

REPORT: Regulatory Sub-Committee

DATE: 3 July 2023

REPORTING OFFICER: Operational Director – Legal and Democratic Services

PORTFOLIO: Resources

SUBJECT: Application to Vary a Premises Licence – The Northern Bar, 82 Halton Road, Runcorn

WARDS: Bridgewater

1. PURPOSE OF REPORT

To assist Members of the Regulatory Committee in their consideration of an application by Mrs Michelle Heaton for a variation of the premises licence for The Northern Bar, 82 Halton Road, Runcorn, WA7 5SB

2. RECOMMENDATION that

The committee considers the contents of the report and makes a determination on the application.

3. BACKGROUND INFORMATION

- 3.1 The Northern Bar is a licensed premises located in a residential area in Runcorn.
- 3.2 The Northern Bar was originally a pub known as The Grapes Inn which held a premises licence from 24th November 2005 until it was surrendered on the 6 May 2022.
- 3.3 The hours on the licence for The Grapes on the previous licence were as follows:
Hours open to the Public – Monday to Saturday 11.00 – 00.30 and Sunday 12.00 to 00.30
Supply of alcohol (on and off) Monday to Sunday 10.00 to 00.00
Live Music, Recorded Music and Dance Monday to Sunday 10.00 to 00.00

- 3.4 In July 2022, a new application for a premises licence was submitted for a premises which included the sale of alcohol.
- 3.5 Prior to the licence being granted The Northern Bar also submitted three Temporary Event Notices (TENS) to cover various weekends in August 2022. There were no objections received for the TENS and the Licensing Department have not officially been made aware of any complaints received.
- 3.6 No objections were received to this application and a licence was granted on the 26th August 2023 and a copy of the licence and licensed plan is attached at **Appendix A** of this report.
- 3.7 The licensable activities are:
- Performance of live music (indoors & outdoors) Monday to Sunday – noon to 23:00
Playing of recorded music (indoors & outdoors) Monday to Sunday – noon to 23:00
Performance of dance (indoors & outdoors) Monday to Sunday – noon – 23:00
Entertainment of a similar description (indoors & outdoors) Monday to Sunday – noon to 23:00
Supply of alcohol (on and off) Monday to Sunday 11:00 to 00:00.
Hours open to the public Monday to Sunday 11:00 to 00:30.
- 3.8 The applicant now seeks to vary the premises licence to include the Bowling Green as part of the licensed plan, to have an outdoor bar and to remove a condition from the licence which stipulates “no children allowed in the bar area”.
- 3.9 On the same road as The Northern Bar there are also two other licensed premises, one of which has a beer garden as part of its licence, and a licensed convenience store. A map of the premise’s location and the surrounding area is attached at **Appendix B**.

4. THE APPLICATION

- 4.1 The application has been made under section 34 of the Licensing Act 2003 (“the Act”). In summary, the application seeks:-
- To include the bowling green on the licensed plan to be used as a beer garden;
 - To have an outdoor bar;

- To remove the condition on the operating schedule which stipulates “no children allowed in the bar area”.
- 4.2 A copy of the application can be found at **Appendix C**.
- 4.3 In the Operating Schedule accompanying the application, the applicant has not described any additional steps that they intend to take to promote the four licensing objectives. Instead, they have advised these will be same as outlined on the current licence.
- 4.4 The current conditions on the licence include conditions from Cheshire Police which, in brief, include the provision and use of CCTV and the operation of a challenge 25 scheme.
- 4.5 The current Operating Schedule, which is contained within the licence, also sets out a number of conditions which, in brief, include the use of CCTV, no drugs, no sale to an intoxicated person and clear signage around the property relating to noise when leaving the property.
- 4.6 The Licence Holder seeks to amend the condition mentioned in paragraph 3.8 above. All other conditions are to remain in force and are not subject to this application.

