

REPORT: Regulatory Committee

DATE: 14 December 2010

REPORTING OFFICER: Chief Executive

SUBJECT: Application to vary a Premises Licence
JD's Bar 2 – 4 High Street Runcorn

WARDS: Mersey

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 JD's Bar 2 – 4 High Street Runcorn

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** Dale Carter (Premises Licence Holder) applied on 25 October 2010 to vary the premises licence in respect of JD's Bar 2 – 4 High Street Runcorn
- 4.2** The premises currently have the following licensable activities:-
Categories A – Plays (Indoors), B – Exhibition of films (Indoors), C – Indoor Sporting Events, D – Boxing and Wrestling (Indoors), E – Live Music (Indoors and Outdoors) , F – Recorded Music (Indoors and Outdoors), G – Performance of Dance (Indoors and Outdoors) , H – Similar to e,f or g (Indoors and Outdoors), I – Making Music (Indoors and Outdoors), J – Dancing (Indoors and Outdoors) for the following hours:
Sunday to Wednesday 09.00 to 01.30
Thursday to Saturday 09.00 03.00

Category L – Late Night Refreshment (Indoors and Outdoors) for the following hours:

Sunday to Thursday 23.00 to 02.00

Friday and Saturday 23.00 to 03.30

Category M – Sale of Alcohol (On and Off) for the following hours:

Sunday to Wednesday 09.00 to 02.00

Thursday to Saturday 09.00 to 03.00

Category O – Hours Premises are Open to the Public

Sunday to Wednesday 09.00 to 02.00

Thursday to Saturday 09.00 to 03.30

4.3 The variation application requests the following licensable activities:-

For the categories A – Plays (Indoors) , B – Films (Indoors), C – Indoor Sporting Events, D – Boxing and Wrestling (Indoors), E – Live Music (Indoors and Outdoors), F – Recorded Music (Indoors and Outdoors), G – Performance of Dance (Indoors and Outdoors), H – Anything Similar to e f or g (Indoors and Outdoors), I – Making Music (Indoors and Outdoors), J – Dancing (Indoors and Outdoors) - between the hours of:

Sunday to Wednesday 09.00 to 02.00

Thursday 09.00 to 03.00

Friday and Saturday 09.00 to 03.30

For the category L – Late Night Refreshment (Indoors and Outdoors)

Monday to Wednesday 23.00 to 02.30

Thursday 23.00 to 03.00

Friday and Saturday 23.00 to 04.00

Sunday 23.00 to 02.00

For category M – Sale of alcohol (On and off)

Sunday to Wednesday 09.00 to 02.00

Thursday 09.00 to 03.00

Friday and Saturday 09.00 to 03.30

For the category O – Hours Premises are Open to the Public

Sunday to Wednesday 09.00 to 02.30

Thursday 09.00 to 03.30

Friday and Saturday 09.00 to 04.00

(See Appendix A attached for further information)

Additional Seasonal and Non Standard timings

For the categories A – Plays B – Films, C – Indoor Sporting Events, D – Boxing or Wrestling, L – Live Music, F – Recorded Music, G – Performance of Dance, H – anything similar to e f or g, I – Making Music, J – Dancing, M- Supply of alcohol

An extension until 05.30 into any Bank Holiday Monday morning

For the category L – Late Night Refreshment
An extension until 05.00 into any Bank Holiday Monday morning

For the category O – Hours Premises are Open to the Public
An extension until 06.00 into any Bank Holiday Monday morning

- 4.4** In addition to the above variation the applicant has requested the following conditions be amended as a consequence of the proposed variation.

Current condition 14 – With the exception of specific events organised for persons under the age of 18 there shall be no persons under the age of 18 allowed into the premises

Requested amended Condition 14 – With the exception of specific events organised for persons under the age of 18 there shall be no persons under the age of 18 allowed into the premises unless accompanied by an adult.

Current Condition 16(b) No entry / re entry after 01.00

Requested amended condition 16(b) No entry / re entry after 03.00 every Friday and Saturday

Current condition 16(e) No intoxicants will be supplied, for consumption by a customer in ‘goldfish bowls’ or ‘jugs’

Requested amended condition 16(e) If the intended supply of intoxicants for consumption by a customer in jugs then plastic only jugs must be supplied

5 RELEVANT REPRESENTATIONS

5.1 RESPONSIBLE AUTHORITIES

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

5.2 CHESHIRE POLICE

This application to vary represents a substantial increase in the trading hours of this venue. The operators of the club, James Quigley (DPS) and Dale Carter (PLH), have only had complete control of the business since the 2nd of April 2010. Prior to this neither has had any previous experience of running any licensed premises, much-less a town centre late night venue.

