

**REPORT:** Regulatory Committee

**DATE:** 17 August 2010

**REPORTING OFFICER:** Chief Executive

**SUBJECT:** Application to vary a Premises Licence  
The Establishment Old Town Hall Victoria  
Square Widnes

**WARDS:** Riverside

## 1. PURPOSE OF REPORT

To hold a hearing to assess relevant representation made in response to an application to vary a premises licence in respect of The Establishment Old Town Hall Victoria Square Widnes

## 2. RECOMMENDATION

**That the Committee consider the relevant representations and make a determination on the application.**

## 3. SUPPORTING INFORMATION

- 3.1 An application has been made under section 34 Licensing Act 2003 (“the 2003 Act”) to vary a premises licence.
- 3.2 This hearing is held in accordance with the 2003 Act and the Licensing Act 2003 (Hearings) Regulations 2005.
- 3.3 The procedure to be followed has been circulated to all parties and will be repeated at the beginning of the hearing.
- 3.4 The hearing is solely concerned with those aspects of the application, which have been the subject of relevant representations as defined in the 2003 Act.

## 4. THE APPLICATION

- 4.1 Stephen James Lawler has applied to vary a premises licence in respect of The Establishment Old Town Hall Victoria Square Widnes.
- 4.2 The application is stated to have nine components as follows [with some explanatory text added in square brackets]:-
  - 4.2.1. ‘To vary existing hours for all named activities’ [i.e. **Categories B,E,F,J, and M**];
  - 4.2.2. ‘To apply for late night refreshment’ [**Category L**];
  - 4.2.3. ‘To apply for Facilities for Making Music’ [**Category I**];

- 4.2.4. 'To request an amendment on the condition under the heading 'Door Supervisors' for Door Supervisors to be employed from 23.00' **[the current requirement being from 22.00];**
- 4.2.5. 'To extend the opening hours' **[Category O];**
- 4.2.6. 'To apply K facilities for entertainment of a similar description' **[i.e. similar to Categories I or J];**
- 4.2.7. 'To apply fro the performance of dance' **[Category G];**
- 4.2.8. 'To apply for Deregulation from 10.00 on New Years Eve until terminal hour on New Years Day' **[in respect of Categories B,E, F, G, I, J, K, L, M and O];**
- 4.2.9. 'To apply for alterations to the layout to include the outside area at the front of the premises for the consumption of alcohol as per layout on the attached drawings (subject to the approval of a Street Café Licence)' **[This refers to a licence under Part VIIA Highways Act 1980].**

**4.3** The premises currently have the following licensable activities:-  
 Categories B - Exhibition of films (Indoors), E – Live Music (Indoors), F – Recorded Music (Indoors) and J – Dancing (Indoors) between the following times:-

Monday and Tuesday	10.00 to 01.30
Wednesday	10.00 to 02.30
Thursday Friday and Saturday	10.00 to 03.00
Sunday	10.00 to 02.30

Category M – Supply of alcohol (On Licence) between the following times:-

Monday and Tuesday	10.00 to 02.00
Wednesday to Sunday	10.00 to 03.00

Category O – Hours Premises are open to the public between the following times

Monday and Tuesday	10.00 to 03.00
Wednesday to Sunday	10.00 to 03.30

**4.4** The variation application requests the following licensable activities:-  
 Categories B – Films (Indoors), E – Live Music (Indoors), F – Recorded Music (Indoors), G – Performance of Dance (Indoors), I – Making Music (Indoors), J – Dancing (Indoors), K – Similar to I or j (Indoors)and M – Supply of Alcohol between the following times:-

Monday and Tuesday	10.00 to 01.30
Wednesday	10.00 to 04.30
Thursday to Saturday	10.00 to 05.00
Sunday	10.00 to 04.30

(NOTE: Volunteered condition - No alcohol will be consumed in any outdoor area of the premises after 23.00 on any day).