5. REQUIREMENT FOR A HEARING

- 5.1 The application was submitted on 12 May 2023 and was advertised in the local newspaper on 18 May 2023. Officers have confirmed that the advertisement requirements were complied with.
- 5.2 One representation has been received from the responsible authorities (Environmental Health) and two written representations from local residents.
- 5.4 Where relevant representations have been made and not withdrawn, the licensing authority must hold a hearing to consider them (unless agreed by the parties).
- 5.5 The hearing is held in accordance with the Act and the Licensing Act 2003 (Hearings) Regulations 2005. The procedure to be followed has been circulated to all parties and will be repeated at the beginning of the hearing.
- 5.6 The hearing is solely concerned with those aspects of the application, which has been the subject of the relevant representations as defined in the Act. These are the

representations made by the residents and the Council's Environmental Health Department.

- 5.7 The applicant has indicated that it will be making submissions to the Sub-Committee at the hearing. The other parties have all been informed of the hearing and are expected to attend.

6. RELEVANT REPRESENTATIONS RECEIVED

- 6.1 During the 28 days representation period the Licensing Authority received relevant representations from the Council's Environmental Health Department and local residents as detailed below.

6.2 RESPONSIBLE AUTHORITIES

Environmental Health

The following representations have been received.

Environmental Health objects to the licence application on the basis that the service of alcohol on the premises will automatically permit performances of music between 08:00 and 23:00hours 7 days a week, all year round, under the Live Music Act 2015. The Live Music Act 2015 renders conditions relating to playing and performing of music unenforceable as long as they meet the criteria outlined.

The site identified by the variation is surrounded on 3 sides by housing. Locating a bar and associated entertainment in this area, with no conditions able to be applied, poses a very real potential of causing a public nuisance.

Cheshire Police

Cheshire Police have confirmed that they have no objections to the application.

6.3 ANY OTHER PERSON

A letter of objection has been received from a Ms Shaw which objects to the variation of the licence on the grounds that it undermines all 4 licensing objectives. A copy of the letter is attached at **Appendix D**. That letter also enclosed a petition signed by residents living in the area surrounding the premises. However, the petition has not been accepted by the Council. The Council could not be satisfied that the petitioners had seen letter of objection and that they had been made aware that a copy of the petition (including their personal

details) would be supplied to the applicant and contained within the committee papers, so their personal details would become public knowledge.

6.4 An email has also been received from a Mrs Gallamore, a copy of which is at **Appendix E**. This objects to the application on the grounds of crime and disorder, public safety and public nuisance.

6.5 **EVIDENCE**

In accordance with the normal procedure it is noted that the relevant representations do not amount to evidence. The objectors have been requested to supply the evidence they intend to rely on no later than 5 working days prior to the hearing. When received this will be forwarded to the applicant and members of the committee.

7. LEGAL AND POLICY FRAMEWORK

7.1 The Sub-Committee must determine the application with a view to promoting the licensing objectives which are:

- The prevention of crime and disorder;
- The prevention of public nuisance;
- Public Safety;
- The protection of children from harm.

7.2. In making its decision, the Sub-Committee must also have regard to the national guidance issued under section 182 of the Licensing Act 2003 (“the Guidance”) and the Council’s Statement of Licensing Policy (“Policy”).

7.3 Relevant sections from the Guidance can be found at **Appendix F**.

7.4 Members’ attention is also drawn to the following paragraphs of the Policy:-

1. Introduction

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5. The Council wish to promote these objectives whilst still encouraging a vibrant and sustainable entertainment and leisure industry. The Council recognises both the needs of local residents for a safe and healthy environment in which to work and live and the importance of safe and well-run entertainment and leisure facilities to the area.

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15. The Council's vision as set out within the Corporate Strategy 2018/2020 and within Halton's fifteen year Sustainable Community Strategy 2011–2026 is that:

“Halton will be a thriving and vibrant Borough where people can learn and develop their skills; enjoy a good quality of life with good health; a high quality, modern urban environment; the opportunity for all to fulfil their potential; greater wealth and equality, sustained by a thriving business community; and safer, stronger and more attractive neighbourhoods”.

