

REGULATORY COMMITTEE

At a meeting of the Regulatory Committee on Wednesday, 14 July 2010 in the Civic Suite, Town Hall, Runcorn

Present: Councillors Philbin (Chairman), Loftus (Vice-Chairman), M. Fry, D. Inch, A. Lowe, E. Ratcliffe and Wallace

Apologies for Absence: Councillors Bryant, Howard, McDermott and Murray

Absence declared on Council business: None

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

Also in attendance: None

ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE

REG4 APPLICATION TO VARY A PREMISES LICENCE, CANAL WALK/GRUMPY'S, HALTON ROAD, RUNCORN

Action

The Committee met to consider an application which had been made under Section 34 of the Licensing Act 2003 to vary the above premises licence. The hearing was held in accordance with the Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations 2005.

During the application process the application was amended on two occasions to reduce the requested licensable activities. The application to be dealt with by the Committee was:-

Category E – Live Music (Indoors) 12.00(noon) to 02.00
Category L – Late Night Refreshment (Outdoors) 23.00 to 00.00

The Applicant, Grumpy's Limited, was represented by June Clarke of JMC Licensing Consultants. The Police as a Responsible Authority made no representations to the application.

The Council's Environmental Health Department as a responsible authority was represented by Isobel Mason who

had requested the following condition to be attached to the premises licence:-

All doors and windows should be kept closed at all times that any regulated music is being performed (to include categories E,F and I), except for access and egress to the building.

The interested parties were represented by Mr C Powl and Mr Lloyd.

Prior to the hearing commencing Mrs Clarke was asked to confirm that the application to be dealt with was as set out in the third paragraph above. The procedure to be followed was explained and the parties put their cases in accordance with it.

The following points are highlighted as being relevant to explaining the conditions which were subsequently imposed:

1. Previous incidents of noise emanating from the premises were alleged to have taken place including noise from external speakers. It was initially denied (on behalf of the applicant) that there were any external speakers at the premises. But having checked the position with her client by telephone, June Clarke confirmed that there were indeed external speakers at the premises but that they were not connected up.
2. Isobel Mason clarified the requested wording of the proposed condition relating to doors and windows: it was designed to apply whenever regulated entertainment (of whatever kind) was taking place at the premises.

June Clarke, on behalf of the applicant, agreed what is set out below as conditions 1, 2 and 4. (Condition 3 being merely consequential to condition 2).

The Committee asked a number of questions of the parties and retired to consider the matter.

RESOLVED: That

Having considered the application in accordance with Section 4 Licensing Act 2003 and all other relevant considerations the Committee granted the application subject to the following conditions:-

1. All doors and windows shall be kept closed at all times that any regulated entertainment (of any category) is being performed within the premises, except for access and egress to the building.
Reason: In the interest of prevention of public nuisance.
2. The existing external speakers at the premises shall be removed.
Reason: In the interest of prevention of public nuisance. Outdoor music is not permitted under the premises licence.
3. No new or replacement external speakers shall be permitted at the premises.
Reason: In the interest of prevention of public nuisance. Outdoor music is not permitted under the premises licence.
4. The provision of outdoor late night refreshment permitted by this determination shall be restricted to the triangular area of land between the rear of the premises and the Bridgewater Canal.
Reason: For clarification. The area specified in the application was ambiguous and was clarified by the applicant's representative at the hearing.

Time that the variations shall take effect

Forthwith

Reasons for the decision and steps taken under section 35(3)(b) of the Act

The reason for the determination was that the Committee felt that the application was consistent with the Licensing Objectives. The conditions imposed were sufficient to deal with those representations which related to problems related to noise coming directly from the premises.

Following the announcement of the Committee decision the Chairman of the Committee advised that there were some obvious concerns from the local residents regarding nuisance in Halton Road Runcorn allegedly caused by patrons who had left the premises. Such nuisance is likely to be outside of the control of the Committee. The conditions imposed on the premises licence were designed to deal with noise issues arising directly from the premises.

However in the event that the conditions imposed were not adequate to deal with noise nuisance from the premises the local residents were advised of the review process which is part of the Licensing Act 2003 which is evidence based. Local residents and the Councils Environmental Health could trigger a review of the premises licence based on noise nuisance but that any evidence must be specific to the premises and demonstrate that the use of the premises for licensable activities undermines one or more of the four licensing objectives. Local residents had the right to contact their ward councillors, and where appropriate the Police. The residents were further advised that Environmental Health also had the power to issue Abatement Notices.

Meeting ended at 8.35 p.m.