

REGULATORY COMMITTEE

At a Special Meeting of the Regulatory Committee held at the Town Hall, Runcorn on 31st August 2005.

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

Apologies for absence: Councillor Cross.

Absence declared on Council business: None.

Officers Present: J. Tully, K. Cleary, S. Baxter and I. Mason.

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

REG20 APPLICATION TO VARY PREMISES LICENCE – EIGHT TOWERS, WIDNES

The Sub-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 licensed 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 amended his application at the hearing to:

- (i) reduce the standard terminal hour for categories B,C,E,G,I,J, to Sunday to Thursday 10.00 – 23.00 and Friday to Saturday 10.00 – midnight;
- (ii) reduce the standard terminal hours of category F to 10.00 – midnight all days;
- (iii) reduce the standard terminal hours of category M to 10.00 – midnight all days;
- (iv) reduce the standard terminal hours of category L to 23.00 – midnight all days;
- (v) reduce the standard terminal hours for category O to 10.00 – 00.30 all days;

- (vi) non-standard hours application relating to 20 occasions per year subject to 7 days Police notice was withdrawn;
- (vii) non standard hours application relating to televised broadcasts of sporting events of national and international interest subject to seven days notice to the Police was withdrawn;
- (viii) accept all conditions proposed in representations made by the Council's Environmental Health Department as set out in the agenda (with the correction relating to the activities within Sections B,C,E,G,I and J substituting Sunday to Thursday for Sunday to Monday).

In view of the amendments at (vi) and (vii) above, the Police withdrew their representations. In view of the amendments at (viii) above the Environmental Health Department withdrew their representations.

The applicant was informed that the element of the application relating to external recorded music (Category F) was invalid because it related to an area which was not edged red on the application.

The Committee considered statements made by and on behalf of the applicant, the Environmental Health Department and local residents.

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

(Mandatory Conditions and Conditions consistent with the applicant's operating schedule as amended are not the subject of this determination).

CONDITION NO. 1

Nature of Condition: Recorded Music

Extent of Condition: There shall be no recorded music outside of the premises

Reason for Condition: The applicant did not include any external areas in the application.

(NB Councillor Pearsall took no part in the above decision)

REG21 APPLICATION TO VARY PREMISES LICENCE – THE LAST ORDERS

In view of the fact that the applicant amended its application to include the conditions proposed by the Police and as the Police had

withdrawn its representations there was no determination for the Committee to make.

REG22 APPLICATION TO VARY PREMISES LICENCES – THE SIMMS CROSS

In view of the fact that the applicant amended its application to include conditions proposed by the Council's Environmental Health Department and as the Environmental Health Department had withdrawn its representations, there was no determination for the Committee to make.

REG23 APPLICATION TO VARY PREMISES LICENCE – QUEENS ARMS, WIDNES

The Sub-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 applicant amended his application at the hearing to:

- (i) in relation to Category M (Supply of Alcohol) the application for non-standard hours on New Years Eve from 10.00 on 31st December to 02.00 on 2nd January was amended to 10.00 on 31st December to the standard closing hour on 1 or 2 January;
- (ii) in relation to Category O (Hours Open to the Public) the application for non-standard hours on New Year's Eve from 10.00 on 31st December to 02.30 on 2nd January was amended to 10.00 on 31st December to the standard closing hour on 1 or 2 January;
- (iii) the following condition was proposed:

the noise from any regulated entertainment (Categories E,F and J) shall be inaudible at the nearest noise sensitive property;
- (iv) the following condition was proposed:

the noise from any regulated entertainment (Categories E,F and J) shall be monitored and a log of the monitoring shall be maintained for inspection by the Council;
- (v) the following condition was proposed: the side door to the premises shall be permanently kept closed except in case of emergency;

(vi) the following condition was proposed: the public shall not be admitted to the premises after 23.30 on Sundays to Wednesdays and after 00.00 Thursdays, Fridays and Saturdays.

In view of the amendments at (i) and (ii) above, the Police withdrew their representations. In view of the amendment at (iii) and (iv) above, the Environmental Health Department withdrew their representations except in respect of hours of operation. They proposed hours of operation for Categories E,F, J and M with terminal hours of 00.30 Sundays to Thursdays and 01.30 Fridays and Saturdays with the terminal hours for Category O being 30 minutes later in all cases.

The Committee considered the statements made by and on behalf of the applicant, the Environmental Health Department and local residents.

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

(Mandatory conditions and conditions consistent with 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 set out below.

CONDITION NO. 1

Nature of Condition: Hours of Opening for Categories E,F,J and M shall be

Sunday to Thursday 10.00 – midnight
Friday and Saturday 10.00 – 00.30

Reason for Condition – prevention of crime and disorder and public nuisance.

CONDITION NO. 2

Nature of Condition: Hours of opening to the public for Category O shall be:

Sunday to Thursday 10.00 – 00.30
Friday and Saturday 10.00 – 1.00

Reason for Condition – prevention of crime and disorder and public nuisance.

CONDITION NO. 3

Nature of Condition: None standard hours for Category M (Supply of Alcohol)

New Year's Eve from 10.00 on 31st December to 01.00 on 2nd January.

Reason for condition: Prevention of Crime and Disorder and Public Nuisance

CONDITION NO. 4

Nature of Condition: Non-standard hours for Category M (Supply of Alcohol)

If it falls on a Friday or Saturday St. Patrick's Day, St. George's Day and St. Valentine's Day 10.00 – 01.00

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

CONDITION NO. 5

Nature of Condition: Non-standard opening hours for Category M (Supply of Alcohol) 24,26, 27 and 28 December 10.00 – 01.00

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

CONDITION NO. 6

Nature of Condition: None standard hours for Category O (Hours open to the Public)

New Year's Eve from 10.00 on 31st December to 01.30 on 2nd January.

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

CONDITION NO. 7

Nature of Condition: Non-standard hours Category O (Hours open to the Public)

If they fall on a Friday or Saturday, St. Patrick's Day, St. George's Day, and St. Valentine's Day 10.00 – 01.30.

Reason for Condition – Prevention of crime and disorder and public nuisance.

CONDITION NO. 8

Nature of Condition: Non-standard opening hours for Category O (Hours open to the Public) 24,26, 27 and 28 December 10.00 – 01.30.

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

The Committee did not consider in view of its determination that the volunteered condition set out in the preamble at no.6 was appropriate.

However, all volunteered amendments would be included within the premises licence.

Meeting ended at 8.35 pm