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17. Locally due to the high levels of alcohol-related harm Halton experiences the Halton Health and Wellbeing Strategy 2017/2022 includes the reduction in the harm from alcohol as a priority area.

18. The strategy identified a number of issues which may be affected by the licensing regime in Halton including:

- A significant proportion of cases of domestic violence are alcohol related
- Alcohol related crime and alcohol related violent crimes are worse in Halton than for both the North West and England as a whole
- Alcohol specific admissions (both among adults and those aged under 18) are much higher than the national and regional averages.

19. In addition due to the high levels of alcohol-related harm Halton was one of only twenty areas in the country to be awarded the status of being a “Local Alcohol Action Area” (LAAA). This award provided support from the Home Office and Public Health England during 2014/15 related to addressing the harm from alcohol across three areas – health, crime and anti-social behaviour, and diversifying the night time economy.

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21. The vision of the strategy is to: “Enable people in Halton to have a sensible relationship with alcohol that promotes good health and wellbeing and ensures Halton is a safe place to live”.

22. In order to achieve this vision and minimise the harm from alcohol in Halton the strategy will seek to deliver three interlinked outcomes:

1. Reduce alcohol-related health harms

2. Reduce alcohol-related crime, antisocial behaviour and domestic abuse
3. Establish a diverse, vibrant and safe night-time economy.

22. So far as is consistent with the licensing objectives, the Council will carry out its licensing functions with a view to promoting these priorities and themes (including priorities and themes which may be adopted from time to time).

23. The Council will encourage the provision of a wide range of entertainment activities within the Halton area including promotion of live music, dance and so on, in the interests of broadening cultural opportunities within the local community.

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34. In addressing this matter, the Council will primarily focus on the direct impact of the activities taking place at the licensed premises on members of public living, working or engaged in normal activity in the area concerned. Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in town and city centres.

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57. Protection of children from harm

58. The Body the Council judges to be competent to act as the responsible authority in relation to the protection of children from harm is Halton Borough Council People Directorate: contact details are set out in Appendix A.

59. The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). The Council must also consider the need to protect children from sexual exploitation when undertaking licensing functions.

60. The Council will give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health and Trading Standards may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers and the impacts of parental drinking on children.

61. The Council considers that children and family groups in general should be encouraged to be present in places subject to premises licences unless the environment in those premises (by nature of the activities carried on) is unsuitable. As a general principle, the presence of children and family groups is felt to have a positive influence on the atmosphere within such premises and to produce a more balanced age range within the premises.

62. The Council will not seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral or psychological harm to them. The Council will not attempt to anticipate every issue of concern that could arise in respect of children with regard to individual premises and as such, general rules will be avoided. Consideration of the individual merits of each application remains the best mechanism for judging such matters.

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92. Crime prevention

93. Conditions attached to premises licences and club premises certificates will, so far as possible, reflect local crime prevention strategies. For example, the provision of closed circuit television cameras in certain premises. Conditions will, where appropriate, also reflect the input of the local Crime and Disorder Reduction Partnership.

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95 The control of excessive Alcohol consumption

It is an offence under the Licensing Act 2003 to sell to, or obtain alcohol for, a person who is drunk on licensed premises.

In practical terms this includes:

- Selling an alcoholic drink to someone who you know is drunk
- Buying an alcoholic drink for someone who you know is drunk

The Council expects all premises licence holders to take steps to control excessive consumption and drunkenness on relevant alcohol licensed premises. All serving staff should be trained in recognising the signs of drunkenness, how to refuse service and the premises duty of care. The premise should display prominent signage at point of sale that it is an offence to sell alcohol to anyone who is drunk.

This will reduce the risk of anti-social behaviour occurring both on and away from the premises after customers have departed. Premises licence holders are expected to be able to demonstrate a general duty of care to customers using their premises and others affected by their activities.

