

Public Document Pack



Special Regulatory Committee

Wednesday, 14 July 2010 6.30 p.m.
Civic Suite, Town Hall, Runcorn



Chief Executive

COMMITTEE MEMBERSHIP

Councillor Ged Philbin (Chairman)
Councillor Kath Loftus (Vice-Chairman)
Councillor Bob Bryant
Councillor Mike Fry
Councillor Harry Howard
Councillor Diane Inch
Councillor Alan Lowe
Councillor Tony McDermott
Councillor Peter Murray
Councillor Ernest Ratcliffe
Councillor Pamela Wallace

*Please contact Gill Ferguson on 0151 471 7394 or e-mail gill.ferguson@halton.gov.uk for further information.
The next meeting of the Committee is on Wednesday, 22 September 2010*

**ITEMS TO BE DEALT WITH
IN THE PRESENCE OF THE PRESS AND PUBLIC**

Part I

Item No.	Page No.
1. DECLARATION OF INTEREST	
Members are reminded of their responsibility to declare any personal or personal and prejudicial interest which they have in any item of business on the agenda, no later than when that item is reached and (subject to certain exceptions in the Code of Conduct for Members) to leave the meeting prior to discussion and voting on the item.	
2. APPLICATION TO VARY A PREMISES LICENCE, CANAL WALK/GRUMPY'S, HALTON ROAD, RUNCORN	1 - 4

In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.

REPORT: Regulatory Committee

DATE: 14 July 2010

REPORTING OFFICER: Chief Executive

SUBJECT: Application to vary a Premises Licence
Canal Walk/Grumpy's Halton Road Runcorn

WARDS: Halton Brook

1. PURPOSE OF REPORT

To hold a hearing to assess relevant representation made in response to an application to vary a premises licence in respect of Canal Walk / Grumpy's Halton Road Runcorn

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") to vary a premises licence.
- 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.

4 THE APPLICATION

- 4.1** Grumpy's Limited has applied to vary a premises licence in respect of Canal Walk / Grumpy's Halton Road Runcorn
- 4.2** The application was dated 19 May 2010. However correspondence was received on 8 June 2010 revising the application by withdrawing certain licensable activities from the application.
- 4.3** The applicant notified all of the responsible authorities and the 5 interested parties who had already made representations.

4.4 Following the notification of the revised application dated 8 June 2010 two of the interested parties telephoned to advise that they wished to go ahead with their representations. It is assumed that the other three parties also wish to continue with their representations as neither the Council nor the applicant has been notified to the contrary.

4.5 The premises currently have the following licensable activities :-

Category B - Exhibition of films (Indoors)	08.00 to 03.30	each day
Category E- Live Music (indoors)	Noon to 00.30	each day
Category F – Recorded Music (Indoors)	08.00 to 03.30	each day
Category G - Performance of Dance (Indoors)	10.00 to 03.30	each day
Similar to E F or G above (Indoors)	10.00 to 03.30	each day
Category I – Making Music (Indoors)	10.00 to 03.30	each day
Category J – Dancing (Indoors)	10.00 to 03.30	each day
Category L – Late Night refreshment (Indoors)	23.00 to 04.00	each day
Category M – Sale of alcohol (On/off Premises)	10.00 to 03.00	each day
Category O – Premises open to Public	08.00 to 04.00	each day

4.6 The amended variation application requests the following licensable activities:-

Category E – Live Music (Indoors)	12.00 to 02.00	each day
Category E - Live Music (Outdoors)	12.00 to 00.00	each day

(Note all outdoor live music will only be played between 1 April and 30 November in every year)

Category I – Making Music (Outdoors)	10.00 to 00.00	each day
Category L - Late Night Refreshment (Outdoors)	23.00 to 00.00	each day

4.7 As part of the operating schedule the applicant has offered the following as conditions

- When outside entertainment is taking place noise levels will be assessed and monitored at the nearest residences. Measures will be taken to reduce noise levels if necessary. All risk assessments will be entered into a noise assessment log book and retained on the premises for a minimum of 12 months.

- All doors and windows except for exit and entry to remain closed after 23.00 when amplified music is being played indoors.

5 RELEVANT REPRESENTATIONS

5.1 RESPONSIBLE AUTHORITIES

Consultations have been carried out and the responses received are summarised below

5.2 CHESHIRE POLICE

The revised version is fundamentally different to the original application and the subsequent changes, and, indeed, the variations to the changes. There is now nothing within this document to impinge on the Crime and Disorder Licensing Objective. Therefore I make no representations

5.3 HALTON BOROUGH COUNCIL ENVIRONMENTAL HEALTH

“Having considered the potential impact with regard to Public Nuisance I would object to this application due to the past history of noise complaints associated with the premises (further information to follow)”

5.4 INTERESTED PARTIES

The following interested parties have made relevant representations:

Mrs B Daly 96 Halton Road Runcorn

Mr N Cookson First Floor Flat 98 Halton Road Runcorn

Mr & Mrs Lloyd 100 Halton Road Runcorn

Mr C Powl 108 Halton Road Runcorn

Mr & Mrs L Daly 94 Halton Road Runcorn

The representations in the main relate to the matters set out below. Not all of these matters can constitute relevant representations since they do not relate to the licensing objectives.

- “The music already keeps me awake sometimes until 3am”
- “I can clearly hear music being played especially is there is a private do on”.
- “On numerous occasions the noise levels from Canal Walk have kept me and my family awake until 3.00 am”.
- “Currently we have to turn our television volume up in the evening to drown out the noise from the premises. We have also felt our downstairs floor vibrate to the regulated entertainment occurring on the applicant’s premises. The noise from patrons leaving the bar is becoming increasingly loud and abusive, we feel granting an outdoor music licence would make these issues even worse”

- “Anytime between 1.00am and 4.00 pm the music is playing the road is busy with taxis and cars and the revellers on a good night are singing at the top of their voices and on a bad night are fighting. The local people don’t deserve anymore noise”.

6 OPTIONS

6.1 The Committee has the following options under section 34 of the 2003 Act:

- 6.1.1 It must Grant the application (where properly made) unless it considers that for the promotion of the licensing objectives it considers it necessary to take any of the following steps, namely -
- 6.1.2 Impose relevant conditions on the licence;
- 6.1.3 Reject the whole or part of the application.

7 POLICY IMPLICATIONS

None.

8 OTHER IMPLICATIONS

None.

9 IMPLICATIONS FOR THE COUNCILS PRIORITIES

9.1 Children and Young People in Halton

None

9.2 Employment Learning and Skills in Halton

N/A

9.3 A healthy Halton

N/A

9.4 A Safer Halton

None

9.5 Halton’s Urban Renewal

N/A

10 RISK ANALYSIS

N/A

11 EQUALITY AND DIVERSITY ISSUES

N/A

12 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