

REGULATORY COMMITTEE

At a meeting of the Regulatory Committee on Wednesday, 1 October 2008 in the Council Chamber, Runcorn Town Hall

Present: Councillors Philbin (Chairman), Wallace (Vice-Chairman), Bryant, D. Inch, E. Ratcliffe, Wainwright and Wharton

Apologies for Absence: Councillor Howard

Absence declared on Council business: Councillor Philip Drakeley and Councillor Peter Murray

Officers present: L. Capper, K. Cleary, S. Hurley, W. Salisbury and J. Tully

Also in attendance: Councillor A. Lowe and 4 applicants/members of the public

ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE

REG17 APPLICATION TO REVIEW THE STOCKHAM LODGE RACQUET AND HEALTH CLUB PREMISES LICENCE

Action

The Committee considered an application to review the premises licence at Stockham Lodge Racquet and Health Club Runcorn. The application had been made by Mr J. McGrellis of 51 Greenhouse Farm Road Runcorn as an interested party who called Cllr A. Lowe as a witness.

Other representations received in support of the application were from Halton Borough Council's Environmental Health Department as a Statutory Body, which was represented by Mrs W Salisbury.

The Premises Licence Holder TRB Estates (Liverpool) Limited was represented by Mr S Beilin who called Mr D Wating the General Manager of Stockham Lodge as a witness. Mr Beilin had indicated that he would be calling three other people as witnesses, however one was unable to attend because of illness and the other two did not attend but a report on acoustic work carried out to the premises had been prepared by one of the other witnesses. However, as the report had not been presented to the other parties prior to the hearing, it was agreed by Mr

Beilin that, because of the complexity of the information contained in the report, it could not be considered at the hearing.

The parties were invited to address three questions as part of the cases to be put before the Committee. The questions related to: (1) whether a public nuisance existed within the meaning of the Licensing Act 2003 as claimed by the applicant; (2) which element of Regulated Entertainment being carried on at the premises was alleged to be the source of the nuisance; and (3) whether any breaches of condition were alleged to be the source of the nuisance.

The Committee heard the application from Mr McGrellis and his witness Councillor Lowe. Representations were then made by Mrs Salisbury on behalf of Halton Borough Council Environmental Health Department. Mrs Salisbury also produced a recording of noise from the premises picked up by equipment at Mr McGrellis' house. The Premises Licence holder's representative Mr Beilin then presented his case and called Mr Wating as a witness. All parties were then invited to sum up. Numerous points were raised by members and the parties put a number of questions through the Chairman. The Committee then retired to consider the application.

RESOLVED: That having considered the application in accordance with Section 4 of the Licensing Act 2003 and all other relevant considerations the following determination be made:

The Committee must act with a view to promoting the relevant licensing objective, in this case the prevention of public nuisance; and

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.

The Committee finds that the allegation that public nuisance exists arising from regulated entertainment carried on at the premises has been proven to its satisfaction.

The Committee has also taken into account that it reduced the hours during which regulated entertainment could take place at the review hearing in 2006.

The Committee, having regard to the application and all relevant representations, has decided to take the following

steps as provided by Section 52 of the Licensing Act 2003 because it considers them necessary for the promotion of the licensing objectives.

The steps are—

- (a) to modify the existing condition of the premises licence relating to the installation of a noise limiter as follows: “A suitable hard-wired sound level limiter shall be installed and calibrated and shall be operated at all times when regulated entertainment is taking place. The selection of the said noise limiter and the calibration thereof shall be subject to the approval of the Council’s Environmental Health Department”.
- (b) to exclude a licensable activity from the scope of the premises licence: specifically, regulated entertainment within category F and category H insofar as it relates to category F. This exclusion shall apply until such time as the Council’s Environmental Health Department certifies in writing that the noise limiter referred to in the above mentioned modified condition has been installed and calibrated in accordance with that condition.

Reason for the determination

For the reasons stated above this determination is considered necessary for the promotion of the Licensing Objectives, specifically the prevention of public nuisance.

Time that the review decision shall take effect

This determination shall come into effect in accordance with Section 52(11) of the Licensing Act 2003 at the end of the period given for appealing against the decision or if the decision is appealed against as soon as the appeal is disposed of.

Meeting ended at 9.25 p.m.