealed by an officer of the Local Authority's Environmental Health Division.

Reason for condition: Prevention of crime and disorder and public nuisance.

**CONDITION NO. 5**

Nature of condition - No external speakers shall be used outside the building this will include any beer gardens or outside drinking area or car park.

Reason for condition - Prevention of crime and disorder and public nuisance.

**CONDITION NO. 6**

Nature of condition - The use of any outside area will cease at 23.00 hrs

Reason for condition - Prevention of crime and disorder and public nuisance

Note:

Mandatory conditions and conditions consistent with the applicants operating schedule are not the subject of this determination

Conditions not consistent with the applicant's operating schedule have been imposed because they are required to meet the licensing objectives.

**REG47 APPLICATION TO VARY PREMISES LICENCE: THE STUDIO, RUNCORN**

The Committee considered an application which had been made under Section 34 of the Licensing Act 2003 (the 2003 Act) as applied by Schedule 8 paragraph 7 for the Variation of the Premises Licence in relation to the above property.

The hearing was held in accordance with the 2003 Act and the Licensing Act 2003 (Hearing) Regulations 2005.

The Committee considered the representations made by the Environmental Health Department

RESOLVED: That having considered the application in accordance with section 4 Licensing Act 2003 and all other relevant considerations it is decided that the application be granted subject to the conditions set out below

**CONDITION NO. 1**

Nature of condition - The use of any outside area shall cease at 00.00

Reason for condition - Prevention of crime and disorder and public nuisance

**CONDITION NO. 2**

Nature of condition - No entry shall be allowed to the premises by patrons on Friday & Saturday after 01.30 hrs

Reason for condition- Prevention of crime and disorder and public nuisance

**CONDITION NO. 3**

Nature of condition: All activities within categories A - Plays B - Films C - Indoor Sporting Events E -Live Music F - Recorded Music G - Performance of a Dance H - Anything Similar to E G & G I - Provision of facilities for making music J - Provision of facilities for dancing L - Late Night Refreshment & M – supply of alcohol shall cease at 03.30 Friday & Saturday

Reason for condition: Prevention of crime and disorder and public nuisance

**CONDITION NO. 4**

Nature of condition: The premises shall close to the public (Category O) on Fridays and Saturdays at 04.00

Reason for condition: Prevention of crime and disorder and public nuisance

**CONDITION NO. 5**

Nature of conditions: Standard Hours for categories A - Plays B - Films C - Indoor Sporting Events E - Live Music F - Recorded Music G- Performance of Dance H - Anything similar to E F or G I - Provision of facilities for making music J - Provision of facilities for

dancing L – Late Night Refreshment & M – Supply of Alcohol Sunday to Thursday shall be :

Monday – Wednesday 10.00 – 00.00

Thursday & Sunday 10.00 – 01.00

Reason for condition: Prevention of crime and disorder and public nuisance.

#### **CONDITION NO. 6**

Nature of conditions: None standard Hours

Extent of condition Christmas Eve/Boxing Day the terminal hour shall be 03.30.

Reason for condition: Prevention of crime and disorder and public nuisance

#### **CONDITION NO. 7**

Nature of condition: Noise from any regulated entertainment (categories A - Plays B - Films C - Indoor Sporting Events E - Live Music F - recorded Music G- Performance of Dance H- Anything similar to E F G I & J- Provision of Facilities for dancing) shall on Fridays & Saturdays be inaudible at the nearest noise sensitive properties after 02.00.

Reason for condition: Prevention of crime and disorder and public nuisance

#### **CONDITION NO. 8**

Nature of Condition - No speakers shall be used in any external area (including any beer gardens or outside drinking areas or car park)

Reason for condition – Prevention of public nuisance.

Note:

Mandatory conditions and conditions consistent with the applicant's operating schedule are not the subject of this determination.

Conditions not consistent with the applicant's operating schedule have been imposed because they are required to meet the licensing objectives.



REG48 APPLICATION TO VARY PREMISES LICENCE – THE YEW TREE,  
WIDNES

In view of the fact that the applicant amended its application to the satisfaction of the Environmental Health Services, Environmental Health withdrew its representations. Consequently, there was no determination for the Committee to make.

*Meeting ended at 9.45 pm*

