

REGULATORY COMMITTEE

At a meeting of the Regulatory Committee on Thursday, 27 February 2014 in the Council Chamber, Runcorn Town Hall

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

Apologies for Absence: Councillors Wallace and Fraser

Absence declared on Council business: None

Officers present: K. Cleary and J. Tully

Also in attendance: Birchfield Sports & Social Club - Martin Stafford Solicitor DWP Ronald George (Premises Licence Holder) Mr Whitty, Birchfield Road, Widnes and 2 members of the public.

Eight Towers – Patrick Robson Solicitor John Gaunt & Partners and Anthony Bullough Designated Premises Supervisor (DPS).

ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE

REG12 BIRCHFIELD SPORTS SOCIAL CLUB

Action

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

The hearing was held in accordance with the provisions of section 19 of the Licensing Act 2003 and the Licensing Act (Hearings) Regulations 2005.

The Chairman introduced the Council Officers present and the Committee Members introduced themselves.

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

Mr Tully advised the Committee that the applicant had volunteered the following four conditions:-

1. Notices shall be placed at the exit to the premises building and the exit from the car park asking patrons to respect the peace and quiet of neighbours when leaving the premises.
2. Doors (except while persons are entering or exiting the building) and windows to the premises building shall be kept closed during any event where regulated entertainment is provided.
3. A member of staff shall periodically inspect outside the premises building when regulated entertainment is provided to ensure doors and windows are closed and to monitor noise.
4. The Premises Licence Holder shall provide a contact telephone number to be used by residents to raise issues in the event of concerns over noise. The telephone number shall be displayed outside the premises building.

At the hearing, the Committee were addressed by the applicant's Legal Representative Martin Stafford of DWF Solicitors who was accompanied by the Premises Licence holder and Designated Premises Supervisor Ronald George.

Representations received from Cheshire Police and Trading Standards were agreed prior to the hearing.

Mr Whitty of 244 Birchfield Road Widnes, who had submitted representations 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.

None of the "other persons" who had submitted representations had supplied evidence to the licensing authority in advance of the hearing to substantiate those representations. Mr Whitty did not provide evidence at the hearing to substantiate his representations. However, he expressed concern about the alleged deficiencies in the advertisement of the proposals specifically that the hours to which the premises were to be open to the public were not set out. Mr Stafford addressed the Committee on this point and Mr Tully explained to the Committee the purpose of the statutory adverts/notices and confirmed that there had been compliance with regulation 26 of the Licensing Act 2003 (Premises Licences) Regulations 2005.

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 of the Licensing Act 2003 and all other relevant considerations the Committee decided that the application be granted as amended in the Committee report and subject to the substitution of wording in the following condition to avoid ambiguity and the four agreed conditions:

Strategic Director
Policy and
Resources

Delete the following: "any Sunday that precedes a bank holiday the operating hours will be 10.00 to midnight"

Substitute: "any Sunday that precedes a bank holiday the hours during which licensable activities are permitted shall be 10.00 to midnight"

1. Notices shall be placed at the exit to the premises building and the exit from the car park asking patrons to respect the peace and quiet of neighbours when leaving the premises.
2. Doors (except while persons are entering or exiting the building) and windows to the premises building shall be kept closed during any event where regulated entertainment is provided.
3. A member of staff shall periodically inspect outside the premises building when regulated entertainment is provided to ensure doors and windows are closed and to monitor noise.
4. The Premises Licence Holder shall provide a contact telephone number to be used by residents to raise issues in the event of concerns over noise. The telephone number shall be displayed outside the premises building.

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.

REG13 EIGHT TOWERS

The Committee met to consider an application which

had been made under section 34 of the Licensing Act 2003 to vary a premises licence in relation to the above premises.

The hearing was held in accordance with the provisions of section 19 of the Licensing Act 2003 and the Licensing Act (Hearings) Regulations 2005.

The Chairman introduced the Council Officers present and the Committee introduced themselves.

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

At the hearing, the Committee were addressed by the applicant's Legal Representative Patrick Robson of John Gaunt & Partners who was accompanied by the current DPS of the premises Anthony Bullough.

Representations which were received from Cheshire Police and Trading Standards were agreed prior to the hearing. The deletion of conditions and narrative were also agreed prior to the hearing.

The only objector, K Finney, did not submit evidence or attend the hearing however Members considered the information provided.

The Committee did not need to ask any questions of the applicant and retired to consider the matter.

RESOLVED: That, having considered the application in accordance with section 4 of the Licensing Act 2003 and all other relevant considerations, the Committee decided that the application be granted as requested subject to the conditions requested by (and previously agreed by the applicant with) Cheshire Constabulary and Trading Standards.

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

Strategic Director
Policy and
Resources

Meeting ended at 8.00 p.m.