



Regulatory Committee

Monday, 24 November 2008 6.30 p.m.
Civic Suite, Town Hall, Runcorn

A handwritten signature in black ink, appearing to read 'David W R', is centered on the page.

Chief Executive

COMMITTEE MEMBERSHIP

Councillor Ged Philbin (Chairman)
Councillor Pamela Wallace (Vice-Chairman)
Councillor Bob Bryant
Councillor Philip Drakeley
Councillor Harry Howard
Councillor Diane Inch
Councillor Alan Lowe
Councillor Peter Murray
Councillor Ernest Ratcliffe
Councillor Kevan Wainwright
Councillor Mike Wharton

*Please contact Caroline Halpin on 0151 471 7394 or e-mail caroline.halpin@halton.gov.uk for further information.
The next meeting of the Committee is on Monday, 19 January 2009*

**ITEMS TO BE DEALT WITH
IN THE PRESENCE OF THE PRESS AND PUBLIC**

Part I

Item No.	Page No.
1. MINUTES	
2. DECLARATION OF INTEREST	
Members are reminded of their responsibility to declare any personal or personal and prejudicial interest which they have in any item of business on the agenda, no later than when that item is reached and (subject to certain exceptions in the Code of Conduct for Members) to leave the meeting prior to discussion and voting on the item.	
3. ASDA WIDNES LIST OF INTERESTED PARTIES	1 - 6
4. TAXI REPORT LEE NOLAN NOVEMBER 2008	7 - 8

In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.

REPORT: Regulatory Committee

DATE: 24 November 2008

REPORTING OFFICER: Chief Executive

SUBJECT: Application to vary premises licence – Asda Stores Widnes Road Widnes

WARDS: Riverside

1. PURPOSE OF REPORT

To hold a hearing to assess relevant representations made in response to an application in respect of the Asda Stores Widnes Road Widnes.

2. RECOMMENDATION: That the Committee considers the relevant representations and makes a determination on the application.

3. 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 THE APPLICATION

- 4.1** Asda Stores Widnes Road Widnes have applied to vary the premises licence.
- 4.2** The application is to:-
 - Extend the hours for the Supply of Alcohol to 24 hours a day seven days a week (off the premises)
 - Include the provision of Late Night Refreshment from 23.00 to 05.00 the following morning seven days a week (indoors and outdoors)
 - An additional hour to the standard and non standard times on the day when British summer time begins.

4.2 The current premises licence relates solely to the supply of alcohol (off licence only)

4.3 The current premises licence allows the sale of alcohol during the following hours

The sale of alcohol for consumption off the premises for the hours

Monday to Saturday 08.00 to 23.00

Sunday 10.00 to 22.30

Good Friday 08.00 to 22.30

Christmas Day Noon to 15.00

Christmas Day 19.00 to 22.30

4.5 Comments on the application

4.5.1 The element of the application relating to extended hours relating to the supply of alcohol is self explanatory

4.5.2 The element of the application relating to late night refreshment adds a new licensable activity

4.5.3 The element of the application relating to an additional hour to the standard and non standard times on the day when British Summer time begins is illogical and makes no sense. The applicant will be invited to explain what this was supposed to mean.

5. RELEVANT REPRESENTATIONS

5.1 RESPONSIBLE AUTHORITIES

The following responsible authorities have made relevant representations

Cheshire Constabulary

According to the applicant this application is part of a national move by Asda to incorporate the extra hours that are traded during the Christmas/New Year period into the Premises Licence, to obviate the need for each store to submit TENs. In this case it relates to a total of 12 hours over the entire holiday period and on no occasion will the store be open later than midnight.

However, the application, as it is written, represents the ability to do far more than this and must be treated as such.

Option 1: If the intension is to accommodate the Christmas/New Year period :-

1. The days when these hours shall operate shall be restricted to one week before Christmas Day and the 31st day of December

2. The existing levels of security staff (one SIA registered Door Supervisor) shall be retained on duty until the closing time of the store.
3. CCTV systems employed at the store shall continue to monitor and record during all extra hours of trading.
4. If the store remains open past midnight then the number of security staff employed shall be increased to two (SIA registered) and retained until 5am or closing time, whichever is the sooner.
5. The Late Night Refreshment entitlement shall apply to such refreshments purchased within the main body of the store and shall not apply to the on-site McDonalds franchise that operates within the building.

