

## AGENDA ITEM NO. 3

**REPORT:** Regulatory Committee

**DATE:** 31 August 2005

**REPORTING OFFICER:** Chief Executive

**SUBJECT:** Application to vary premises licence – The Eight Towers Public House

**WARDS:** Halton View

### 1. PURPOSE OF REPORT

To hold a hearing to assess relevant representations made in response to an application in respect of the Eight Towers Public House Weates Close Widnes

### 2. RECOMMENDED: That the Committee considers the relevant representations.

### 3. SUPPORTING INFORMATION

- 3.1 An application has been made under section 34 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.
- 3.2 This hearing is held in accordance with the 2003 Act and the Licensing Act 2003 (Hearings) Regulations 2005.
- 3.3 The procedure to be followed has been circulated to all parties and will be repeated at the beginning of the hearing.
- 3.4 The hearing is solely concerned with those aspects of the application which have been the subject of relevant representations as defined in the 2003 Act.

### 4. RELEVANT REPRESENTATIONS

#### 4.1 RESPONSIBLE AUTHORITIES

- The following responsible authorities have made relevant representations

Cheshire Constabulary  
Environmental Health

- The relevant representations relate to

## **Cheshire Constabulary**

### Removal of unspecified events and TV sporting events application

- In relation to the request for extra hours for unspecified times and dates for televised events, it is our opinion that this is a device to circumvent the TENS procedure and is 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 objectives of the Licensing Act. This is because there is 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 demonstrates that the Act was intended to continue to regulate the hours for which regulated entertainment and the supply of alcohol is provided. Special Occasions and National Events are specifically mentioned in the Act and can be granted by The Secretary of State.

## **Environmental Health**

The premises are located 46 metres from the nearest residential property and the applicant has requested an hours extension to activities Thursday to Sunday. Based on these facts Environmental Health would not object to the application in principle subject to the following conditions:-

- All doors and windows must be kept closed when amplified music or voices are being played within the premises
- All activities specified within sections B,C,E,G,I &J shall be permitted between the hours of 10.00 until 23.00 hrs Sunday – Monday and 10.00 until 00.00 Friday and Saturday
- Any live music played at the premises shall be played through a noise limiting device. The activation level of this device must be set and sealed by an officer of the Local Authority's Environmental Health Division
- No external speakers shall be used outside the building; this will include any beer gardens or outside drinking areas or car park
- The use of any outside area will cease at 23.00 hrs
- Further extensions shall not be permitted at any time

## **4.2 INTERESTED PARTIES**

- The following interested parties have made relevant representations

4 Letters of objection received from local residents namely  
Letters of objection from local residents in the vicinity  
Mr & Mrs Swift 369 Warrington Road Widnes  
Mrs K Finney 367 Warrington Road Widnes  
Mr D Finney 367 Warrington Road Widnes  
Mrs A B McGee 361 Warrington Road Widnes

- The relevant representations relate to
  - When Planning Permission was given to build a Public House there was a condition attached stating that there should be no live music and dancing and that there would never be any extension to the current opening hours
  - There should be a ceiling limit on how high recorded music is played at the premises.
  - The conservatory doors at the premises are always open during the summer months and local residents are able to hear a constant bang, bang of the beat from the recorded music.
  - If the longer drinking hours are granted customers would not be leaving the premises until possibly 1.00a.m. and 2.00 a.m
  - The application would be detrimental to local residents quality of life.

## **5. OPTIONS**

**5.1** The Committee has the following options:

- Grant subject to conditions
- Reject the application.

## **6. POLICY IMPLICATIONS**

None.

## **7. OTHER IMPLICATIONS**

None.

**8. LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

<b>Document</b>	<b>Place of Inspection</b>	<b>Contact Officer</b>
Application Documents	Legal Services	John Tully/Kay Cleary