

REPORT: Regulatory Committee

DATE: 25 January 2011

REPORTING OFFICER: Chief Executive

SUBJECT: Application to vary a Premises Licence
Ring O' Bells Chester Road Daresbury

WARDS: Daresbury

1. PURPOSE OF REPORT

To hold a hearing to assess relevant representations made in response to an application to vary a premises licence in respect of the Ring O' Bells Chester Road Daresbury

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** Punch Pub Company Limited (Premises Licence Holder) applied on 2 December 2010 to vary the premises licence in respect of the Ring O' Bells Chester Road Daresbury
- 4.2** The variation application is to licence the external marquee situated within the garden of the premises. To permit recorded music, live music, provision of facilities for dancing and the sale of alcohol outdoors Monday to Sunday 12.00 midday until 23.00 (currently no permission) Hours the marquee is open to the public Monday to Sunday 11.00 to 23.30

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

“The use of any outside are shall cease at 23.00”

“No external speakers shall be used outside the building: this will include any beer garden or outside drinking area or car park”

- 4.4** The applicant has requested the following condition be replaced
“Noise from any regulated entertainment Categories E Live Music, F – Recorded Music, H – anything similar to e f or g and J – Provision of facilities for dancing shall be inaudible at the nearest noise sensitive property at any time”

With

“Noise from any regulated entertainment Categories E – Live Music, F – recorded Music, H – Anything similar to e f or g and J – Provision of facilities for dancing shall be inaudible within the nearest noise sensitive property at any time”

- 4.5** The current premises licence allows the following:-
Categories E – Live Music (Indoors), F – Recorded Music (Indoors), H – Similar to e f or g (Indoors) , J – Dancing (Indoors) and M – Supply of alcohol (On and off the premises)
Monday to Sunday 10.00 to Midnight

Category L – Late Night Refreshment (Indoors)
Monday to Sunday 23.00 to 00.30

Category O – Hours the premises open to the public
Monday to Sunday 09.00 to 00.30

5 RELEVANT REPRESENTATIONS

5.1 RESPONSIBLE AUTHORITIES

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

5.2 CHESHIRE POLICE

Having examined the Operating Schedule I am satisfied that the facilities requested have no relevance to and no impact on the Crime and disorder Licensing Objectives. I therefore make no further representations.

ENVIRONMENTAL HEALTH

No representations received.

INTERESTED PARTIES

The following interested parties made representations
David Evans on behalf of Daresbury Parish Council

C Longstaff 2 The Square Chester Road Daresbury
Cllr J Bradshaw and Cllr M Bradshaw Daresbury Ward Councillors
Mr & Mrs Sheldon 3 The Square Chester Road Daresbury
Mr & Mrs Harbron Cobblers Cottage Chester Road Daresbury

The relevant representations in the main relate to the matters set out below.

- The marquee is on an elevation behind the public house and is in direct view of the nearest residential premises.
- The speakers within the marquee directly face the nearest properties which causes direct disturbance on each and every occasion the marquee is used for music events.
- A marquee has little or no acoustic qualities and is therefore unable to contain much of the sound generated within thus causing disturbance to local residents.
- The application is vague and unclear as to the removal of the conditions and the substitution of one condition for another.

Issues regarding planning permission for the marquee have also been raised but this is not capable of being a relevant representation. Copies of the correspondence received from the interested parties have been forward to the Regulatory Committee members prior to the hearing.

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