Category L – Late Night Refreshment (Indoors) between the following times:-

Monday and Tuesday	23.00 to 00.30
Wednesday	23.00 to 03.30
Thursday to Saturday	23.00 to 04.00
Sunday	23.00 to 03.30

Category O – Hours the premises are open to the public between the following times:-

Monday and Tuesday	10.00 to 02.00
Wednesday	10.00 to 05.00
Thursday to Saturday	10.00 to 05.30
Sunday	10.00 to 05.00

## **5. TECHNICAL COMMENTS ON THE APPLICATION**

- 5.1 The premises licence as granted includes elements of the first floor of the building. The first floor interior of the premises have not yet been constructed. This means that the premises licence should not extend to the first floor and this needs to be deleted from the licence. The original application failed in this respect to comply with the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 5.2 The licence contains a condition under the heading 'Containers' as follows: "No drink shall be removed from the premises in an unsealed container". The existing licence does not include the entrance foyer. Should the application to extend the premises licence to any area in front on the building be granted this condition would make it impossible to use the extended area. It follows that the applicant would need to apply to extend the application to include the entrance foyer.
- 5.3 Under the heading relating to maximum occupancy the premises licence contains the following condition: "The Licensee shall provide to the satisfaction of the Council a facility for monitoring the number of persons admitted to the premises to ensure that the maximum permitted numbers are not exceeded". The ground floor maximum number is set at 800. The application does not address the issue of monitoring or the issue of what maximum number could be accommodated in the outside area (or its impact on the inside area maximum).

## **6 RELEVANT REPRESENTATIONS**

### **6.1 RESPONSIBLE AUTHORITIES**

Consultations have been carried out and the responses received are summarised below

### **6.2 CHESHIRE POLICE**

'There are nine elements to this Variation, each of which needs to be addressed in turn.

#### **1. Vary existing hours:**

There is an overall objection to any extension of trading hours beyond those already granted in the existing Premises Licence. The grounds here are;

- a) There is an escalating level of crime and disorder, in particular serious violent offences, being experienced at this venue. Whilst the management continue to co-operate and work with the Police it is clear from detailed and relevant figures that will be provided, that any extension of trading further into the early hours of the morning will add to, and adversely affect, the number of anti-social and serious violent offences occurring there.
- b) An extension of the nature requested in the application would have the effect of merging the night-time economy, and all its associated problems, (Policing, street cleaning, etc), into the day-time economy hours. Late Night Refreshment houses, of which there are many in the immediate vicinity, would be taken outside the statutory parameters of the Licensing Act. Hence, intoxicated patrons would still be congregating around the Victoria Square area when early morning businesses are starting to open. Further, evidence has been obtained that Council cleaning staff are already being intimidated and hampered by late night customers, particularly on the night when trading hours are extended under the auspices of a T.E.N.
- c) There is an unacceptable and unsustainable level of increased costs that this application will incur.

**2. Apply for Late Night Refreshments:**

There is no objection to the addition of this facility but limited to the times already granted by the existing Premises Licence.

**3. Facilities for Making Music:**

There is no objection to the addition of this facility but limited to the times already granted by the existing Premises Licence.

**4. Door Supervisors to be employed from 23.00hrs:**

Part of this application includes an application for an outside area (See No 9 below). This would have the undoubted, and probably planned for, effect of attracting people to the venue as early as possible. This is completely at odds with the increasing levels of crime occurring there. In view of this I totally object to this section of the application.

**5. To Extend the Opening Hours:**

This section is a natural progression of paragraph No 1 and the reasons for objection are the same.

**6. Entertainment of a Similar Description:**

There is no objection to the addition of this facility but limited to the times already granted by the existing Premises Licence.

**7. Performance of Dance:**

There is no objection to the addition of this facility but limited to the times already granted by the existing Premises Licence.

## **8. Deregulation over New Year:**

There are no objections to this section of the application.

