



**Regulatory Committee**

**Monday, 19 January 2009 6.30 p.m.  
Council Chamber, Runcorn Town Hall**



**Chief Executive**

**COMMITTEE MEMBERSHIP**

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

*Please contact Caroline Halpin on 0151 471 7394 or e-mail [caroline.halpin@halton.gov.uk](mailto:caroline.halpin@halton.gov.uk) for further information.  
The next meeting of the Committee is on Wednesday, 21 January 2009*

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

**Part I**

<b>Item No.</b>	<b>Page No.</b>
<b>1. DECLARATION OF INTEREST</b>	
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.	
<b>2. APPLICATION FOR A TEMPORARY EVENT NOTICE AT THE DOCKSIDE 27 SOUTH ROAD WESTON POINT RUNCORN</b>	<b>1 - 5</b>

***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:** 19 January 2009

**REPORTING OFFICER:** Chief Executive

**SUBJECT:** Application for a Temporary Event Notice at the Dockside 27 South Road Weston Point Runcorn

**WARDS:** Heath

## **1. PURPOSE OF REPORT**

1.1 To hold a hearing to consider a notice from the Police under Section 104 (2) Licensing Act 2003 made in response to an application for a Temporary Event Notice for the Dockside Inn 27 South Road Weston Point Runcorn

**2. RECOMMENDATION: That the Committee considers the Section 104 (2) notice**

## **3. SUPPORTING INFORMATION**

- 3.1 An application has been made under section 100 Licensing Act 2003 ("the 2003 Act") for a Temporary Event Notice (TEN) 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 the Section 104 (2) notice.

## **4 THE APPLICATION**

- 4.1 An application has been received on 7 January 2009 from Alison Margaret Watson for a TEN
- 4.2 The application is for a Chinese New Year Party consisting of the (1) sale of alcohol, (2) regulated entertainment and (3) late night refreshment from 20.00 to 03.00 on 31 January 2009. (The reference to Late Night Refreshment commencing at 20.00 is an error and should relate to 23.00)
- 4.3 The premises licence allows for the following
- Category C – Indoor Sporting Events  
Weekdays 10.00 to 23.00
  - Category E - Live Music,  
Monday – Saturday 17.00 to 23.00 and Sunday Noon to 23.00
  - Categories F – Recorded Music, I – Making Music, J – Dancing, K – Similar to I or j,

Monday - Thursday 10.00 to Midnight and Friday – Sunday  
10.00 to 01.00

Category M – Supply of Alcohol

Monday - Thursday 06.00 to 08.00 and 10.00 to Midnight

Friday – Sunday 06.00 to 08.00 and 10.00 to 01.00

Category O – Hours premises are open to the public

Monday – Thursday 06.00 to 08.30 and 10.00 to 00.30

Friday – Sunday 06.00 to 08.30 and 10.00 to 01.30

- 4.4 The impact of the application under what is allowed on the current premises licence can be summarised as follows:-

#### Sale of alcohol

Chinese New Years Day is on a Saturday this year. The TEN requests an end time of 03.00. This compares with 01.00 on the Premises Licence

#### Regulated entertainment

The premises licence allows for regulated entertainment on Saturdays to extend to 23.00 or 01.00 depending on category. The TEN requests an end time of 03.00

#### Late night refreshment

Late night refreshment is not currently licensed

## **5 REPRESENTATIONS**

- 5.1 In accordance with the Act the Police are the only responsible body who can object to the application. The Police objections are set out at Appendix A to this item together with additional background information which will be presented to the members at the hearing
- 5.2 By virtue of Section 105 (2) (a) where a notice is given in respect of a Temporary Event Notice the licensing authority must hold a hearing to consider the objection notice unless the premises user the chief officer of Police who gave the objection notice and the local authority agree that a hearing is unnecessary

## **6 OPTIONS**

- 6.1 The Committee has the following options

- Determine not to issue a counter notice (effectively allowing the temporary event to go ahead);
- Issue a counter notice (thus preventing the temporary event from going ahead).

