

REPORT: Regulatory Sub-Committee

DATE: 31 May 2024

REPORTING OFFICER: Operational Director – Legal and Democratic Services

PORTFOLIO: Resources

SUBJECT: Application for the variation of a Premises Licence – Alchemy, High Street, Runcorn, WA7 1AU

WARDS: Mersey and Weston Ward

1. PURPOSE OF REPORT

To assist Members of the Regulatory Committee in their consideration of an application by Encore (Runcorn) Ltd for the variation of a premises licence for Alchemy, High Street, Runcorn, WA7 1AU

2. RECOMMENDATION: That the Committee considers the contents of the report and makes a determination on the application.

3. BACKGROUND INFORMATION

3.1 The premises is located on a on High Street, in Runcorn Town Centre, and is surrounded by commercial premises including licensed premises namely The Royal, Lebara and Eddys Chicken & Pizza, the premises is also in close proximity to residential premises on Bridge Street, Runcorn. A location plan is attached at **Appendix A**.

3.2 The premises has been a licensed premises since November 2005 and has been known by a number of different names over the years, since 2017 this premises has been known as Alchemy.

3.3 There are also several licensed premises on High Street and the surrounding area, attached at **Appendix B** of this report is list of all the licensed premises including the hours open to the public and the walking distance from this premises.

3.4 Attached at **Appendix C** of this report is the current premises licence along with the current conditions on the licence.

3.5 The applicant is looking to increase the hours on the premises licence in the terms set out below.

4. THE APPLICATION

4.1 The application has been made under section 34, of the Licensing Act 2003 (“the Act”).

4.2 A copy of the application can be found at **Appendix D**.

4.3 According to the application, the applicant seeks the following

Hours open to the Public

Monday to Wednesday 10.00 to 03.00

Thursday 10.00 to 04.00

Friday & Saturday 10.00 to 06.00

Sunday 10.00 to 04.00

Supply of alcohol

Monday to Wednesday 10.00 to 02.30

Thursday 10.00 to 03.30

Friday & Saturday 10.00 to 05.30

Sunday 10.00 to 03.30

Plays, Films, Indoor sporting events, Provision of boxing wrestling, Live Music, Recorded Music, Dance, anything similar to Live Music, Recorded Music or Dance

Monday to Wednesday 10.00 to 02.30

Thursday 10.00 to 03.30

Friday & Saturday 10.00 to 05.30

Sunday 10.00 to 03.30

Late night refreshments

Monday to Wednesday 23.00 to 02.30

Thursday 23.00 to 03.30

Friday & Saturday 23.00 to 05.30

Sunday 23.00 to 03.30

4.4 Within the operating schedule set out in the application, the applicant has set out the steps they intend to take to promote the four licensing objectives. These include:-

- Adherence and compliance to and with all regulations
- Ensure all staff are trained to achieve this and work in partnership with the Police and Licensing Department.
- Zero tolerance toward usage and distribution of illegal substances;
- Staff to monitor sobriety of customers;

- 30 minute wind down period to ensure staggered departure from premises;
- Extra door supervision when expected to be busy;
- Fire risk assessments;
- First aid kit;
- Entrance and exits to be kept clear at all times;
- Staff to conduct regular walk through of toilets and beer garden to monitor problems arising;
- Prevention of anti social behaviour;
- Portable sound monitoring to be used to ensure levels of 80db at the entrance;
- Notice at the main exit to remind patrons to keep the noise down when leaving;
- Staff to monitor noise levels in the street periodically during the evening;
- No alcohol to under 18's;
- All persons appearing to be under 25 to provide valid ID, no ID, no admission;
- Access to CCTV to be restricted to DPS, managers and SIA registered security staff;
- Refusal of service to any adult attempting to purchase alcohol for consumption by persons under 18;
- No unaccompanied under 18's to be on the premises, signage to be displayed;
- Challenge 25 to be enforced;
- Staff training re under age and register of refusals kept.

4.5 These steps will form the basis for conditions on the licence.

5. REQUIREMENT FOR A HEARING

- 5.1 The application was submitted on 9 April 2024 and was advertised in the local newspaper on 18 April 2024. Officers have confirmed that the advertisement requirements were complied with.
- 5.2 During the 28 days representation period, the Licensing Authority received relevant objections from one Ward Councillor from the Bridgewater Ward.
- 5.4 Where relevant representations have been made and not withdrawn, the licensing authority must hold a hearing to consider them (unless otherwise 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 local Ward Councillor.
- 5.7 All parties have all been informed of the hearing but at the time of drafting this report confirmation is awaited as to whether they intend on attending the hearing to make oral submissions to the Sub-Committee.

6. THE REPRESENTATIONS

6.1 RESPONSIBLE AUTHORITIES

No other representations have been received from the Responsible Authorities.

6.3 ANY OTHER PERSON

One representation from the local Ward Councillor (Bridgewater Ward) has been received below is the objection from Cllr Nelson,

The main ground is on Anti-Social Behaviour but has confirmed that the objection is also on all four of the licensing objectives which would lead to ASB, this is due to the close proximity to the housing if the hours would be increased in the way the licensee wants it will lead to ASB issues. Longer hours encourage people to drink more, which leads to ASB, the hours put forward are sufficient with this establishment and the current opening hours.

Cllr Nelson has suggested the following times to be considered by the Committee.

HOURS

*I would be ok if we can do Sports etc Mon-Wed 230AM
Thur 230AM Fri-Sat 230am.
Alcohol 2AM
Refreshments 2AM.*

6.4 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 E**.