Since the above date there have been 17 incidents of crime and disorder at this one venue. These incidents include:

- 8 incidents of assault (including 1 Section 18 and 2 Robberies)
- 8 incidents of anti-social behaviour (including 1 Affray)
- 1 incident involving drugs (serious- supply levels)

All of these incidents have taken place in the space of just 8 months.

Within one month of taking control there was a serious assault whereby a female customer was glassed and lost the sight in one eye. This resulted in an Action Plan being agreed with Quigley and Carter

The following month, both were required to attend a further meeting at Widnes Police Station when an 18th birthday party got out of hand.

During the course of a licensing visit on 30th October 2010 a large quantity of drugs were recovered from inside the club. Investigations into this incident were hampered by a totally inadequate CCTV recording. This resulted in a second Action Plan and it was made clear at this meeting that this venue was coming very close to being Reviewed.

In view of these synoptic details above, the Police object to any and all applications to increase trading hours at this venue, including the application to remove the restrictions on off sales. We further object to the removal of existing Conditions, as shown on P.17.

Further details of both individual incidents and details of objections to the removal of individual conditions will be forwarded in due course.

6 OPTIONS

6.1 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.

7 POLICY IMPLICATIONS

None.

8 OTHER IMPLICATIONS

None.

9 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
- 10 RISK ANALYSIS
N/A
- 11 EQUALITY AND DIVERSITY ISSUES
N/A
- 12 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE
LOCAL GOVERNMENT ACT 1972

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

APPENDIX A

JD's Bar - Variation Application October 2010

Existing

Day	Categories A B C D E F G H I J	L	M	O
Mon	09.00 to 01.30	23.00 to 02.00	09.00 to 02.00	09.00 to 02.00
Tue	09.00 to 01.30	23.00 to 02.00	09.00 to 02.00	09.00 to 02.00
Wed	09.00 to 01.30	23.00 to 02.00	09.00 to 02.00	09.00 to 02.00
Thu	09.00 to 03.00	23.00 to 02.00	09.00 to 03.00	09.00 to 03.30
Fri	09.00 to 03.00	23.00 to 03.30	09.00 to 03.00	09.00 to 03.30
Sat	09.00 to 03.00	23.00 to 03.30	09.00 to 03.00	09.00 to 03.30
Sun	09.00 to 01.30	23.00 to 02.00	09.00 to 02.00	09.00 to 02.00
Proposed				
Mon	09.00 to 02.00	23.00 to 02.30	09.00 to 02.00	09.00 to 02.30
Tue	09.00 to 02.00	23.00 to 02.30	09.00 to 02.00	09.00 to 02.30
Wed	09.00 to 02.00	23.00 to 02.30	09.00 to 02.00	09.00 to 02.30
Thu	09.00 to 03.00	23.00 to 03.00	09.00 to 03.00	09.00 to 03.30
Fri	09.00 to 03.30	23.00 to 04.00	09.00 to 03.30	09.00 to 04.00
Sat	09.00 to 03.30	23.00 to 04.00	09.00 to 03.30	09.00 to 04.00
Sun	09.00 to 02.00	23.00 to 02.00	09.00 to 02.00	09.00 to 02.30

Change

Mon	Plus ½ hour	Plus ½ hour	Same	Plus ½ hour
Tue	Plus ½ hour	Plus ½ hour	Same	Plus ½ hour
Wed	Plus ½ hour	Plus ½ hour	Same	Plus ½ hour
Thur	Same	Plus 1 hour	Same	Same
Fri	Plus ½ hour	Plus ½ hour	Plus ½ hour	Plus ½ hour
Sat	Plus ½ hour	Plus ½ hour	Plus ½ hour	Plus ½ hour
Sun	Plus ½ hour	Same	Same	Plus ½ hour

Categories

A – Plays, B – Films, C – Indoor Sporting Events, D – Boxing or Wrestling, E – Live Music, F – Recorded Music, G – Performance of Dance, H – anything similar to e f or g, I – Provision of facilities for making music, J – Provision of facilities for dancing, K – Provision of facilities for entertainment of a similar description to I or j, L – Late Night Refreshment, M – Supply of alcohol, O – Hours the premises open to the public.