

REGULATORY SUB COMMITTEE

At a meeting of the Regulatory Sub Committee on Friday, 31 May 2024 at The Board Room - Municipal Building, Widnes

Present: Councillors Wallace (Chair), Bramwell and K. Loftus

Apologies for Absence: None.

Absence declared on Council business: None

Officers present: K. Hesketh (Licensing Manager) and A. Strickland (Legal Advisor)

ITEM DEALT WITH UNDER DUTIES EXERCISABLE BY THE BOARD

Action

RSC1 MINUTES FROM THE MEETING ON 22 APRIL 2024

The minutes of the meeting held on 22 April 2024 having been circulated were signed as a correct record.

RSC2 MINUTES FROM THE MEETING ON 26 APRIL 2024

The minutes of the meeting held on the 26 April 2024 having been circulated were signed as a correct record.

RSC3 APPLICATION FOR THE VARIATION OF A PREMISES LICENCE - ALCHEMY, HIGH STREET, RUNCORN, WA7 1AU

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

PREAMBLE

A meeting of the Regulatory Sub-Committee (acting as Licensing Committee under the Licensing Act 2003) of Halton Borough Council was held at Municipal Building, Widnes, on Friday 31st May 2024 commencing at 1.30pm.

The meeting was held to hear an application made under section 34 of the Licensing Act 2003 for the variation of a Premises Licence at Alchemy, High Street Runcorn. The application was amended during the hearing by the Applicant to maintain current hours of operation on Sunday with all other matters remaining as set out in the Operating Schedule to the variation application. It was this amended application that was determined by the Sub-Committee.

In attendance were:

1. Members of the Regulatory Sub-Committee comprising Cllr Pamela Wallace (Chair), Cllr Irene Bramwell and Cllr Kath Loftus ('the Sub Committee').
2. Christopher Carney (Licensing Consultant) representing the Applicant - namely Gary Oates of Encore (Runcorn) Limited ('the Applicant').
3. Kim Hesketh (Licensing Manager).
4. Alex Strickland (Legal Adviser).

Lesley Halliday (Police Licensing Officer, Cheshire Police) was in attendance but did not participate in the hearing, as was Belynda Oates, who was in support of the Applicant but did not participate.

The hearing was triggered as a result of the objection by several emails dated 29 April 2024 ('the Objection') from Cllr Stef Nelson ('the Objector'). The Objector was not present at the hearing.

There were no representations from Responsible Authorities.

After the Chair of the Sub Committee had introduced the parties, the Legal Adviser outlined the procedure to be followed. The Licensing Manager presented the Licensing Report with appendices including: Location Plan (Appendix A); the schedule of Licensed Premises in the local area (Appendix B); copy of the current Premises Licence with summary (Appendix C); the Variation Application (Appendix D) and extracts from policy and guidance (Appendix E) - setting out the nature of the application, noting that there had been no representations from responsible authorities, including Cheshire Police in respect of the prevention of crime and disorder/anti-social behaviour statutory licensing objectives (or otherwise). The Licensing Report set out the Objection lodged by Cllr Stef Nelson, who was not present at the hearing. In addition, the Sub Committee was provided with written representations provided on behalf of the

Applicant.

1. **Details of the application (as amended during the hearing)**

Opening Hours

Mon - Wed	10.00 to 03.00
Thurs	10.00 to 04.00
Fri & Sat	10.00 to 06.00
Sun	10.00 to 02.30

Plays, Films, Indoor Sporting, Boxing or Wrestling

Mon - Wed	10.00 to 02.30
Thurs	10.00 to 03.30
Fri & Sat	10.00 to 05.30
Sun	07.00 to 12 midnight

Live Music

Mon - Wed	10.00 to 02.30
Thurs	10.00 to 03.30
Fri & Sat	10.00 to 05.30
Sun	10.00 to 02.00

Recorded Music

Mon - Wed	10.00 to 02.30
Thurs	10.00 to 03.30
Fri & Sat	10.00 to 05.30
Sun	10.00 to 02.00

Dance

Mon - Wed	10.00 to 02.30
Thurs	10.00 to 03.30
Fri & Sat	10.00 to 05.30
Sun	10.00 to 02.00

Late Night Entertainment

Mon – Wed	23.00 to 02.30
Thurs	23.00 to 03.30
Fri & Sat	23.00 to 05.30
Sun	23.00 to 12 midnight

Supply of Alcohol

Mon - Wed	10.00 to 02.30
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Thurs	10.00 to 03.30
Fri & Sat	10.00 to 05.30
Sun	10.00 to 02.00

2. The Hearing

The Applicant was allowed a maximum of 20 minutes to present their case. It was pointed out on behalf of the Applicant that there were no representations from responsible authorities including Cheshire Police, who are to be the primary source of information concerning promotion of the licensing objectives on anti-social behaviour and crime and disorder.

