

REGULATORY COMMITTEE

At a meeting of the Regulatory Committee held at the Town Hall, Runcorn on 19th September 2005.

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

Apologies for absence: Councillors Cross, Drakely and Wainwright.

Absence declared on Council business: None.

Officers present: J. Tully, K. Cleary, G. Ferguson and J. Findon.

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

REG36 LOCAL GOVERNMENT ACT 1972 – URGENT BUSINESS

The Committee was advised that a matter had arisen which required immediate attention by the Committee because a decision was required before the date of the next meeting. (Minute REG 39 refers), therefore pursuant to Section 100(B)(4) and 100 (E), the Chairman ruled that the item be considered as a matter of urgency.

REG37 MINUTES

The Minutes of the meeting held on 20th June 2005 having been printed and circulated were taken as read and signed as a correct record.

REG38 LICENSING CODE OF PRACTICE

This item was deferred for discussion at the next ordinary meeting and a training session would be held for Members on a date to be agreed by the Chairman and Vice Chairman in consultation with the Legal Section .

Strategic Director
Corporate &
Policy

REG39 APPLICATION TO VARY LICENCE TO HACKNEY CARRIAGE TABLE OF FARES

The Committee was advised that the current table of Hackney Carriage fares had been in force since 5th January 2004.

The Council's Taxi Consultative Group at its meeting on 20th July 2005 had considered applications from the trade regarding fare increases.

The 1976 Act required a press advert to be published and that the Council consider any objections following such advert. Where objections were duly made and not withdrawn the Council must set a further date on which the table of fares shall come into force with or without modifications not later than 2 months of the date specified in the advert (which was 1st December 2005). An advert was published on 11th August 2005 and subsequently objections were received. Full details of the objections were considered by the Committee.

RESOLVED: That

- (1) the Executive Board be recommended to approve the proposed increase in Hackney Fares as contained in the Council's Hackney Carriage Table of Fares subject to the Committee's concern that the provision that Tariff 2 shall apply (where Tariff 1 would otherwise apply) for any journey at and beyond six miles from the commencement of the journey should remain and not be altered to five miles; and
- (2) the Executive Board be recommended that Easter Sunday remain on Tariff 3.

Strategic
Director
Corporate &
Policy

REG40 APPLICATION TO VARY PREMISES LICENCE – THE NORTON ARMS

In view of the fact that the applicant amended its application to the satisfaction of the Environmental Health Services – Environmental Health withdrew its representation.

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

REG41 APPLICATION TO VARY PREMISES LICENCE – THE CHILDE OF HALE

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

Prior to and at the hearing the applicant agreed to amend the application to include the following.

1. Removal (wherever it occurs in the application) of 'On occasions of local national or international significance or for charitable events the finish time will be extended by one hour with fourteen [or as the case may be seven] days notice and argument with the Police'
2. The use of any outside area shall cease at 23.20 hours
3. Noise from any regulated entertainment (categories E H & J) shall be inaudible at the nearest noise sensitive property at any time.
4. Noise from any regulated entertainment (categories B & F) shall be inaudible at the nearest noise sensitive property after 23.00 any day of the week
5. 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.
6. The premises shall be open to the public between the hours of 10.00 to 00.00 Sunday – Thursday and 10.00 to 01.00 Friday & Saturday.
7. All licensable activities shall cease 30 minutes prior to the premises closing to the public.
8. An extension of 1 hour shall be permitted on the Sunday of any Bank Holiday weekend the Thursday before Good Friday Christmas Eve and the Saints days as specified
9. No further extensions shall be permitted.

In view of amendments No 1 above Cheshire Constabulary withdrew their representations. In view of amendments 2 – 9 above the Environmental Health Department withdrew their representations.

In addition, the following paragraph was withdrawn from category "O" to the application;

'Notwithstanding these usual opening times the premises in accordance with the converted right may choose to open to the public at any time for non licensable activities/purposes'

'No licensable activities shall take place in the external drinking areas'.

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.

