

REPORT: Regulatory Committee

DATE: 11 August 2011

REPORTING OFFICER: Chief Executive

SUBJECT: Application for a Premises Licence - Food Led Public House Lanark Gardens / Queensbury Way Widnes

WARDS: Birchfield

1. PURPOSE OF REPORT

To hold a hearing to assess relevant representation made in response to an application for a premises licence in respect of a Food Led Public House Lanark Gardens / Queensbury Way Widnes.

2. RECOMMENDATION: That the Committee considers the relevant representation and make a determination on the application.

3. SUPPORTING INFORMATION

- 3.1** An application has been made under section 17 Licensing Act 2003 ("the 2003 Act").
- 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** Greene King Developments Limited has applied for a premises licence in respect of a Food Led Public House at Lanark Gardens / Queensbury Way Widnes
- 4.2** The application relates to the following licensable activities Categories B – Films (Indoors) C – Indoor Sporting Events, E – Live Music (Indoors), F – Recorded Music (Indoors), G – Performance of Dance (Indoors), I – Making Music (Indoors) J – Dancing (Indoors) and M – Supply of Alcohol (Indoors and Outdoors) between the following hours:-

10.00 to 00.00 each day

Category L – Late Night Refreshment (Indoors and Outdoors) between the following hours:-
23.00 to 00.00 each day

Category O – Hours the premises are open to the public
07.00 to 00.30 each day

5 RELEVANT REPRESENTATIONS

5.1 RESPONSIBLE AUTHORITIES

The following responsible authorities have made relevant representations

5.1.1 CHESHIRE CONSTABULARY

The following response has been received from Cheshire Constabulary

“Having examined the Operating Schedule I am satisfied that the measures offered within are robust enough to satisfy the four Licensing Objectives I therefore make no further representations.
The proposed DPS gives no grounds for objection”

5.1.2 ENVIRONMENTAL HEALTH

Environmental Health has requested the following conditions be attached to the premises licence and the applicant has confirmed acceptance of the conditions.

- 1) Noise from any regulated entertainment shall be inaudible at the nearest noise sensitive property at any time
- 2) Windows and doors shall be kept closed when any amplified music or voices are being played within the premises
- 3) No external speakers shall be used outside the building; this will include any beer gardens or outside drinking area or car park.
- 4) The use of any outside area shall cease after 23:00 hours for any regulated entertainment and the consumption of alcohol.
- 5) All live and recorded music shall cease at 23:30hrs Monday-Sunday.

5.2 INTERESTED PARTIES

One letter containing representations has been received from Helen Carlin of 5 Doughton Green Widnes. Mrs Carlin objects on the grounds of public nuisance.

The representation has been placed on the application file and a copy has been forwarded to the applicant and to the members of the Committee.

Not all of the representation is relevant. Only relevant representations will be taken into account by the Committee. The Committee will determine what constitutes a relevant representation from an interested party.

6 OPTIONS

6.1 The Committee has the following options under section 17 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.

6.2 The Committee must act with a view to promoting the licensing objectives, namely:

(a) the prevention of crime and disorder;

(b) public safety;

(c) the prevention of public nuisance; and

(d) the protection of children from harm.

The Committee must also have regard to-

(a) the Council's Statement of Licensing Policy, and

(b) the Statutory Guidance issued by the Secretary of State

7 POLICY IMPLICATIONS

See note below

8 OTHER IMPLICATIONS

See note below

9. IMPLICATIONS FOR THE COUNCILS PRIORITIES

9.1 Children and Young People in Halton

9.2 Employment Learning and Skills in Halton

9.3 A healthy Halton

9.4 A Safer Halton

9.5 Halton's Urban Renewal

See note below

10 RISK ANALYSIS

See note below

11 EQUALITY AND DIVERSITY ISSUES

See note below

NOTE - The Councils Policies and Priorities are of course very important considerations in decision making and must always be taken into account as far as possible. However, in the case of Regulatory Committee matters, they can only be considered so far as is consistent with one or more of the four Licensing Objectives which are set out at 6.2 above

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