The Sub Committee were informed by the representative for the Applicant, that he had offered to meet the Objector (Cllr Stef Nelson) to see if it was possible to reach agreement to avoid the requirement for a hearing - but that this approach had been turned down without any substantive explanation.

It was maintained that there was no evidence provided by the Objector in support of his objection, which purported to relate to all four statutory licensing objectives. It was pointed out that there had been ample time to compile such evidence had it existed, given that the Notice of Hearing was issued several weeks ago. It was further maintained that the Applicant (who is the Premises Licence holder) had operated the premises since 2017 without complaint.

The point was made that it is not sufficient for the Objector to think there is a problem with anti-social behaviour without providing at least some measure of evidence to support such a view.

Reference was made to paragraph 9.12 of the section 182 statutory guidance which makes clear that evidence is required to support representations.

The Sub Committee noted that the Applicant chaired Pubwatch and in response to questioning, the Applicant confirmed it worked well. The Committee enquired as to what would happen if a customer attended the premises and got increasingly drunk throughout the day/evening. The Sub Committee was expressly assured by the Applicant that such a situation would not be tolerated and that the premises would be properly managed at all times.

The Chair noted that mediation had been refused (by

the Objector) and expressed concern about the proposed new Sunday hours of operation (in particular, the extension into the early hours of the morning). In this context the Applicant was asked whether they would be prepared to amend the application in respect of Sunday operations. The Chair also observed that there had been an offer from the Applicant to reduce the proposed closing hour on Friday and Saturday to 5am (from the proposed 6am), if the offer of a mediation meeting was taken up by the Objector and the Chair enquired as to whether this offer was still available. The Applicant (through his representative) initially rejected both proposals. The Legal Adviser to the Sub Committee suggested that the Applicant may wish to consider that position further and the Chair adjourned the meeting for 10 minutes to allow the Applicant to review the matter in consultation with his representative.

After the adjournment, the representative for the Applicant confirmed that they would be content to operate to the current hours/restrictions for Sunday but wished to proceed with the hours/restrictions set out in the Operating Schedule for Friday/Saturday. This modified application was considered by the Sub Committee.

The Applicant summed up on the basis that no evidence had been provided to support the position of the Objector and that evidence was required (under the s182 guidance) to impose restrictions. The point was made that the Applicant was a licence holder of long standing, had co-operated with the police in several investigations and was committed to running a responsible establishment in accordance with the statutory licensing objectives. It was acknowledged that should any problem arise, the formal review process would always be available.

3. The Determination

The Sub Committee resolved to grant the (amended) application for the variation of the Premises Licence on the terms set out in section 2 of this Notice.

4. Specific reasons for the Determination

In making its determination, the Sub-Committee had regard to the statutory licensing objectives, the statutory guidance and Halton Council's own Statement of Licensing Policy.

The Sub Committee found that: -

1. There was no evidence advanced to ground the Objection from the Objector. The Sub Committee noted the absence of the Objector from the hearing did not assist in this regard. The Sub Committee took account of the need for evidence to impose restrictions (in particular paragraph 9.12 of the statutory section 182 Guidance) and was mindful of the court decision in Daniel Thwaites plc v Wirral MBC in respect of this.
2. The Sub Committee was encouraged by and gave particular weight to the fact that the Applicant was an experienced and responsible operator who had shown a commitment to the statutory licensing objectives through his leading role in the Pubwatch scheme. The Sub Committee took note of his express commitment to manage the premises in a responsible way and they attached considerable weight to his assurances.
3. As set out in the statutory guidance, the Sub-Committee looks to Cheshire Police as the main source of advice on crime and disorder and anti-social behaviour issues. The Sub Committee noted that the Police regarded the application as satisfactory, to the extent that they did not make any representations on the variation application.
4. On balance, the Sub Committee therefore finds that the variation application (as amended) does not undermine the licensing objectives.

It was noted that there are powers to deal with premises if the operation of a licence leads to the licensing objectives being undermined, including the possibility of a formal review of the Premises Licence should that be necessary.

5. **Time that the determination shall take effect**

Forthwith.

Meeting ended at 2.16 p.m.