

AGENDA ITEM NO. 7

REPORT TO: Regulatory Committee

DATE: 19 September 2005

REPORTING OFFICER: Chief Executive

SUBJECT: Application to vary premises licence – The Tavern 288 Upton Lane Widnes

WARDS: Birchfield

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 Tavern 288 Upton Lane Widnes.

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
Environmental Health

The relevant representations relate to
Cheshire Constabulary
Environmental Health

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.

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 of this device must be set and sealed by an officer of the Local Authority's Environmental Health Division.
- The use of any outside area will cease at 23.00 hrs

4.2 INTERESTED PARTIES

- The following interested parties have made relevant representations

N/A

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**