## **9. Outside Area:**

The police have no objection to an outside area in principle, but there are serious reservations as to the size of the area shown on the application and the proposed time limit as to its use. The indicated area is far too large and occupies a disproportionately large section of public highway, to the extent that such a restriction in foot passage would have a real potential to cause conflict. This area is approximately 1,400 square meters and could accommodate approximately 1,400 seated patrons. So many people over such a large area would make adequate and proper supervision, at best, extremely difficult and, at worst, impossible, especially in the case of proxy purchasing of alcohol for underage customers. (set against the fact that the applicant seeks to delay the starting time of his door supervisors)

Whatever size this outside area takes I would seek the following Conditions of its use;

- a) The boundaries of the area shall be substantially and effectively delineated so as to prevent pedestrian access through the area.
- b) Such use of this area shall terminate at 9pm at which time any and all furniture to be completely removed and stored away.
- c) After the above time, this area will probably, in practice, default to becoming a Smoking Area. As such, no customers shall be allowed to carry drinks out to this area.
- d) The applicant shall set a maximum capacity for this area (whatever size it finally takes), based on the ability of the D.P.S. and his staff to effectively service and supervise this area'.

## **6.3 HALTON BOROUGH COUNCIL ENVIRONMENTAL HEALTH**

No Objection

## **6.4 INTERESTED PARTIES**

The following interested parties have made relevant representations:

- Mrs B Jones 19 Lacey Street Widnes
- Mr Kelly Flat 6 Grosvenor Apartments Market Street Widnes
- S Lawton 8 Market Street Widnes

The representations in the main relate to the matters set out below. Not all of these matters can constitute relevant representations since they do not relate to the licensing objectives.

- "This is a residential area and consideration must be given to residents of the surrounding street who will almost certainly suffer great inconvenience from the proposed extension"

- “Noise pollution from revellers and also car parking issues (which already cause disruption for residents with cars being parked outside residents homes and leaving after making a great deal of noise)”.
- “There will be a much greater increase in traffic and taxis all through the night which would not be acceptable”.
- “I feel that the proposed 5.00a.m. application would increase anti social behaviour and keep residents awake at a ridiculous time. I also wonder who would end up paying for the extra policing ”
- “Since the Establishment opened in November 2009 I have frequently been kept awake by the noise emanating from the club and have made numerous complaints to the council regarding this matter”
- “A 05.30 licence from Wednesday to Sunday is disgusting considering it is a residential area”
- “I have been forced to call the police and the ambulance service on several occasions due to anti social behaviour. At times I have felt extremely vulnerable in my own home due to drunken individuals who have targeted my house by kicking the front door fighting outside and throwing things at the windows”
- “I was shaken by a recent incident and feel that the extended licence would only make matters worse particularly as I feel there is not enough police presence in the area already. If the Establishment were to be given an extended licence the police presence would be virtually non existent at this time”

## **7 OPTIONS**

**7.1** The Committee has the following options under section 34 of the 2003 Act:

- 6.1.1 It must Grant the application (where properly made) unless it considers that for the promotion of the licensing objectives it considers it necessary to take any of the following steps, namely -
- 6.1.2 Impose relevant conditions on the licence;
- 6.1.3 Reject the whole or part of the application.

## **8 POLICY IMPLICATIONS**

None.

## **9 OTHER IMPLICATIONS**

None.

## **10 IMPLICATIONS FOR THE COUNCILS PRIORITIES**

- 9.1 Children and Young People in Halton**  
None
- 9.2 Employment Learning and Skills in Halton**  
N/A
- 9.3 A healthy Halton**

N/A  
9.4 **A Safer Halton**  
None

9.5 **Halton's Urban Renewal**  
N/A

**11 RISK ANALYSIS**

N/A

**12 EQUALITY AND DIVERSITY ISSUES**

N/A

**13 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

<b>Document</b>	<b>Place of Inspection</b>	<b>Contact Officer</b>
Application Documents	Legal Services	John Tully/Kay Cleary