

REGULATORY COMMITTEE

At a meeting of the Regulatory Committee on Friday, 29 June 2012 in the Council Chamber, Town Hall, Runcorn

Present: Councillors K. Loftus (Chairman), Wallace (Vice-Chairman), Fry, P. Hignett, Howard, D. Lea, A. Lowe, McDermott and G. Stockton

Apologies for Absence: Councillors Fraser and Nelson

Absence declared on Council business: None

Officers present: J Tully and K Cleary

Also in attendance: 4 Members of the public

ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE

REG1 APPLICATION TO VARY A PREMISES LICENCE -
WELLINGTON PRESCOT ROAD WIDNES

ITEMS DEALT WITH UNDER DUITES EXERCISABLE BY THE COMMITTEE AS LICENSING COMMITTEE UNDER THE LICENSING ACT 2003

The Committee met to consider an application which had been made under Section 34 of the Licensing Act 2003 to vary a premises licence.

The hearing was held in accordance with the Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations 2005.

The Chairman introduced the members of the Committee and the Council's officers who were present.

The Council's legal adviser, John Tully, summarised the procedure to be followed and outlined the nature of the application.

Whilst outlining the application Mr Tully advised the Committee that the following elements of the variation application were not the subject of the determination at the hearing and were automatically granted

Action

- Internal Alterations to the premises as specified in the application.
No representations received to this element of the application.
- Removal of Condition - No further extensions to the hours for regulated entertainment supply of alcohol or opening shall be permitted
Outdated condition.
- Removal of Controlled Dancing condition
Duplication of legislation - Local Government (Miscellaneous Provisions) Act 1982 – Sex Entertainment Premises.
- Removal of Special Effects conditions
Duplication of Health & Safety legislation
- Removal of all ‘Pre – Existing Conditions’ at ‘G’
This condition was imposed when the Licensing Act 2003 first came into force to deal with the fact that the Licensing Authority did not receive details of licences issued under the Licensing Act 1964. It therefore dealt with grandfather rights and is now defunct.

Mr Tully also advised the Committee that the discrepancy outlined in the agenda item regarding the hours the premises were open to the public had been resolved and the hours being applied for were confirmed as:-

11.00 to 01.30 Monday to Saturday and
11.00 to 00.30 Sunday

At the hearing, the Committee were addressed by the applicant’s Legal Representative John Coen of Ford & Warren Solicitors who was accompanied Ian Hailstone the current DPS of the premises.

John Connor accompanied by John Fairhurst had both submitted relevant representations and addressed the members as “other persons”. The members also took into consideration the relevant representations submitted by other persons who did not attend the hearing.

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 decided that the application be granted subject to the following:

For the categories Live Music, Recorded Music, Dancing, Similar and the Sale of Alcohol the hours shall be varied as follows:-

Monday to Saturday	11.00 to 01.00
Sunday	11.00 to 00.00

For the category hours the premises are open to the public the hours shall be varied as follows:-

Monday to Saturday	11.00 to 01.30
Sunday	11.00 to 00.30

The use of the outside of the area shall cease at 23.20 except at the rear of the premises where smoking only will be allowed.

Following the decision on the variation of hours the following miscellaneous conditions are removed from the Premises Licence:

The non-standard hours for the categories Live Music, Recorded Music, Dancing and Similar shall be:-

1. Extended until midnight every Friday, Saturday, Sunday and Monday for each May bank Holiday, Spring Whitsun Bank Holiday and every August Bank Holiday
2. Extended until midnight every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.
3. Extended until midnight every Christmas Eve and Boxing Day.

The reason for the determination was that the Committee felt that the application was consistent with the Licensing Objectives.

Time that the variations shall take effect: Forthwith

Following the announcement of the Committee decision the Chairman of the Committee advised the residents who attended the hearing of the review process which is part of the Licensing Act 2003 and is evidence based. Residents could commence a review of the Premises Licence however 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. The residents were also advised to contact the Police and the Councils Environmental Health Department to report incidents at the Premises.

Meeting ended at 8.06 p.m.