7.4 Members’ attention is also drawn to the following paragraphs of the Council’s Statement of Licensing Policy:-

1. Introduction

...

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.

11. The Council will carry out its functions under the Act with a view to promoting the licensing objectives, namely;

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance, and
- The protection of children from harm

...

12. No one objective is considered to be of any more importance than any other.

...

13. In carrying out its functions the Council will also have regard to this Policy and to the Guidance as issued by the Secretary of State under section 182 of the Act from time to time

...

14. Individual applicants will be required to address the licensing objectives and address the issues of the needs of the local community, the way in which the premises is to operate, the size, location and type of premises, and any entertainment which is to be provided.

...

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”.

...

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.

...

20. Working in collaboration a local alcohol strategy has been developed and agreed. The Halton Alcohol Strategy: Reducing alcohol-related harm across the life course, 2014-

2019 makes the case that the impact of drinking on public health and community safety in Halton is so great that radical steps are needed to change our relationship with alcohol.

...

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).

33. Licensing is about regulating the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act. Conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others in possession of relevant authorisations. Accordingly, the Council will focus its attention on the premises being used for licensable activities and the vicinity of those premises

...

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.

[...]

35 The need for licensed premises

36. There can be confusion about the difference between “need” and the “cumulative impact” of premises on the

licensing objectives, for example, on crime and disorder. “Need” concerns the commercial demand for another pub or restaurant or hotel. This is not a matter for the Council in discharging its licensing functions. “Need” is a matter for planning committees and for the market.

[...]

46. 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. Once away from the licensed premises, a minority of consumers will behave badly and unlawfully. The general public needs to be made aware that there is a much broader strategy for addressing these problems than the licensing regime of the Act. There are other mechanisms both within and outside the licensing regime that are available for addressing such issues. For example:

- planning controls;
- positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;
- the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
- powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
- police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
- the confiscation of alcohol from adults and children in designated areas;
- closure notices and orders under the Anti-Social Behaviour, Crime and Policing Act 2014; and
- the power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.

[...]

48. Licensing hours

49. With regard to licensing hours, consideration will be given to the individual merits of an application.

- The Council recognises that, in certain circumstances, longer licensing hours with regard to the sale of alcohol can help to ensure that concentrations of customers leaving premises simultaneously are avoided. This is necessary to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which lead to disorder and disturbance.
- The Council also wants to ensure that licensing hours should not inhibit the development of a thriving and safe evening and night-time local economy.

50. The term “zoning” is used in the Guidance to refer to the setting of fixed trading hours within a designated area. At the moment the Council sees no need to adopt such a policy. The Council has followed the advice in the Guidance and will not be adopting such a Policy within the Borough. However, stricter conditions with regard to noise control will be expected in areas which have denser residential accommodation, but this will not limit opening hours without regard to the individual merits of any application.

...

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.

[...]

73. Proof of Age

74. It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. It is also an offence for an over 18 to purchase alcohol for an under 18 – this is called proxy purchasing. To prevent such crimes, it may be necessary to require a condition to be applied at certain licensed premises going beyond the mandatory minimum requirements requiring the production of "proof of age" before such sales are made. This should not be limited to recognised "proof of age" cards, but allow for the production of other proof, such as photo-driving licences, student cards

and passports. Trading Standards regulate the sale of alcohol to under 18s and can provide advice and materials relating to the prevention of underage sales. They can also provide free staff training.

[...]

87. CCTV

88. The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions should not just consider a requirement to have CCTV on the premises, but also the precise siting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time. The police should provide individuals conducting risk assessments when preparing operating schedules with advice on the use of CCTV to prevent crime.

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.

94 Drugs

The Council recognises that the supply and use of illegal drugs by individuals is not relevant to all licensed premises but it is recognised that conditions may need to be attached to the licences for certain venues if representations are received. The aim will be to endeavour to reduce the availability, sale, and consumption of illegal drugs and to create a safer environment for those who may have taken them. Any conditions will take into account the relevant guidance and advice from appropriate bodies.

The Council expects licensees of all venues to take all reasonable steps to:

- Prevent the entry of drugs into licensed premises.
- Prevent drugs changing hands within the premises.
- Understand the signs of drug misuse in people so that practical steps can be taken to deal with any instances that occur.

- Have appropriately trained staff to deal with drug related incidents.

The Council expects licensees to permit the access and use of drug dogs within the public and staff areas of the premises upon request of the Council and/or police involved in such an initiative.

The increasing prominence and dangers that can occur from Novel (New) Psychotic Substances (Legal Highs) is recognised and the Council would encourage all venues to include suitable steps within their Drugs Policy to deal with legal highs. The Council will consider whether it would be appropriate to impose a condition in order to promote one or more of the statutory licensing objectives where there is evidence to do so.

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.

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 to 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

- 7.5 A full copy of the Guidance and the Council's Policy will be available at the hearing.
- 7.6 Every case must be considered on its own merits. 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 variation application subject to such conditions that are consistent with the operating schedule and any mandatory conditions;
 - (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

11.1 Children and Young People in Halton

None identified.

11.2 Employment Learning and Skills in Halton

None identified.

11.3 A Healthy Halton

None identified.

11.4 A Safer Halton

None identified.

11.5 Halton's Urban Renewal

None identified.

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 since the decision will have no effect on the environment.

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 Council website see link 2 below.	Section/ Kim Hesketh
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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>