

REPORT: Regulatory Committee

DATE: 1 October 2008

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. A person living in the vicinity of the premises Stockham Lodge Racquet and Health Club Stockham Lane Runcorn ("the premises") requested the review as he considers the measures taken by the Premises Licence holder to prevent public nuisance specifically loud music emanating from the function room of the premises during functions are insufficient.

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 7 August 2008 from John McGrellis of 51 Greenhouse Farm Road Runcorn who is a person living in the vicinity of the premises and relates to the Licensing Objective "Prevention of Public Nuisance". Consequently, the Committee must be satisfied that a public nuisance has been demonstrated before making a determination following the hearing.
- 4.2** The Premises Licence holder is TRB Estates (Liverpool) Limited

4.3 The review was requested on the grounds that as a local resident Mr McGrellis considers that the measures taken by TRB Estates (Liverpool) Limited to prevent public nuisance specifically loud amplified music emanating from the function room at Stockham Lodge during functions are insufficient and request that they be reviewed.

4.4 Details of the application made by Mr Grellis are as follows:-
“As a local resident I consider that the measures taken by TRB Estates (Liverpool) Limited to prevent public nuisance specifically loud amplified music emanating from the function room at Stockham Lodge during functions are insufficient and request that they be reviewed.

Since the first review of the premises licence for Stockham Lodge Racquet and Health Club held on 4 October 2006 I have witnessed, reported and provided evidence to the Councils offices of numerous prolonged incidents of statutory noise nuisance caused by amplified music coming from the function room at Stockham Lodge. My wife and I have reported incidents to the Councils out of hours reporting service during the past twelve months or so on 15/06/07, 30/06/07, 27/10/07, 19/01/08, 25/01/08. The list is not exhaustive, as I have complained on many further occasions directly to the Environmental Health Office. I have provided clear evidence of noise nuisance coming from the function room at Stockham Lodge recorded on the Councils ‘Norsonics’ equipment on the weekends of 7/8 March, 21/22 June and 27/28 June 2008.

In response to the continued inability of the management at Stockham Lodge to manage noise emanating from the function room during functions Halton Borough Council Environmental Health Officers have recently served two ‘noise abatement notices’ on TRB Estates (Liverpool) Limited in an effort to resolve the problem. The notices were served on TRB Estates (Liverpool) Ltd on 15 May 2008 and again on 9 July 2008. The notices were served based on evidence I provided relating to the weekends of 7/8 March, 21/22 June and 27/28 June . I respectfully ask that the Councils Environmental Health Officer provide the evidence it holds in relation to noise nuisance emanating from Stockham Lodge in support of this application.

I ask the Council for a review to consider excluding regulated entertainment from the scope of Stockham Lodges’ premises licence as provided for by Section 52(b) of the Licensing Act 2003”.

5 REPRESENTATIONS FROM RESPONSIBLE AUTHORITIES

5.1 Environmental Health

Evidence to support the application for the review of premises licence for Stockham Lodge Racquet and Health Club Stockham Lane Runcorn.

“This Department has received numerous complaints from Mr McGrellis of 51 Greenhouse Farm Road Runcorn regarding noise nuisance from Stockham Lodge Racquet and Health Club Stockham Lane Runcorn (Stockham Lodge) since 2004. Since a review of the premises licence in October 2006 which lead to modification of the premises licence

investigation of complaints by this department has produced the following evidence:

1. Complaints received regarding noise nuisance from Stockham Lodge.
2. Recorded evidence obtained on 8th March 2008 between 21:07 and 23:00 hours - music from Stockham Lodge, mostly bass was clearly audible above the volume of the television in the complainant's property.
3. An Abatement Notice (ref 274) s80 Environmental Protection Act 1990 served on Honey Properties (Liverpool) Ltd 15th May 2008
4. Recorded evidence obtained on 20th June 2008 between 20:49 and 23:00 hours - music from Stockham Lodge, mostly bass was clearly audible above the volume of the television in the complainant's property.
5. Recorded evidence obtained on 27th June 2008 between 20:21 and 23:00 hours - music from Stockham Lodge clearly audible, vocals and the voice of the DJ can be clearly heard above the television in the complainant's property.
6. Recorded evidence obtained on 28th June 2008 between 20:14 and 23:00 hours - music from Stockham Lodge clearly audible. Bass audible over the volume of the TV in the complainant's property and vocals can be heard when TV is not on.
7. An Abatement Notice (ref 302) s80 Environmental Protection Act 1990 served on Honey Properties (Liverpool) Ltd 9th July 2008
8. Two officers attended the area on 19th July 2008 at approximately 22:00 hours to ascertain compliance with the statutory notice. On this occasion a function was taking place, however the music was fully controlled and the officer was satisfied that it was not causing a statutory nuisance and the premises was in full compliance with the notice served on 9th July 2008. This suggests that the premises can operate without causing a nuisance to residents in the area".

All recordings made with: Norsonic 140NNR class one precision sound analyser. Complies with BS EN IEC 61672

5.2 REPRESENTATIONS RECEIVED FROM INTERESTED PARTIES

No representations were made from interested parties in response to the review application.

6.0 PREVIOUS REVIEW HEARING

On 3 October 2006 the Regulatory Committee considered a Section 51 Review application in respect of Stockham Lodge Racquet and Health Club. The review was requested by the Councils Environmental Health

Department on the grounds of a breach of condition. The members resolved that all Regulated Entertainment be reduced from 23.45 to 23.00 each day. No appeal was made against the decision of the Committee.

7.0 OPTIONS AVAILABLE TO THE COMMITTEE

7.1 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.

7.2 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.

8.0 POLICY IMPLICATIONS

8.1 None

9.0 OTHER IMPLICATIONS

9.1 None

10.0 IMPLICATIONS FOR THE COUNCILS PRIORITIES

- 10.1 Children and Young People in Halton**
None
- 10.2 Employment Learning and Skills in Halton**
N/A
- 10.3 A healthy Halton**
N/A
- 10.4 A Safer Halton**
None
- 10.5 Halton's Urban Renewal**
N/A

11.0 RISK ANALYSIS

N/A

12.0 EQUALITY AND DIVERSITY ISSUES

N/A

13 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