

REPORT: Regulatory Committee

DATE: 21 May 2008

REPORTING OFFICER: Chief Executive

SUBJECT: Application for a premises Licence – The Town Hall Victoria Square Widnes

WARDS: Kingsway

1. PURPOSE OF REPORT

To hold a hearing to assess relevant representations made in response to an application in respect of The Town Hall Victoria Square Widnes

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 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** Stephen James Lawler has applied for a premises licence in respect of The Town Hall Victoria Square Widnes
- 4.2** The application is for
 - Films, Live Music, Recorded Music and Dancing between the hours of 10.00 to 06.00 each day
 - Late Night Refreshment 10.00 to 10.00 each day
 - Supply of alcohol 10.00 to 06.00 each day
- 4.3** In addition the applicant has advised the hours the premises are open to the public are 10.00 to 06.00 each day.
- 4.4** The premises are described as the former Town Hall to be refurbished and extended to change to a hotel and associated bars and function

rooms comprising ground floor bars, first floor function room and hotel bedrooms.

4.5 The application is for the ground and first floor.

5 RELEVANT REPRESENTATIONS

5.1 RESPONSIBLE AUTHORITIES

CHESHIRE CONSTABULARY

The Police have requested the following conditions be attached to the premises licence.

In relation to the applicants request to operate up to 6am on each day, this is at odds with his initial verbal indication that he intended to operate up to 3am only.

I therefore lodge an objection to the proposed daily terminal hour of 6am.

This objection is based upon the fact that it will result in a large number of people being released onto the streets in the early hours of the morning to the detrimental effect of the day time economy and businesses. Furthermore, it will also trigger a series of Variations from other venues who wish to retain parity, exacerbating the above point even more. Those that cannot obtain parity may well then embark on a policy of undercutting and drinks promotions that will a degenerative effect on this area. Evidence of this can clearly be seen by recent developments in Warrington.

Irrespective of the trading hours that are granted to this venue, I seek the following Conditions:-

The operators will be required to subscribe to the Nite-Net Security radio system and Pubwatch-On Line website and operate and maintain them both in the prescribed way.

CD 1,2 and 3.

Wording of conditions

CD1

A method of communicating between any premises designated by the Council or the Police from time to time and or the Councils CCTV control room by way of text / pager or radio links shall be provided at the premises.

CD2

Any text / pager or radio link used for communication with any premises designated by the Council or the Police from time to time and or the Councils CCTV control room Watch and other licensed premises shall be kept in good working order at all times.

CD3

When the premises are open to the public, the communications link with any premises designated by the Council or the Police from time to time and the Council's CCTV control room shall be switched on and available to and monitored by the Designated Premises Supervisor or a nominated member of staff

SIA registered Door Supervisors will be employed from no later than 10pm until the close of the premises on nights when the service of alcohol continues after midnight.

CD6

Wording of condition

There shall be provided at the premises door supervisors who are registered with the Security Industry Authority to such a number as the management of the premises consider are sufficient to control the entry of persons to the premises and for the keeping of order in the premises when they are used for a licensable activity

At least one of the Door Supervisors is to be female

CD7

Wording of condition

There shall be employed at the premises not less than (insert number) female door supervisor(s) each of whom is registered with the Security Industry Authority

Written records shall be kept accordingly,

CD8 plus;

Wording of condition CD8

A written record shall be kept on the premises by the Designated Premises Supervisor of every person employed on the premises as a door supervisor in a register kept for that purpose. That record shall contain the following details:-

- (i) the door supervisor's name, date of birth and home address;
- (ii) his/her Security Industry Authority licence number;
- (iii) the time and date he/she starts and finishes duty;
- (iv) the time of any breaks taken whilst on duty;
- (v) each entry shall be signed by the door supervisor.

That register shall be available for inspection on demand by an Authorised Officer of the Council, the Security Industry Authority or a Police Constable.

PLUS

This Register shall comprise of a bound book with consecutively numbered pages.

No open containers to be allowed out of or into the premises.

CD10 and 12.

Wording of conditions

CD10

No person in possession of a drink in a sealed or unsealed container shall be allowed to enter the premises except for the purposes of delivery

Shatterproof glasses only will be used in any outside area.

CD11 (Outside areas only)

Wording of condition

CD11

No drink shall be sold from a bar or by staff service or consumed on the outside area other than in a container made from non-splintering plastic, paper or shatterproof glass.

An effective CCTV system should be designed and installed in accordance with the Cheshire Constabulary's CCTV guidance document called 'CCTV in Licensed Premises – An Operational Requirement'. A copy of this document has been provided to the applicant and further advice and support is available free of charge on request.