Option 2: If the intention is to trade on a 24/7 basis :-

1. The existing levels of security staff (one SIA registered Door Supervisor) shall be retained on duty until midnight.
2. After midnight the number of security staff employed shall be increased to two (SIA registered) and retained until 5am or closing time, whichever is the sooner.
3. CCTV systems shall continue to monitor and record during all hours of trading.
4. The Late Night Refreshment entitlement shall apply to such refreshments purchased within the main body of the store and shall not apply to the on-site McDonalds franchise that operates within the building.

It is noted that there are no other steps volunteered to help promote the Licensing Objectives.

ENVIRONMENTAL HEALTH

- Having considered the potential impact with regard to Public Nuisance I object to the application to vary their premises licence. My opinion is based on the close proximity of the premises to residential properties and previous history of noise complaints from activities at the site during the night.
- In addition there are no proposals within the application to minimise any noise nuisance which will occur as a result of the extended hours.

INTERESTED PARTIES

- Representations have been received from 48 local residents (see Appendix A) The relevant representations relate to

- The premises are not suitable for an all night alcohol and light meals extension because of its proximity to residential homes and the bar and night club area.
- Cheap alcohol being available during the early hours would be like a magnet encouraging more binge drinking which in turn would lead to more alcohol related crime.
- Problems arising from the bar and nightclub area spilling over to local roads, cars being vandalised discarded food the proposed extension of hours would exasperate this already volatile situation.
- Local residents would be affected by the extra clientele that granting the application would encourage.
- Clientele frequenting the nightclubs and bars would be attracted to the store during the early hours looking for cheap alcohol.
- The premises are located in the middle of the main walkway to the bar and night club area.
- Car doors slamming and trolley's being moved during the night would cause disturbance to local residents.
- Patrons of the premises are currently parking outside local residents houses which will continue during the night time.
- The extra use of the pelican crossing with the noise they generate echoing around the area in the small hours.
- The trolleys that are chained together at night to stop loutish behaviour would be left unchained with 24 hour opening making them a target for some clientele that frequent the club and bar area.

A representation was purported to be made by the Simms Cross Community Association however this was discounted because evidence was not produced that the organisation qualified as an interested party.

6. OPTIONS

6.1 The Committee has the following options:

The Committee must act with a view to promoting the licensing objectives namely

- (a) The prevention of crime and disorder
- (b) Public safety
- (c) The prevention of public nuisance

(d) The protection of children from harm

The Committee must also have regard to –
The Councils Statement of Licensing Policy, and
The Statutory Guidance issued by the Secretary of State
And resolve to

- Grant the application
- Grant subject to conditions
- Reject the application.

7 IMPLICATIONS FOR THE COUNCILS PRIORITIES

7.1 **Children and Young People in Halton**
None

7.2 **Employment Learning and Skills in Halton**
N/A

7.3 **A healthy Halton**
N/A

7.4 **A Safer Halton**
None

7.5 **Halton's Urban Renewal**
N/A

8 RISK ANALYSIS
N/A

9 EQUALITY AND DIVERSITY ISSUES
N/A

10 POLICY IMPLICATIONS

None

11 OTHER IMPLICATIONS

None

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

Document	Place of Inspection	Contact Officer
Application Documents	Legal Services	John Tully/Kay Cleary