- 6.2 Unlike a number of other kinds of hearing there is no option to vary or modify a notice. A modification can only be agreed between the police

and the applicant prior to the hearing using the powers set out in section 106 of the Act.

**6.3** A counter notice can only be issued if the Committee considers it necessary for the promotion of the crime prevention objective.

**6.4** Appeals are possible against either decision that the Committee may make.

**7 POLICY IMPLICATIONS**

None.

**8 OTHER IMPLICATIONS**

None.

**9 IMPLICATIONS FOR THE COUNCILS PRIORITIES**

**9.1 Children and Young People in Halton**

None

**9.2 Employment Learning and Skills in Halton**

N/A

**9.3 A healthy Halton**

N/A

**9.4 A Safer Halton**

None

**9.5 Halton's Urban Renewal**

N/A

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

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

**APPENDIX A**

**NOTICE OF OBJECTION TO A  
TEMPORARY EVENT NOTICE  
(LICENSING ACT 2003, SECTION 104)**

To: Ms Kay Cleary, Licensing Officer, Halton Borough Council  
(The Relevant Licensing Authority)

Mrs Alison Margaret Watson, The Dockside Inn, 27 South Road,  
Weston Point, Runcorn, WA7 4EY

I Chief Officer of Police Gary Finchett of the Northern Area of Cheshire Police HEREBY GIVE NOTICE that I object to the granting of a "permitted temporary activity" in a notice submitted by Mrs Alison Margaret Watson in respect of an event to be held at The Dockside Inn, 27 South Road, Weston Point, Runcorn, WA7 4EY from 20:00 hours on Sunday 31<sup>st</sup> January 2009 7 until 03:00 hours on Monday 1<sup>st</sup> February 2009.

The grounds on which I shall rely are as follows:-

The premises have a recent previous history of mis-management.

On 9<sup>th</sup> August 2008 following complaints of music and drinks being served until 3am the premises were visited and the DPS, was spoken to and strongly advised as to her future management of the premises and compliance with the conditions attached top the premises licence.

At 2.30am Sunday 21<sup>st</sup> December 2008 the premises Sgt Byrne visited and the front door was found to be open, there were 14 customers in the public bar and a further 20+ in the lounge bar. There were two women behind the bar and although there was no direct evidence of anyone physically serving there were two fresh pints of beer on the counter and a number of customers with full pints which strongly suggested that drinks were still being served.

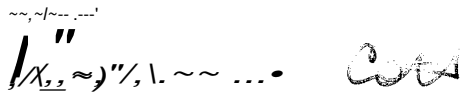
Sgt Byrne asked loudly who was in charge, but nobody replied, eventually Vincent Adamson stated that he was the 'licensee'. Some time later he came back with the applicant, Alison Watson who claimed to be the DPS. It was immediately apparent that she was extremely drunk. Sgt Byrne asked her the time that her licence covered and she replied "1 am." When asked if she had any form of extension she stated that she had, however once Sgt Byrne advised her that he was recording the interview she admitted that she did not.

Vincent Adamson asked to speak to Sgt Byrne outside, but Sgt Byrne told him to clear the premises, Adamson wanted to allow the customers to drink up first. Sgt Byrne pointed out that a number of customers still had full pints and that he could be there some time waiting for that to happen. Adamson's reply was "Well sit down and wait then." The atmosphere became very heated and intimidating and although Sgt Byrne was accompanied by a special constable with a PC sat in the car outside he

almost felt obliged to call for assistance. Because of the tense and volatile situation that was prevailing it was not felt appropriate to take any action other than to clear the premises.

Should this Temporary Event Notice be granted I believe that it will tend to undermine the "Crime Prevention" objective of the Licensing Act 2003 as there are serious concerns that she cannot manage these premises in normal times, never mind until 3am.

Dated ... 9<sup>th</sup> day of January 2009



Signed on behalf of Gary Finchett  
Chief Officer of Police for Northern  
Area Cheshire Police