

## REGULATORY COMMITTEE

*At a meeting of the Regulatory Committee on Wednesday, 21 May 2008 in the Council Chamber, Runcorn Town Hall*

Present: Councillors Philbin (Chairman), Wallace (Vice-Chairman), Bryant, Howard, A. Lowe and D. Inch

Apologies for Absence: Councillors Nelson, E. Ratcliffe and Wainwright

Absence declared on Council business: None

Officers present: L. Capper and J. Tully

Also in attendance: None

### ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE

REG1 APPLICATION FOR A PREMISES LICENCE – THE TOWN HALL VICTORIA SQUARE WIDNES

*Action*

[Councillor Wallace pointed out to the Committee that the relevant ward was Riverside Ward and not Kingsway Ward as published in the Agenda].

An application for a premises licence under the Licensing Act 2003 in respect of the Old Town Hall Victoria Square Widnes had been made by Stephen James Lawler. Since relevant representations had been made by Cheshire Constabulary and Halton Borough Council Environmental Health, the hearing was held in accordance with the provisions of the Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations 2005.

At the hearing, the Committee were addressed by the following individuals. Mr. Jones of Barrow and Cook Solicitors appeared for the Applicant. Mr. I. Seville, Police Licensing Officer, appeared for Cheshire Constabulary and Mrs I. Mason, Principal Environmental Health Officer, appeared for Halton Borough Council Environmental Health.

At the beginning of the hearing the parties confirmed that all conditions requested in the relevant representations

were agreed except as identified to the Committee.

A number of textural alterations to the conditions requested by Cheshire Constabulary were identified and the parties agreed that these should be drafted in detail by the Licensing Authority.

The application contained a request in respect of Late Night Refreshment which was not consistent with the definition contained in the Licensing Act 2003. The Applicant's representative confirmed that this part of the application would be withdrawn as being unnecessary. In the future Late Night Refreshment would be relevant for hotel residents.

However the current application did not include the purely residential areas of the premises because full details of layout had not been finalised. The Applicants representative confirmed that there would be a further application in due course. The Committee invited the Applicant to take advice from the Licensing Authority with respect to such future application.

The disputed conditions which remained for the Committee to consider were:

Conditions requested by Cheshire Constabulary

- No entry/re-entry after 1am. (Being part of the Responsible Drinking Charter)

Conditions requested by Halton Borough Council Environmental Health

- All regulated entertainment specified within categories B Films, E Live Music F Recorded Music and J Dancing shall be inaudible after 23.00 at any residential premises. [Dispute as to the entire condition]
- 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 [Dispute as to terminal hours only]
- The premises shall be open to the public between the following hours

10.00 and 01.30 Sunday to Wednesday [Dispute as to terminal hours only]

The procedure to be followed was explained and the parties put their cases in accordance with it. The Committee asked a number of questions of the parties and retired to consider the matter.

RESOLVED: That

Having considered the application in accordance with section 4 Licensing Act 2003 and all other relevant considerations the committee decided that the application be granted subject to the conditions set out below.

The reason for the determination was that the Committee felt that the application was consistent with the Licensing Objectives.

Section 1.01 The conditions to be imposed on the premises licence in addition to those agreed (and in addition to mandatory conditions) be as follows:

1. No entry/re-entry after 1am. (Being part of the Responsible Drinking Charter)

The reason for condition 1 - the prevention of crime and disorder.

2. All regulated entertainment specified within categories B Films, E Live Music F Recorded Music and J Dancing shall be inaudible after 23.00 at any residential premises.
3. Regulated entertainment categories B Films, E Live Music F Recorded Music and J Dancing shall only be permitted between the following hours:-

Sundays	10.00 and 02.30
Mondays	10.00 and 01.30
Tuesdays	10.00 and 01.30
Wednesdays	10.00 and 02.30

4. The premises shall be open to the public between the following hours:-

Sundays	10.00 and 03.00
Mondays	10.00 and 02.00
Tuesdays	10.00 and 02.00
Wednesdays	10.00 and 03.00

The reason for conditions 2 to 4 - the prevention of public nuisance.

Arising out of the hearing it was clear that certain elements of the deposited plans were ambiguous. Specifically, the Applicant's representative had confirmed that the beer garden area could not be used to gain entry to the premises from the rear through the beer garden but this was not clear from the plans.

The Committee therefore imposed the following additional condition as being consistent with the Operating Schedule:-

5. No entrance into the premises hereby licensed from outside of the premises via the beer garden shall be allowed.

The reason for condition 5 - the prevention of public nuisance and to clarify an ambiguity on the deposited plan.

The Committee pointed out that in view of the decision as to when the premises could be open to the public the hours during which alcohol could be supplied would be the same as those hours and a condition would imposed accordingly.

Full details of agreed and imposed conditions will be set out in the Notice of Determination.

*Meeting ended at 8.33 p.m.*