

**REPORT:** Regulatory Committee

**DATE:** 27 February 2014

**REPORTING OFFICER:** Chief Executive

**PORTFOLIO:** Resources

**SUBJECT:** Application to vary a Premises Licence – Eight Towers Weates Close Widnes

**WARD:** Halton View

## **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 Eight Towers Public House Weates Close Widnes.

## **2. RECOMMENDATION: That the Committee considers the relevant representations and makes a determination on the application.**

## **3. SUPPORTING INFORMATION**

- 3.1** An application has been made under section 34 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** Marstons PLC has applied to vary a premises licence in respect of Eight Towers Public House Weates Close Widnes
- 4.2 The proposed application requests:-**
- Films, Indoor Sporting Events, Live Music and Performance of Dance between the hours of:-  
09.00 and 23.00 Sunday to Thursday

09.00 and 02.00 Friday  
09.00 and Midnight Saturday

- Recorded Music, between the hours of 09.00 and Midnight Saturday to Thursday 09.00 and 02.00 Friday.
- Late Night Refreshment between the hours of 23.00 and 00.30 Saturday to Thursday 23.00 and 02.00 Friday
- Supply of alcohol between the hours of 09.00 and midnight Saturday to Thursday 09.00 and 02.00 Friday
- Hours the premises are open to the public between the hours of 09.00 and 00.30 Saturday to Thursday 09.00 and 02.30 Friday

New Years Eve – Licensable activities may be provided on New Years Eve until 02.00 the following morning

If the request for Friday hours until 02.00 is granted as requested the following condition is offered to restrict the number of times the premises is permitted to trade until 02.00 under the licence  
“The premises shall only be permitted to trade licensable activities on Friday to 02.00 the following morning twice a month”

**NOTE - Police agreed conditions**

**Deletion of conditions and narrative** – The Licensing Authority have requested that three of the conditions requested to be removed by the applicant remain on the licence. **The applicant has agreed.**

**4.3 Current Premises Licence Hours**

Films, Indoor Sporting Events, Live Music, Performance of Dance, Making Music and Dancing the hours are:-

10.00 and 23.00 Monday to Thursday  
10.00 and Midnight Friday and Saturday  
11.00 and 23.00 Sunday

Recorded Music  
10.00 and Midnight Monday to Saturday  
11.00 and Midnight Sunday

Late Night Refreshment

23.00 and 00.30 Monday to Sunday

Supply of Alcohol  
10.00 and Midnight Monday to Saturday  
11.00 to Midnight Sunday

Hours the premises are open to the public:-  
10.00 and 00.30 Monday to Saturday  
11.00 and 00.30 Sunday

## **5 RELEVANT REPRESENTATIONS**

### **5.1 RESPONSIBLE AUTHORITIES**

**Cheshire Constabulary has requested the following conditions to be attached to the licence and the applicant has agreed.**

There are no Police objections to:

1. The advancement of licensable activities to 9am each day; and
2. The removal of the outdated embedded conditions, as indicated.

Further, there are no objections to the application to trade on a number of Fridays throughout the year, to avoid the need for TENs. However, it was felt that twice a year was excessive, given this reason. Therefore a compromise figure has been agreed as below:-

“The premises shall only be permitted to trade licensable activities on Fridays to 02.00 the following mornings 15 times a year. A written record of when the premises trade on Fridays to 02.00 the following mornings shall be kept on a yearly basis and be produced to the Police or authorised officer of the Licensing Authority within a reasonable time on request.”

**Trading Standards - has requested the following conditions to be attached to the licence and the applicant has agreed.**

- 1 A “Challenge 21” policy shall be operated at the premises at all times.

The only forms of ID that shall be accepted (at the discretion of the Management) as proof of age are a valid passport, a valid photographic driving licence, a PASS approved proof of age card, HM Services Warrant Card or other reliable photo ID (that has been approved for acceptance by the Police or other responsible authority),. Publicity materials notifying customers of the operation of the “Challenge 21” scheme shall be displayed at the premises.

2. The Designated Premises Supervisor or Premises Licence Holder shall operate and maintain an up-to-date Register of Refusals of Sale of Alcohol, indicating the date, time and reason for refusal which shall be made available for inspection by Local Authority Officers and the Police. Alternatively an electronic point of sale refusals log shall be kept.
- 3 A documented training programme shall be introduced for all staff in a position to sell, serve or deliver alcohol. The programme shall be made available for inspection at the request of Local Authority Officers and Police.
- 4 The DPS or Premises Licence Holder shall conduct six monthly reviews with all members of staff authorised to sell, serve or deliver alcohol in order to reinforce the training and to promote best practice. A written record shall be kept of the content of such reviews.

## **5.2 ANY OTHER PERSON**

K Finney 367 Warrington Road Widnes

### **Representation**

Date: 7 January 2014

With regards to the above application for altering the hours of opening at the Eight Towers I wish to register my objection to any extensions. There is already too much noise and late night disruption with drunk and overly loud people hanging around until the early hours of the morning.

Regards

K Finney

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

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

## **5.3 EVIDENCE**

In accordance with normal procedure it is noted that the relevant representations do not amount to evidence. Persons who have made relevant representations have been requested to supply the evidence they intend to rely on not later than 5 working days prior to the hearing. When received this will be forwarded to the Applicant and members of the Committee.

## **6 OPTIONS**

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

7.1.1 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 –

7.1.2 Impose relevant conditions on the licence;

7.1.3 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 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