

**REPORT:** Regulatory Committee  
**DATE:** 21 January 2009  
**REPORTING OFFICER:** Chief Executive  
**SUBJECT:** Application to vary a premises Licence – Rui’s  
85 – 87 Victoria Road Widnes  
**WARDS:** Riverside

## **1. PURPOSE OF REPORT**

To hold a hearing to assess relevant representations made in response to an application to vary the premises licence in respect of Rui’s 85-87 Victoria Road Widnes

## **2. RECOMMENDATION**

That the Committee consider the relevant representations and make a determination on the application.

## **3. SUPPORTING INFORMATION**

- 3.1** An application has been made under section 34 Licensing Act 2003 (“the 2003 Act”)
- 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 those aspects of the application, which have been the subject of relevant representations as defined in the 2003 Act. The application also included the removal of conditions relating to Controlled Dancing and Special Effects. However since no representations were received in respect of these matters they are not the subject of the hearing.

## **4 THE APPLICATION**

- 4.1** Stephen Decruz (Premises Licence Holder) has applied to vary the premises licence in respect of Rui’s 85 – 87 Victoria Road Widnes
- 4.2** The application relates to licensable activities.
- 4.3** The licensable activities application
  - 4.3.1** The application is expressed as follows:-

“Extend the existing hours for the sale of alcohol, regulated entertainment and provision of entertainment facilities by 30 minutes and hours open to the public by 30 minutes.  
To extend the last entry time by 30 minutes  
To retain all existing benefit of additional hours already granted by the Local Authority”.

#### 4.3.2 This equates to

F - Recorded Music, I – Making Music, J – Dancing M - Supply of alcohol - hours requested **11.00 hrs to 03.30** hrs each day (up from 03.00)

O – Hours premises are open to the public – hours requested **11.00 hrs to 04.00** (up from 03.30) hrs each day.

#### 4.3.3 Altering the no entry re entry as follows - No entry / re-entry to the premises after **02.00** (up from 01.30 hours)

### 5 CURRENT PREMISES LICENCE ACTIVITIES, HOURS AND CONDITIONS

#### 5.1 The premises are currently licensed for the following categories of licensable activity (from which it will be apparent that the application does not relate to all classes of licensable activity):

E - Live music, F - Recorded music, H – Similar to e f or g, I – Making music, J – Dancing, K – Similar to I or j - M – Supply of alcohol

The hours are 11.00hrs to 03.00hrs Monday to Sunday

For category O – Hours premises are open to the public

The hours are 11.00 hrs to 03.30 hrs Monday to Sunday

### 6 RELEVANT REPRESENTATIONS

#### 6.1 RESPONSIBLE AUTHORITIES

The following responsible authority has made relevant representations

##### 6.1.1 CHESHIRE CONSTABULARY

The representations from Cheshire Constabulary are as follows:-

“There are no objections to the removal of the two Conditions, CD36PCH (Controlled Dancing) and PS61 (Special Effects). These activities would require written permission in advance of any proposed use and in this respect this is nothing more than a paper exercise.

However, in relation to the application for increased trading hours and service of alcohol, I lodge an objection.

I have spoken to the applicant and the only reason for this application is that a new venue is to open on the opposite side of the road. This Licence will have just 15 minutes more trading time than that of the applicant. The effect of this application is to enable him to be the one who can trade for an **extra 15 minutes**.

Therefore, this application is simply an attempt to ‘leapfrog’ the competition, nothing more. There are no other reasons at all and it is

noted that the application offers no extra measures in the Operating Schedule to justify this increase.

In the immediate area of Victoria Square there are already six operational late night venues and a further three soon to open. If this application was to be granted on these tenuous grounds it would undoubtedly trigger a series of 'tit-for-tat' applications to allow them to open until 4am. When this occurs are we to see another application from this applicant to trade until 5am?

And the chain reaction will continue until the late night economy is overlapping with the day time economy. This whole cycle of one-upmanship cannot be allowed to start.

A line has to be drawn somewhere, to the benefit of all concerned.

It must also be noted that this venue is subject of a Last Entry/Re-entry Condition and therefore this application will not result in any additional last minute patrons.

I therefore suggest that this is a very weak application made with no other motive than simple economic gamesmanship and should be refused".

## **6.2 INTERESTED PARTIES**

None

## **7 OPTIONS**

**7.1** The Committee has the following options:

- Grant the application
- Grant subject to conditions
- Reject the application.

## **8 POLICY IMPLICATIONS**

None.

## **9 OTHER IMPLICATIONS**

None.

## **10 IMPLICATIONS FOR THE COUNCILS PRIORITIES**

10.1 None

## **11 RISK ANALYSIS**

N/A

## **12 EQUALITY AND DIVERSITY ISSUES**

N/A

**13 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

<b>Document</b>	<b>Place of Inspection</b>	<b>Contact Officer</b>
Application Documents	Legal Services	John Tully/Kay Cleary