

## REGULATORY COMMITTEE

*At a special meeting of the Regulatory Committee held at the Town Hall, Runcorn on 13<sup>th</sup> October 2005.*

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

Apologies for absence: Councillors Cole, Cross and Pearsall.

Absence declared on Council business: None.

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

Public Present: 9

### 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*

#### REG59 APPLICATION FOR A PREMISES LICENCE – THE WELLINGTON HOTEL, HALE

The Committee considered an application which had been made under Section 17 of the Licensing Act 2003 (The 2003 Act), for a 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 applicant confirmed that all matters requested by the Police had been accepted and consequently the Police representations were withdrawn. For clarity the representations were:

#### **Removal of the unspecified events application.**

In relation to the request for extra hours for unspecified times and dates for events, it was Cheshire Constabulary's opinion that this is a device to circumvent the TENS procedure and was not within the spirit of the Act. We believe that if this were granted then there would be a real risk of undermining all four licensing objectives of the Licensing Act. This was because there was insufficient information to be able to make an informed decision and there would be no ability to object or refuse the event.

The TENS procedure clearly demonstrated that the Act was intended to continue to regulate the hours for which regulated entertainment and the supply of alcohol was provided. Special Occasions and national Events are specifically mentioned in the Act and can be granted by the Secretary of State.

### **Challenge 21**

No mention was made of any measures designed to prevent the sale of alcohol to underage persons. Challenge 21 was the accepted initiative in this area. It provided an increased measure of protection for licensees and could only be seen as beneficial to those who operate it. All notices etc could be supplied on request.

### **Exit Notices**

The schedule to the application includes at part d) 1. of an extremely generic Section P. 'Where appropriate prominent clear and legible notices.....I submit that in this case this is appropriate and such sign should be put into place.'

As a consequence of accepting the first of, the Police representations the following elements of the applicant's application for non standard hours in respect of all categories was also taken to be withdrawn. Namely:

- the request in respect of televised sporting events of national or international interest and together with the request in respect of 20 occasions per annum.

The applicant confirmed that all matters requested by Environmental Health had been accepted and consequently the Environmental Health representations were withdrawn. For clarity the representations were:

Environmental Health would not object to the application subject to the following conditions:

- Noise from any regulated entertainment (categories B C E F G H J & L) shall be inaudible at the nearest noise sensitive property at any time;
- No external speakers shall be used outside the building this will include any beer garden or outside drinking area or car park;
- The use of any outside area will cease at 23.20;
- The premises shall be open to the public between the hours of 10.00 & 00.00 Sunday – Thursday and 10.00 & 00.30 Friday and Saturday;

- All regulated activities shall cease a minimum of 30 minutes prior to the premises closing to the public; and
- The premises shall be open to the public between the hours of 11.00 & 01.00 the Sunday of Bank Holiday weekends, Christmas Eve and Boxing Day as requested in section M of the application.

However during the hearing the applicant further amended her application regarding outside areas by the substitution of “23.00” hrs instead of “23.20”hrs.

The application to be determined by the Committee subject to what was stated above was therefore in respect of the following standard hours:

Categories B (Films) C (Indoor sporting Events) E (Live Music) F (Recorded Music) I (Provision of facilities for making music) J (Provision of facilities for dancing) & M (Supply of Alcohol) 11.00 to 23.30 Sunday – Thursday and 11.00 to 00.00 Friday & Saturday.

Category L (Late Night refreshment) 23.00 to 00.00 Sunday – Thursdays and 23.00 to 23.30 and 23.00 to 00.00 Friday & Saturday.

Category O (Hours Premises Open to the Public) 10.00 to 00.00 Sunday to Thursday and 10.00 to 00.30 Friday and Saturday.

The remaining application in respect to non-standard hours related firstly to New Year’s Eve and secondly (but only if the standard hours were not granted) to Fridays, Saturdays, Sundays and Mondays at Bank Holiday weekends, Christmas Eve and Boxing Day.

The interested parties were represented at the hearing and their views were put forward to the Committee. Both the interested parties and the applicant expressed a wish to work together in the future to deal with problems of mutual concern.

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**

Since the standard hours as substituted at the request of the applicant were granted the non standard hours request in respect of Fridays, Saturdays, Sundays and Mondays at Bank Holiday Weekends, Christmas Eve and Boxing Day did not arise for determination.

Strategic  
Director  
Corporate &  
Policy

The Committee also recommended the applicant to consider the provision of plastic glasses for use in the beer garden to avoid problems associated with broken glass.

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.

REG60 APPLICATION TO VARY PREMISES LICENCE – THE WELLINGTON HOTEL, RUNCORN

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

REG61 APPLICATION TO VARY PREMISES LICENCE – ALADDINS PIZZA, RUNCORN

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.

REG62 APPLICATION TO VARY PREMISES LICENCE – ALADDINS PIZZA, 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.

REG63 APPLICATION TO VARY PREMISES LICENCE – DOLPHIN SUPPER BAR, RUNCORN

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 7.30 pm*