

REGULATORY SUB-COMMITTEE

At a meeting of the Regulatory Sub-Committee on Wednesday, 10 February 2016 in the Willow Room - 1st Floor Municipal Building, Widnes

Present: Councillors K. Loftus (Chair), Wallace (Vice-Chair) and Wall

Apologies for Absence: None

Absence declared on Council business: None

Officers present: K. Cleary, K. Hughes, J. Tully and W. Salisbury

Also in attendance: Christian Thornton, Hammer & Pincers Public House.

ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE

Action

REG34 APPLICATION FOR A TEMPORARY EVENT NOTICE AT HAMMER & PINCERS LIVERPOOL ROAD WIDNES

The Sub Committee met to consider an application which had been made under section 100 of the Licensing Act 2003 for a Temporary Event Notice (TEN) in relation to the above premises.

The hearing was held in accordance with the provisions of section 100 Licensing Act 2003 and the Licensing Act (Hearings) Regulations 2005.

The Chairman, Councillor Kath Loftus, introduced the Sub-Committee Members and the Council Officers present.

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

At the hearing the Sub-Committee were addressed by the applicant Christian Thornton.

Halton Environmental Protection was represented by Katie Hughes Environmental Protection Officer who was accompanied by Wendy Salisbury, Environmental Protection.

The applicant put forward reasons for the proposed event to be allowed to take place. Halton Environmental Health disputed the applicant's assessment (and that of IE Audio Hire which had been introduced by the applicant) of the likelihood of a public nuisance arising and referred to the event in 2015 which would be very similar to the proposed event: the 2015 event had resulted in a statutory nuisance occurring which had resulted in the issue of a noise abatement notice.

The Sub Committee asked a number of questions of the parties who were then asked to leave while the Members considered the matter. Prior to reaching a determination the Sub Committee recalled the parties to ask them further questions. In particular, the applicant was asked whether, should a condition be imposed in the terms set out at item 3 of the resolution below under section 106A Licensing Act 2003, he would consider the condition to be inconsistent with the carrying out of the licensable activities under the temporary event notice. The applicant confirmed that such a condition would not be inconsistent with those proposed activities.

The parties were then again asked to leave while the Members further considered the matter.

RESOLVED: That:

Having considered the application in accordance with section 4 Licensing Act 2003 and all other relevant considerations, the Sub Committee decided that:

1. the objection notice was valid;
2. however, on this occasion it would not be appropriate to give a counter notice (thereby allowing the event to go ahead); and
3. the following condition would be imposed: "Amplified music shall not take place in the outside area of the premises after 20.00 hours."

Supplementary Comments

The applicant was advised that the 2015 noise abatement notice was still in force and would be in force at the date of the proposed event. There was therefore a substantial risk of prosecution should the terms of the abatement notice be breached and that there could be further consequences under the Licensing Act 2003.

Time that the determination shall take effect - Forthwith.

Strategic Director
– Community and
Resources

Councillor Pamela Wallace requested that her vote against the resolution be recorded.

Meeting ended at 11.25 a.m.