

REGULATORY COMMITTEE

At a special meeting of the Regulatory Committee held at the Town Hall, Runcorn on 28th September 2005.

Present: Councillors Philbin (Chairman), Cross, Cole, D. Inch, Gilligan, Lowe and Tyrrell.

Apologies for absence: Councillors Pearsall, E. Ratcliffe, Drakeley and Wainwright.

Absence declared on Council business: None.

Officers present: J. Tully, K. Cleary and S. Baxter.

Public Present: 7.

ITEMS DEALT WITH UNDER POWERS AND DUTIES EXERCISABLE BY THE COMMITTEE

Note: The jurisdiction of the Regulatory Committee when acting as Licensing Committee under the Licensing Act 2003

Action

REG54 APPLICATION TO VARY PREMISES LICENCE – STOCKHAM LODGE RAQUET AND HEALTH CLUB, STOCKHAM LANE, 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 case for the applicant and representations made by Cheshire Constabulary, the Environmental Health Department and local residents.

At the hearing the applicant amended their application in several ways as follows:

- 1) The request to remove embedded restrictions contained in the Cinematograph (Safety) Regulations 1955 was withdrawn and it was acknowledged that the same request in respect of the Children & Young Persons Act 1933 applied only to the extent that the Act applied to the activities authorised under the premises licence. It was explained to the applicant that any

contravention of the Children & Young Persons Act 1933 would still be a criminal offence but would not amount to the additional offence of breach of condition of the premises licence.

- 2) The request for relaxation of the condition on the existing Justices licence to allow the sale and supply of alcohol to any member of the public was clarified. The Police agreed that what was requested was originally intended to be part of the Justices Licence but had been omitted from that licence in error. The effect would be equivalent to adding a new condition 1 (c) to the original Licence. The amended wording was therefore as follows: “No intoxicating liquor shall be sold or supplied otherwise than to persons who are non members attending at a pre arranged function which has been booked 48 hours in advance”. The consequence of this was that in Section P of the application form Item 2 was amended accordingly and in Section Q a and Q b lines 6 and 7 in each case was also amended accordingly
- 3) The following condition was volunteered: “taxis shall pick patrons leaving the premises having attended functions after 11.00 p.m. only from the main car park area which is located adjacent to the squash courts (northerly side of the premises)”
- 4) The following condition was volunteered; “all taxi firms shall be requested to use the ‘ring back’ facility and shall not use any car horns under any circumstances.”
- 5) The following condition was volunteered:- “A suitable sound level limiter shall be installed and calibrated in agreement with the Councils Environmental Health Department and operated when regulated entertainment is taking place.”
- 6) The following conditions which were recommended by the Environmental Health Department were volunteered by the applicant:-
 - Noise from any regulated entertainment shall be inaudible at the nearest residential property between the hours of 23:00 and 00.00 Friday and Saturday.
 - Noise from any regulated entertainment shall be monitored and a log of the monitoring shall be maintained for inspection by the Council
 - The use of any outside area shall cease at 23:00 hours.
 - All doors and windows shall be kept closed when any amplified music or voices are being played within the premises

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

In view of the above clarifications and volunteered conditions the Police and the Environmental Health Department withdrew their representations. Representations from local residents were heard and considered by the Committee.

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:

Strategic
Director
Corporate &
Policy

CONDITION NO.1

Nature of condition	Standard Hours
Extent of condition	The Standard Hours for categories E (Live Music) F (Recorded Music) H (Anything similar to E, F or G) and J (Provision of Facilities for Dancing) shall be: 12.00 to 23.45 Monday to Saturday 12.00 to 23.00 Sunday
Reason for condition –	Prevention of crime and disorder and public nuisance

CONDITION NO. 2

Nature of condition	Standard Hours
Extent of condition	The Standard Hours for category M (Supply of alcohol) shall be; 11.00 to 00.00 All days
Reason for condition-	Prevention of crime and disorder and public nuisance

CONDITION NO. 3

Nature of condition	Standard Hours
Extent of condition	The standard hours for category O (Hours open to the Public) shall be; 08.00 to 00.30 all days

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.

REG55 APPLICATION TO VARY PREMISES LICENCE – COCK & TRUMPET INN, HALEBANK ROAD, 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 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.

In view of the fact that the applicant amended its applications to the satisfaction of the Police and interested parties the Police and the interested parties withdrew their representations. Consequently there was no determination for the Committee to make.

However since the agreed arrangements were not put in writing it was appropriate to record the proceedings even though the Committee did not have to make a determination.

The applicant had agreed to withdraw its application in respect of non standard hours relating to televised sporting events and consequently the Police had withdrawn their representations.

The Committee considered the case made by the applicant together with representations made by local residents with the assistance of the Environmental Health Department it became apparent shortly before the end of the hearing that it was possible that the local residents and the applicant could come to an agreed solution. The residents and the applicant withdrew to discuss the position. On their return it was confirmed that an agreement had been reached. The applicant amended their application to include the following conditions and the committee thanked them for their cooperation in reaching an agreement:

CONDITION NO. 1

Nature of condition	Standard Hours
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Extent of condition The standard hours of opening for categories B - Films C- Indoor sporting Events E- Live Music F- Recorded Music G – Performance of Dance I- Provision of Facilities for making music J- Provision of Facilities for dancing & M- Supply of Alcohol shall be:-
10.00 to 00.00 Monday – Thursday
10.00 to 00.30 Friday & Saturday
11.00 to 00.00 Sunday

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

CONDITION NO. 2

Nature of condition Standard Hours

Extent of condition The Standard hours for category O – Hours open to the Public shall be:-
10.00 – 00.30 Monday – Thursday
10.00 – 01.00 Friday & Saturday
11.00 to 00.30 Sunday

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

CONDITION NO. 3

Nature of condition Environmental Health Conditions

Extent of condition 1) Noise from any regulated entertainment shall be inaudible from any noise sensitive dwelling at any time.
2) No external speakers shall be used outside the building: this will include any beer gardens or outside drinking area or car park
3) The use of any outside area shall cease at 23.00
4) The rear emergency exit door shall be kept closed at all times (except in case of emergency) and shall be alarmed.

Reason for condition – Prevention of public nuisance

In view of the standard hours of opening for categories B - Films C- Indoor Sporting Events E- Live Music F- Recorded Music G- Performance of Dance I- Provision of Facilities for Making Music

J- Provision of Facilities for Dancing & M – supply of Alcohol which will apply to the premises licence the request by the applicant regarding non standard hours set out in their first paragraph in the relevant box in section M to the application form would not apply.

The remaining requests for non standard hours on Christmas Day and New Years Eve/New Years Day would apply as per the application.

Mandatory conditions and conditions consistent with the applicants operating schedule were 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.

REG56 APPLICATION TO VARY PREMISES LICENCE – THE GOLDMINE BAR & GRILL, HALE ROAD, 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.

REG57 APPLICATION TO VARY PREMISES LICENCE – THE MILLBROW SPORTS SOCIAL CLUB, MILLBROW, WIDNES

In view of the fact that the applicant amended its application to the satisfaction of the Police and the Environmental Health Services, the Police and Environmental Health withdrew their representations.

Consequently, there was no determination for the Committee to make.

REG58 APPLICATION TO VARY PREMISES LICENCE – PRESTON BROOK, CHESTER ROAD, RUNCORN

In view of the fact that the applicant amended its application to the satisfaction of the Environmental Health Services, Environmental Health withdrew their representations.

Consequently, there was no determination for the Committee to make.

Meeting ended at 8.45 pm

