

REGULATORY COMMITTEE

At a meeting of the Regulatory Committee held at the Town Hall, Runcorn on 20th December 2005.

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

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

Absence declared on Council business: None.

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

Members of the public: Two plus their legal adviser.

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

REG70 APPLICATION TO VARY PREMISES LICENCE – THE NEW YORK BAR, 2-4 HIGH STREET, 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 Police made representations requesting five sets of conditions to be imposed as set out below.

1. toughened glasses to be used and no unsealed containers allowed in or out of the premises. - Public Safety and Prevention of Crime & Disorder. (CD 10, 11 and 12);
2. challenge 21 Proof of Age Scheme. Adoption of this initiative not only helps prevent underage drinking, from which NO venue is immune, but it provides an extra measure of safety and protection for the licensee, which can only be regarded as a good thing. As this particular venue is situated in the town centre and frequented by a younger clientele, this factor is of particular value. - Protection of Children. (CD 17);

3. all premises that are situated in the town centre area, and have previously operated a Special Hours Certificate, have been required to employ Door Staff. As this application creates an identical situation, this will also be a requirement here. This is also designed to protect the venue, its staff and customers as any troublemaking elements will 'target' the venues who do not have this visible level of security. Minimum of 2 Doorstaff on all days when service of alcohol goes beyond midnight. - Prevention of Crime & Disorder. (CD 6 and 8);
4. support of the local Pubwatch Scheme. This venue is part of a scheme that encompasses EVERY public house in the town. Its strength lies in this and we would expect town centre venues, such as yourself, to encourage support. - Prevention of Crime & Disorder. (CD 26);
5. Halton is committed to the Alcohol Harm Reduction Strategy for England and encourages a responsible approach to, in particular, late night drinking. Consequently, venues in the town centre area have all agreed to support this by the adoption of the following anti-binge drinking and customer migration Conditions:
 - a) Non-alcoholic drinks, including drinking water, to be available at all times.
 - b) Any charge for admission shall not include the provision of intoxicating liquor.
 - c) No promotion shall be offered that entails the provision of an unlimited amount of Intoxicants.
 - d) No cocktails or spirits will be supplied for consumption by customers in 'goldfish bowls' or jugs.
 - e) No Entry or Re-Entry after 00.30.

These Conditions are aimed at the reduction of binge-drinking and migration drinking which are the very antitheses of the new Act and, again, we would look to industry leaders to demonstrate their support in a tangible fashion.

The applicant accepted all of the above conditions with the exception of condition 5(e).

In view of this the Police representations were taken as withdrawn with the exception of the representation relating to condition 5(e).

The applicant disputed that the reference to 00.30 was correct and stated that it should have been a reference to 01.30 and that even the 01.30 time was contingent on receiving the extended hours which had been requested. However the applicant made the following concession; if terminal hours were granted to 02.00 a no

entry or re -entry condition after 00.30 would be acceptable and if terminal hours were granted to 03.00 a no entry or re-entry condition after 01.00 would be acceptable.

6. Cheshire Fire Authority had made representations requesting a maximum occupancy not exceeding 300 persons.

At the hearing the applicant agreed to this figure.

In view of this the Cheshire Fire Authority representations were taken as withdrawn.

7. Representations had been made by the Environmental Health Department as set out below:

- The use of any outside area shall cease at 23:00 hours.
- Noise from any regulated entertainment (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 – Making Music J – Facilities for Dancing & L- Late Night Refreshment) shall be inaudible at the nearest noise sensitive property at any time.
- All licensed entertainment shall cease a minimum of 30 minutes prior to the closure of the premises.
- No external speakers shall be used outside the building; this would include any beer gardens or outside drinking area or car park.

The applicant accepted the above representations and in view of this these representations from Environmental Health were withdrawn.

In addition to the above representations Environmental Health had made two further representations relating to standard and non standard hours of opening as set out below.

- The premises shall be open to the public between 08:00 and 01:00 Sunday to Thursday; and 08:00 and 02:30 Friday and Saturday.
- Extensions to the opening hours shall be permitted until 2:30 on Christmas Eve and Boxing Day on whichever day they fall.

These representations were not accepted by the applicant however the applicant put forward a “concession” relating to amended terminal hours as follows:

Standard Hours

Mondays to Wednesdays	Category O – 0130
Thursdays	Category O – 0230
Fridays and Saturdays	Category O - 0330
Sundays	Category O - 0230

(All activities to cease 30 minutes prior to the above terminal hours).

Non-Standard Hours

Christmas Day and Boxing Day Category O - 0330

(All activities to cease 30 minutes prior to the above terminal hour).

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 following conditions.

CONDITION NO. 1

Nature of condition Standard Hours

Extent of condition The standard hours for categories 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 and M Supply of alcohol shall be

Sunday – Thursday 0800 to 00.30
Friday & Saturday 0800 to 02.30

Reason for condition – Prevention of public nuisance.

CONDITION NO. 2

Nature of condition Standard Hours

Extent of condition The standard hours for category L (Late Night Refreshment) Hours shall be

Sunday – Thursday 2300 to 00.30
Friday & Saturday 2300 to 02.30

Reason for condition – Prevention of public nuisance.

CONDITION NO. 3

Nature of condition Standard Hours

Extent of condition The standard hours for category O Hours premises are open to the public shall be

Sunday – Thursday 0800 to 01.00
Friday & Saturday 0800 to 03.00

Reason for condition – Prevention of public nuisance.

CONDITION NO. 4

Nature of condition Non Standard Hours

Extent of Condition On Christmas Eve and Boxing Day (unless either falls on a Friday or Saturday) for categories 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 and M Supply of alcohol the standard terminal hour shall be extended to 02.00

Reason for condition – Prevention of public nuisance.

CONDITION NO. 5

Nature of condition Non Standard Hours

Extent of Condition On Christmas Eve and Boxing Day (unless either falls on a Friday or Saturday) for category O Hours premises open to the public the standard terminal hour shall be extended to 02.30

Reason for condition – Prevention of public nuisance.

CONDITION NO. 6

Nature of condition Entry or re entry to premises

Extent of condition There shall be no entry or re entry to the premises after 01.00

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

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.

Volunteered conditions do not form part of the determination and will be automatically attached to the licence.

Time that the variation shall take effect - 21 December 2005.

Meeting ended at 7.45 pm