

## AGENDA ITEM NO. 5

**REPORT TO:** Regulatory Committee

**DATE:** 19 September 2005

**REPORTING OFFICER:** Chief Executive

**SUBJECT:** Application to vary premises licence – The Childe of 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 Childe of Hale 6 Church End Hale Village.

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

### 3.0 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  
To Prevent Public Nuisance and to Prevent Crime and Disorder.  
Removal of unspecified events application

- In relation to the request for extra hours for unspecified times and dates for events, it is the Police opinion that this is a device to circumvent the TENS procedure and not within the spirit of the Act. The Police 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.

#### Environmental Health

Environmental Health would not object to the application subject to the following conditions:

- All doors and windows must be kept closed when any amplified music or voices are being played within the premises.
- 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 area or car park.
- The use of any outside area will cease at 23.00
- All activities specified within sections E H and J shall be permitted between the hours of 10.00 and 23.00 hrs Sunday to Thursday and 10.00 a.m. & 00.00 Friday and Saturday.
- The premises shall be open to the public between the hours of 09.00 & 00.00 Sunday to Thursday and 09.00 & 01.00 Friday and Saturday.
- An hours extension to all licensed activities shall be permitted for the Saints days as specified the Thursday of the Easter Bank Holiday Christmas Eve and Boxing Day.

## 4.2 INTERESTED PARTIES

- The following interested parties have made relevant representations  
Michael, Lydia and Paul Parker 1 Church End Hale Village Liverpool L24

The relevant representation relate to

- Extension of licensing hours will result in the Licensing Objectives being breached specifically Prevention of Public Nuisance.
- Noise nuisance from taxi drivers throughout the day and night
- Protection of Children from Harm - Children are allowed in the premises under current provisions are rarely supervised and

run freely. This is especially dangerous as children run/play in the car park, which is clearly dangerous.

- Objectors believe there is no reason for the variations due to the premises being in a small village where there is no demand

## **5. 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

## **11.0 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**