CD 13 and 14.

Wording of Conditions

CD13

An effective CCTV system should be designed and installed in accordance with the Cheshire Constabulary CCTV guidance document called 'CCTV in Licensed Premises – An Operational Requirement'. It is advisable that the constabulary Divisional Licensing Officer, CCTV Liaison Officer and Crime Reduction Advisor are contacted and consulted at the earliest opportunity

CD14

Designated supervisors will need to demonstrate that their CCTV system complies with their Operational requirements. A commissioning test must be carried out with the licensing and CCTV Liaison Officers before completion and hand over of the system. The commissioning test will need to demonstrate the following:-

- 1 recordings are fit for their intended purpose
 - 2 good quality images are presented to the officer in a format that can be relayed on a standard computer
 - 3 the supervisor has an understanding of the equipment/training
 - 4 management records are kept
 - 5 maintenance agreements and records are maintained
 - 6 Data protection principles and signage are in place
-

An **operational** capacity figure, including the individual capacities for each floor, must be established and recorded on the Premises Licence prior to issue, based on a reduction of the maximum capacity as set out in the required written Fire Risk Assessment.

Wording of condition

CD 15.

The overall maximum capacity of the building shall be X however areas Y & Y shall not exceed Z & Z people

The applicant shall then employ some counting device so as to be in a position to provide the actual number of persons in the venue at any given time, including the individual floor figures, when trading.

CD16.

Wording of condition

The Licensee shall provide to the satisfaction of the Council a facility for monitoring the number of persons admitted to the Premises to ensure that the maximum permitted numbers are not exceeded.

At all times when the premises are used for the purpose of the license/or Club premises certificate, the license holder, a club official, manager or designated premises supervisor who is responsible for the management of the premises shall at all times be aware of the number of persons on the premises and shall, if requested to do so, give that information to an authorised person.

The schedule states that the Challenge 21 Proof of Age scheme will be adopted. Adoption of this initiative not only helps prevent underage drinking, from which NO venue is immune, but it provides an extra measure of safety and protection for the licensee, which can only be regarded as a good thing. As this particular venue is situated in the town centre, this factor is of particular value.

It is therefore required that appropriate Challenge 21 signs are displayed.

These

can be provided free of charge on request.

CD19.

Wording of condition

A notice or notices shall be displayed in and at the entrance to the premises where they can be clearly seen and read and shall indicate that it is unlawful for persons under 18 to purchase alcohol or for any person to purchase alcohol on behalf of a person under 18 years of age.

Active membership of the Pubwatch Scheme.

CD 26.

Wording of condition

The licence holder and/or the designated premises supervisor or a person nominated by them shall be a member of and regularly attend at meetings of the Pub and Club watch scheme for the area within the premises listed.

To prevent this venue being used in the future as a vertical drinking establishment;

A seating ratio of 40% of the total operational capacity is to be maintained.

The applicant has agreed to adhere to a Responsible Drinking Charter in an attempt to discourage binge drinking and migration drinking. These measures are;

- a) Non-alcoholic drinks, including drinking water, to be available at all times.
- b) No entry/re-entry after 1pm.
- c) Any charge for admission shall not include the provision of intoxicating liquor
- d) No promotion shall be offered that entails the provision of an unlimited amount of intoxicants.
- e) No spirits or cocktails will be supplied, for consumption by a customer, in 'goldfish bowls' or 'jugs'.

In the ground floor areas marked as Dining areas on the plan, alcohol shall only be served in conjunction with and ancillary to a seated table meal and shall only be supplied by waiter/waitress service.

ENVIRONMENTAL HEALTH – NOISE

- Environmental Health – Noise have requested the following conditions shall be attached to the premises licence.
- All regulated entertainment specified within categories B Films, E Live Music F Recorded Music and J Dancing shall be inaudible at any residential premises at any time.
- Regulated entertainment categories B Films, E Live Music F Recorded Music and J Dancing shall only be permitted between the following hours
 - 10.00 and 01.00 Sunday to Wednesday
 - 10.00 and 03.00 Thursday to Saturday
- The premises shall be open to the public between the following hours
 - 10.00 and 01.30 Sunday to Wednesday
 - 10.00 and 03.30 Thursday to Saturday
- The outside drinking area shall not be used after 23.00 on any day (without exception) and as use of the area ceases all outdoor furniture must be removed from the area and stored securely

5.2 INTERESTED PARTIES

None

6 OPTIONS

6.1 The Committee has the following options:

- Grant the application
- Grant subject to conditions
- Reject 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