

REPORT: Regulatory Committee

DATE: 3 October 2006

REPORTING OFFICER: Chief Executive

SUBJECT: Application to Review the Stockham Lodge Racquet and Health Club Premises Licence.

WARDS: Norton North

1. PURPOSE OF REPORT

To hold a hearing to consider an application for the review of a premises licence under Section 51 Licensing Act 2003. Environmental Health requested the review in response to breach of licence condition at Stockham Lodge Racquet and Health Club Stockham Lane Runcorn.

2. RECOMMENDATION

That the Committee considers the Section 51 application

3. SUPPORTING INFORMATION

- 3.1** An application has been made under section 51 Licensing Act 2003 (“the 2003 Act”) to review the Premises Licence in relation to the above property.
- 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 the Section 51 application.

4 THE APPLICATION

- 4.1** An application for the review of the premises licence was received on 10 August 2006 from the Councils Environmental Health Services and relates to the Licensing Objective “Prevention of Crime and Disorder”.
- 4.2** The Premises Licence holder is TRB Estates (Liverpool) Limited
- 4.3** The review was requested on the grounds of a breach of licence condition. Specifically, that part of condition C on the Premises Licence which reads “noise from any regulated entertainment shall be inaudible at the nearest residential premises between 23.00 hours and 00.00 hours Friday and Saturday”. In this report this is referred to as “Condition C”

5 REPRESENTATIONS FROM RESPONSIBLE AUTHORITIES

5.1 Environmental Health

On the night of 17 March 2006, again on the 14 April 2006, and once again on 30 June 2006 recordings were made at 51 Greenhouse Farm Road, Palacefields.

The recordings demonstrate that on these nights noise from Stockham Lodge Racquet and Health Club was audible, at 51 Greenhouse Farm Road after 23:00 hours. This demonstrates a clear breach of the condition contained within section C of the licence which states that 'noise from any regulated entertainment shall be inaudible at the nearest residential premises between 23:00 hours and 00:00 Friday and Saturday.'

In addition to the above the occupiers of 51 Greenhouse Farm Road have stated that the condition stating that 'noise from any regulated entertainment shall be inaudible at the nearest residential premises between 23:00 hours and 00:00 hours Friday and Saturday' has been breached on 13 occasions, between 2 December 2005 and 6 May 2006 (inclusive), which have not been independently verified but which are consistent with the verified complaints listed above.

Environmental Health have analysed and noted tape recordings taken at 51 Greenhouse Farm Road Runcorn

5.2 REPRESENTATIONS RECEIVED FROM INTERESTED PARTIES

The following interested parties made representation

Mrs & Mrs McGrellis 51 Greenhouse Farm Road Runcorn
Mr K Garrette 46 Greenhouse Farm Road Runcorn
Mr D Woods 49 Greenhouse Farm Road Runcorn
Mr V Frost 50 Greenhouse Farm Road Runcorn
Mr & Mrs B Williams 52 Greenhouse Farm Road Runcorn

- Incidents of breach of Condition C were noted by interested parties

6.0 OPTIONS AVAILABLE TO THE COMMITTEE

6.1 Section 52 of the Licensing Act 2003 states that the Council must, having regard to the application and any relevant representations, take such of the following steps (if any) as it considers necessary for the promotion of the Licensing Objectives.

6.2 The steps are

- To modify the conditions of the licence
- To exclude a licensable activity from the scope of the .licence
- To remove the Designated Premises Supervisor

- To suspend the licence for a period not exceeding 3 months
- To revoke the licence.

Note that the above reference to modifying conditions includes any alteration, omission or the addition of any new condition.

7 POLICY IMPLICATIONS

None.

8 OTHER IMPLICATIONS

None.

9 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