Asda Widnes
application to vary
Premises Licence
APPENDIX A

H E Grady
28 Bryn Street
Widnes

Mrs D A Jackson
29 Bryn Street
Widnes WA8 6BT

Mr & Mrs E Randles
31 Bryn Street
Widnes WA8 6BT

Mrs C Gill
33 Bryn Street
Widnes WA8 6BT

C & W Arnold
2 Carlton Street
Widnes WA8 6NP

T Lawton
4 Carlton Street
Widnes WA8 6NP

Mr & Mrs S McCann
7 Carlton Street
Widnes

Mr & Mrs Forber
8 Carlton Street
Widnes

S & A Donald
18 Carlton Street
Widnes WA8 6NP

Mrs M Shropshire
20 Carlton Street
Widnes WA8 6NP

E Clarke
24 Carlton Street
Widnes

Mr P Bowles
34 Carlton Street
Widnes WA8 6NP

Miss D L Boswell
8 Charles Street
Widnes WA8 6NN

Edward Hall
6 Frederick Street
Widnes WA8 6PG

Mrs A Hall
6 Frederick Street
Widnes WA8 6PG

Mr B P Karalius
7 Frederick Street
Widnes WA8 6PF

Mrs J M Karalius
7 Frederick Street
Widnes WA8 6PF

J Capener
10 Frederick Street
Widnes WA8 6PG

Mr & Mrs McDonald
13 Frederick Street
Widnes WA8 6PF

K Simm
14 Frederick Street
Widnes WA8 6PG

Mr F McMullin
16 Frederick Street
Widnes WA8 6PE

Mrs M McMullin
16 Frederick Street
Widnes WA8 6PE

Mrs C Thompson
17 Frederick Street
Widnes WA8 6PF

Mr B Whitfield
17 Frederick Street
Widnes

Mr & Mrs Rogers
18 Frederick Street
Widnes WA8 6PG

Mr G Banks
19 Frederick Street
Widnes WA8 6PF

M Hindle-Banks
19 Frederick Street
Widnes WA8

C E Hindle -Banks
19 Frederick Street
Widnes WA8 6PF

Mr & Mrs Austin
22 Frederick Street
Widnes

L Lightfoot
24 Frederick Street
Widnes WA8 6PG

Mr K W Kilgannon
28 Frederick Street
Widnes

D Leigh
School House
Kingsway
Widnes

Mrs C Bonnon
4 Milton Road
Widnes

M Smith
18 Milton Road
Widnes
WA8 6NL

The Occupier
20 Milton Road
Widnes
WA8 6NL

Mr & Mrs Clare
26 Milton Road
Widnes

Mr & Mrs Law
28 Milton Road
Widnes
WA8 6NL

P & J Lightfoot
34 Milton Road
Widnes
WA8 6NL

P B Cassidy
90 Oxford Street
Widnes

Mr & Mrs Hughes
96 Oxford Street
Widnes
WA8 6DE

C Condon
1a Princes Street
Widnes

The Occupier
7a Princes Street
Widnes

Mr & Mrs Carter
11b Princes Street
Widnes

The Occupier
15 Princes Street
Widnes
WA8 6NS

Mr & Mrs Bowles
27 Princes Street
Widnes
WA8 6NS

T Moran
29 Princes Street
Widnes
WA8 6NS

Mrs Dearden
30 Princes Street
Widnes

F & S C Griffin
1 Sharp Street
Widnes
WA8 6NW

REPORT: Regulatory Committee
DATE: 24 November 2008
REPORTING OFFICER: Chief Executive
SUBJECT: Taxi licensing matter
WARDS: Borough-wide

1. PURPOSE OF REPORT

Lee Nolan c/o 6 Wharfedale Greenhouse Farm Runcorn is the holder of Single Status Drivers Licence No 904 which is due to expire on 6 November 2009. In addition Mr Nolan held Hackney Carriage Vehicle Licence No 102 which expired on 5 June 2008. Mr Nolan failed to renew the vehicle licence prior to its expiry. A subsequent application to renew the licence was turned down by the Committee. The current application is for the grant of a new Hackney Carriage Vehicle Licence.

2. RECOMMENDED: That the Committee considers whether a vehicle licence can be granted to Mr Nolan.

3. SUPPORTING INFORMATION

- 3.1 Mr Nolan appealed to the Regulatory Committee on 23 September 2008 for the reissue of HCV Licence No 102. The decision made on that application is available at Council Minute Number 9
- 3.2 On 20 October 2008 the Council received an application from Mr Nolan requesting the grant of a Hackney Carriage Vehicle Licence

4. COMMENTS

- 4.1 The Council restricts the number of hackney carriage vehicles in the Borough. The current restriction limits the number of vehicles to 267.
- 4.2 Due to a number of reasons there are at present less than 267 current hackney carriage vehicles licences. In the past the Council has raffled any "spare" plates in order to ensure that 267 vehicles are in use for most of the time.
- 4.3 The decision to issue new hackney carriage vehicle licences is a matter for the Committee to determine.
- 4.4 However, where an applicant makes an application when "spare" plates are available the discretion of the Committee is extremely limited. There is an obligation to grant the application subject only to the application being in order (by being compliant with the Council's conditions).

- 4.5 The Committee will be advised whether the application is fully compliant at the meeting.

5 OPTIONS

- 5.1 The options available to the Committee are (subject to paragraph 4.5 above):
- Grant a vehicle licence to Mr Nolan
 - Refuse to grant a vehicle licence to Mr Nolan.

6 POLICY IMPLICATIONS
None

7 OTHER IMPLICATIONS
None

8 IMPLICATIONS FOR THE COUNCILS PRIORITIES

- 8.1 **Children and Young People in Halton**
None

- 8.2 **Employment Learning and Skills in Halton**
N/A

- 8.3 **A healthy Halton**
N/A

- 8.4 **A Safer Halton**
None

- 8.5 **Halton's Urban Renewal**
N/A

9 RISK ANALYSIS
N/A

10 EQUALITY AND DIVERSITY ISSUES
N/A

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