

REGULATORY COMMITTEE

At a meeting of the Regulatory Committee Tuesday, 3 October 2006 Civic Suite, Town Hall, Runcorn

Present: Councillors Philbin (Chairman), Pearsall (Vice-Chairman), Cole, Drakeley, Gilligan, D Inch, Nelson and Wainwright

Apologies for Absence: Councillors Cross and E Ratcliffe

Absence declared on Council business: Councillor A. Lowe

Officers present: L Capper, K. Cleary, I. Mason, W. Salisbury and J. Tully

Also in attendance: (none)

ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE

REG9 APPLICATION TO REVIEW THE STOCKHAM LODGE RACQUET AND HEALTH CLUB PREMISES LICENCE

Action

The Committee considered an application to review the premises licence at Stockham Lodge Racquet and Health Club Runcorn.

The application was made by the Environmental Health Section of Halton Borough Council acting as responsible authority under Section 13 Licensing Act 2003. As part of the application process representations were received from:

Mr & Mrs McGrellis 51 Greenhouse Farm Road Runcorn
Mr K Garrette 46 Greenhouse Farm Road Runcorn
Mr D Woods 49 Greenhouse Farm Road Runcorn
Mr V Frost 50 Greenhouse Farm Road Runcorn
Mr & Mrs B Williams 52 Greenhouse Farm Road Runcorn
No representation was received from the Premises Licence Holder.

At the hearing the following people were present as parties. The Premises Licence Holder TRB Estates (Liverpool) Limited was represented by Mr Beilin. (Director)
The applicant was represented by Isobel Mason -

Environmental Health. Mr McGrellis and Mr Garrette attended and addressed the Committee as interested parties.

Two members of the Committee arrived whilst the procedure to be followed at the hearing was being explained. The Licensing Solicitor asked the applicant, the interested parties and the Premises Licence holder if they consented for the two members (who had not missed any part of the hearing apart from the procedural explanations) to take part in the hearing and the decision. All parties individually confirmed their acceptance.

Prior to the applicant being requested to present her case the Licensing Solicitor made reference to a letter sent to the Council from the Premises Licence holder's legal representative. The letter requested an adjournment of the matter and cited 5 reasons. The Council's Licensing Solicitor went through each reason with Mr Beilin who made particular reference to reason number 2, which stated "the application to review is defective in that on page 3 you have referred to the review of the licensing objective being 'the prevention of crime and disorder'. We are perplexed by this as the complaint of noise does not amount to crime and disorder". The Licensing Solicitor advised that as the allegation was that there had been a breach of licence condition this could amount to a criminal offence. The notice of application did not allege a public nuisance (let alone a statutory nuisance). It was therefore correct that the application should cite crime and disorder as the relevant licensing objective (all be it that in this case disorder was not an issue). Mr Beilin accepted all the points made by the Licensing Solicitor with regard to the full contents of the letter and advised that he would not be requesting an adjournment.

During her representation Isobel Mason (Environmental Health) made reference to Tape Analysis Forms and advised the Committee that the reference to 17 March 2006 at 5.1 in the Committee item should read 17 February 2006. Mrs Mason also advised the Committee that the tape analysis dated 17 February 2006 to 23 February 2006 was shown in BST and therefore should read one hour earlier. The correction of the date was accepted by the Committee.

The Committee heard the application from Isobel Mason followed by representations by Mr McGrellis and Mr Garrette. The Premises Licence Holder's representative Mr Beilin then presented his case. All parties were then invited

to sum up. Numerous points were raised by members and the parties put a number of questions through the chairman. The Committee then retired to consider the application.

RESOLVED: That having considered the application in accordance with section 4 Licensing Act 2003 and all other relevant considerations the Committee made the following determination:

Point 1

The allegations set out in the application and made by the persons making relevant representations are found to be proved.

Point 2

The committee considered the steps open to it and have applied the most proportionate course of action.

Point 3

Regulated entertainment shall not take place at the premises on any day of the week after 23.00 hours. For the avoidance of doubt this applies to categories E – Live Music, F – Recorded Music, H – anything similar to e f or g, and J – Dancing on the premises licence. The premises licence be varied accordingly.

Point 4

Consequently the following condition attached to the premises licence becomes irrelevant and shall be deleted “Noise from any regulated entertainment shall be inaudible at the nearest residential property between the hours of 23.00 and 00.00 Friday and Saturday.”

Reason for the determination

For the reasons stated above this determination is considered necessary for the promotion of the Licensing Objectives specifically the prevention of crime and disorder.

The parties were advised that they would be notified formally of the decision as of the relevant rights of appeal.

Finally (although not part of the determination as such) the Chairman expressed a wish that the Premises Licence holder would develop a meaningful dialogue with the local residents to try to ensure that problems did not

arise in the future.

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Meeting ended at 7.40 p.m.