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96. Capacity limits

97. Although most commonly made a condition of a licence on public safety grounds, consideration should also be given to conditions which set capacity limits for licensed premises or clubs where it may be necessary to prevent overcrowding which can lead to disorder and violence. Where such a condition is considered necessary, consideration should also be given to whether door supervisors would be needed to ensure that the numbers are appropriately controlled.

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98. Good Management

99. Certain kinds of physical environment within places subject to premises licences (such as an over

preponderance of vertical drinking) are generally thought be less conducive to avoiding crime and disorder. Good management and adequate staff training are vital. Where appropriate the provision of food in addition to alcohol can have a beneficial effect. Where food is provided it is good practice (but not mandatory under the licensing system) to have regard to current practice on healthy eating. The Council encourages premises licence holders to take an active part in local Pub Watch and Arc Angel schemes.

100. Another aspect of good management in relation to door supervision is to have proper systems in place to comply with the Private Security Industry Act 2001 and to think about how good door supervision systems can contribute to crime reduction both within and outside of premises. Applicants will be expected to have considered these and all relevant issues and to reflect these within their operating schedules

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135. Live Music Act 2012 - Live music in licensed venues

136. Live music is no longer considered to be regulated entertainment in venues licensed for the sale of alcohol for consumption on the premises in the following situations:

- when it is unamplified and takes place between 8am and 11pm; and
- when it is amplified and takes place in the presence of an audience of 500 persons or less and is provided between 8am and 11pm.

137. The premises must be open for the sale of alcohol during the time that the live music is provided for the exemption(s) to take effect.

138. Any condition attached to the Premises Licence relating to live music will cease to have effect in respect of the live music when offered between 8am and 11pm, unless such conditions have been reinstated by the Licensing Authority as part of a Review Hearing.

- 7.5 A full copy of the Guidance and the Council's Policy will be available at the hearing.
- 7.6 The Sub-Committee may depart from the Guidance and Policy if there is good reason to do so. However, proper reasons must be given.
- 7.7 In addition to the above, the Committee must have regard to its wider duties under section 17 of the Crime and Disorder Act 1998 and Article 1 of the First Protocol of the Human Rights Act 1998.

8. OPTIONS

- 8.1 The Committee has the following options under Section 35 of the Act:
 - (1) Grant the application as requested;
 - (2) Modify the conditions of the licence, by altering or omitting or adding to them;
 - (3) Reject the application in whole or in part.

9. POLICY IMPLICATIONS

- 9.1 None

10. FINANCIAL CONSIDERATIONS

- 10.1 There are no special financial considerations to the Authority which need to be highlighted at this stage. However, it should be noted that the decision of the sub-committee is subject to appeal to the Magistrates' Court. If an appeal is made, there will be costs associated with this.

11. IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

Any decision must be made in accordance with the licensing objectives and the Council's Statement of Licensing Policy. These overlap and ensure compliance with the Council's priorities below.

11.1 Children and Young People in Halton

None

11.2 Employment Learning and Skills in Halton

N/A

11.3 A Healthy Halton

N/A

11.4 A Safer Halton

None

11.5 Halton's Urban Renewal

None

12. RISK ANALYSIS

12.1. The Council is required to hold the hearing in accordance with the Licensing Act 2003. Failure to do so, may mean that the Council is acting in breach of its obligations under that Act.

13. EQUALITY AND DIVERSITY ISSUES

13.1 There are no equality and diversity issues to highlight.

14. CLIMATE CHANGE IMPLICATIONS

14.1 There are no climate change implications.

15. LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Guidance issued under Section 182 of the Licensing Act 2003	Licensing Section/ Government Website see link 1 below.	Kim Hesketh
Halton Council's Statement of Licensing Policy	Licensing Section/ Council website see link 2 below.	Kim Hesketh

1. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf
2. <https://www3.halton.gov.uk/Documents/business/licencing/alcoholent/StatementofLicensingPolicy.pdf>