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) H (Anything similar to E F or G) J (Facilities for Dancing) and M (supply of alcohol) shall be:

Sunday – Thursday 10.00 to 00.00
Friday & Saturday 10.00 to 00.30

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

CONDITION NO. 2

Nature of condition - Standard Hours of opening for category L Late Night Refreshment shall be :

Sunday – Thursday 23.00 to 00.00
Friday & Saturday 23.00 to 00.30

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

CONDITION NO 3

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

Sunday – Thursday to 00.30
Friday & Saturday to 01.00

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 had been imposed because they are required to meet the licensing objectives set out below

REG42 APPLICATION TO VARY PREMISES LICENCE – THE GRAPES,
WIDNES

In view of the fact that the applicant amended its application to the satisfaction of the Environmental Health Services – Environmental Health withdrew its representation.

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

REG43 APPLICATION TO VARY PREMISES LICENCE – THE TAVERN,
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 Committee considered the representations made by the Police the Environmental Health Department and an interested party (local resident)

Prior to and at the hearing the applicant agreed to amend the application to include the following:

- 1 Removal wherever it occurs in the application ‘On occasions of local national or international significance or for charitable events the finish time will be extended by one hour with fourteen [or as the case may be seven] days notice and argument with the Police’
- 2 The use of any outside area shall cease at 23.20 hours
- 3 Noise from any regulated entertainment (categories E H & J) shall be inaudible at the nearest noise sensitive property at any time.
- 4 Noise from any regulated entertainment (categories B & F) shall be inaudible at the nearest noise sensitive property after 23.00 any day of the week
- 5 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.
- 6 All licensable activities shall cease 30 minutes prior to the premises closing to the public.
- 7 No further extensions shall be permitted - subject to TENS

In view of amendments No 1 Cheshire Constabulary had withdrawn their representations. In view of amendments 2 – 7 above Environmental Health Department withdrew their representations to the matters contained in those amendments.

However the applicant also made the following proposed amendments:-

- 8 The premises shall be open to the public between the hours of 10.00 to 00.00 Sunday – Thursday and 10.00 to 01.00 Friday & Saturday
- 9 An extension of 1 hour shall be permitted on the Sunday of any Bank Holiday weekend the Thursday before Good Friday Christmas Eve and the Saints days as specified.

The applicant both agreed with amendments 8 & 9 and proposed inconsistent amendments. Specifically they requested the premises to be open to the public until 00.30 Sundays – Thursdays and 01.30 Fridays and Saturdays and that licensable activities should cease at 00.00 Sundays to Thursdays and 01.00 Fridays and Saturdays.

Consequently the Committee did not hold the applicant to the applicants proposed amendment number 8 above.

With regard to amendment No 9 above this was in addition to the non standard hours set out in the application. Furthermore the applicant requested that should the requested hours as per the original application not be granted then there was a request that for category O (Hours open to the public) the terminal hour be 01.00 for all Thursdays in July, August and December.

In addition the following paragraph was withdrawn from category “O” to the application.

‘Notwithstanding these usual opening times the premises in accordance with the converted right may choose to open to the public at any time for non licensable activities/purposes’

‘No licensable activities shall take place in the external drinking areas’.

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.

RESOLVED: That having considered the application in accordance with Section 4 Licensing Act 2003 and all other relevant

considerations it was 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 B (Films) E Live Music, F Recorded Music H Anything similar to E F or G) J Provision of facilities for Dancing and M supply of alcohol shall be:

Sunday – Thursday 10.00 to 00.00
Friday & Saturday 10.00 to 00.30

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

CONDITION NO. 2

Nature of condition - Standard Hours of opening for category L Late Night Refreshment shall be :

Sunday – Thursday 23.00 to 00.00
Friday & Saturday 23.00 to 00.30

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

CONDITION NO 3

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

Sunday – Thursday 10.00 to 00.30
Friday & Saturday to 10.00 to 01.00

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

CONDITION NO. 4

Nature of condition – Non Standard Hours – The request for an additional hour in respect of licensable activities and opening to the public on Thursdays in July, August and December is refused.-

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

Note:

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

Conditions not consistent with the applicant's operative schedule have been imposed because they are required to meet the Licensing Objectives set out below,

Meeting ended at 9.24 pm