

## **AGENDA ITEM NO. 4**

**REPORT TO:** Regulatory Committee

**DATE:** 26 September 2005

**REPORTING OFFICER:** Chief Executive

**SUBJECT:** Application to vary premises licence – The Victoria Hotel 19 Anne Street West Widnes

**WARDS:** Riverside

### **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 Victoria Hotel 19 Anne Street West 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.

### **4.0 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 unspecified events application.

In relation to the request for extra hours for unspecified times and dates for 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 licensing objectives of the Licensing Act 2003. 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

- Noise from any regulated entertainment (categories B C E F & G) shall be inaudible at the nearest noise sensitive property between 23.00 and 00.00 Sunday to Thursday and 23.00 and 01.00 Friday and Saturday.
- Noise from any regulated entertainment (categories B C E F & G) shall be monitored and a log of the monitoring shall be maintained for inspection by the Council
- The use of any outside area shall cease at 23.00 hrs
- All doors and windows must be kept closed when any amplified music or voices are being played within the premises.
- No external speakers shall be used outside the building this will include any beer gardens or outside drinking area or car park.

## **4.2 INTERESTED PARTIES**

N/A

## **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

**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**