

## AGENDA ITEM NO. 2

**REPORT TO:** Regulatory Committee

**DATE:** 13 October 2005

**REPORTING OFFICER:** Chief Executive

**SUBJECT:** Application for a premises licence – The Wellington Hotel Town Lane Hale

**WARDS:** Hale

### 1.0 PURPOSE OF THE REPORT

1.1 To hold a hearing to assess relevant representations made in response to an application in respect of The Wellington Hotel Town Lane Hale.

**2.0 RECOMMENDATION: That the Committee considers the relevant representations.**

### 3.0 SUPPORTING INFORMATION

3.1 An application has been made under section 17 Licensing Act 2003 (“the 2003 Act”) for a 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.

### 4.0 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 the unspecified events application**

In relation to the request for extra hours for unspecified times and dates for events, it is Cheshire Constabulary's 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 licensing 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.

### **Challenge 21**

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

### **Environmental Health**

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.
- 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.

## **4.2 INTERESTED PARTIES**

- The following interested parties have made relevant representations -

Mr & Mrs Wright 3 Wellington Gate Hale Village  
 Mr & Mrs Knight 5 St Mary's Close Hale Village  
 A P Barnett 9 Hesketh Road Hale Village  
 Mr & Mrs Stonehouse 18 Town Lane Hale Village  
 Mr & Mrs Hitchmough 32 Town Lane Hale Village  
 Mrs C M Hatton 5 Wellington Gate Hale village  
 Mr F O'Connor 10 Town Lane Hale Village  
 Mrs S Dovener 20 Town Lane Hale Village  
 R & E Kerr 22 Town Lane Hale Village  
 R Turnbull 1 Wellington Gate Hale Village  
 Mrs P A Henry 24 Town Lane Hale Village

The relevant representations relate to

- There is already loud noise from people going home from this pub at closing time and will be worse if it is later in the night
- Problem with broken glass on the roads and pavements outside and on the otherside of the road by this pub.
- Thumping music nuisance from function room into the early hours of the morning.
- Windows and doors of the premises left open when music is playing
- Cars arriving and leaving the premises doors slamming, taxis sounding horns
- Light pollution for the houses close to the premises
- Unsocial behaviour, patrons urinating in gardens, throwing bricks and bottles at local houses
- Gangs of boys and girls sitting on the wall outside the pub drinking
- The beer garden is located on the main road and used until late in the evening
- There is no sign of any interest in engaging or consulting with the local community to ascertain their wishes in respect of the extension of hours.

## **5.0 OPTIONS**

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

- Grant subject to conditions
- Reject the application.

**6.0 POLICY IMPLICATIONS**

None.

**7.0 OTHER IMPLICATIONS**

None.

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

**Document  
Application  
Documents**

**Place of Inspection  
Legal Services**

**Contact Officer  
John Tully/Kay Cleary**