

## REGULATORY COMMITTEE

*At a special meeting of the Regulatory Committee on Thursday, 18 October 2012 in the Council Chamber, Runcorn*

Present: Councillors K. Loftus (Chairman), Wallace (Vice-Chairman), Fraser, Fry, P. Hignett, Howard, A. Lowe, Nelson and G. Stockton

Apologies for Absence: Councillors Lea and McDermott

Absence declared on Council business: None

Officers present: K. Cleary and J. Tully

Also in attendance: 7 members of the public

### ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE

REG6 APPLICATION TO VARY A PREMISES LICENCE - THE ESTABLISHMENT OLD TOWN HALL VICTORIA SQUARE WIDNES

*Action*

#### **ITEM DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE AS LICENSING COMMITTEE UNDER THE LICENSING ACT 2003**

Following a request from the applicant Stephen Lawler for the hearing to be adjourned and confirmation from Cheshire Constabulary that they had no objection to an adjournment a Sub Committee of the Regulatory Committee met on 4 September 2012 and resolved to open and adjourn the hearing to the 18 October 2012

The Committee met on 18 October 2012 to consider an application which had been made under Section 34 of the Licensing Act 2003 to vary a premises licence.

The hearing was held in accordance with the Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations 2005.

The Chairman introduced the members of the Committee and the Council's officers who were present.

The Council's legal adviser, John Tully, summarised the procedure to be followed and outlined the nature of the application.

Mr Tully also advised the committee that the following documents were to be considered with the application:-

- Committee report
- Positive, Negative and Drunk when leaving incidents from the Police.
- Supplementary Positive, Negative and Drunk when leaving the premises from the Police
- Witness Statement PC Chris Carney dated 10 October 2012
- Police skeleton argument.
- Statement of Paul Edwards General Manager of the Establishment

Whilst outlining the application Mr Tully advised the Committee that the following elements of the variation application were not the subject of the determination at the hearing following agreement between the parties

- To reduce the seating ratio from 40% to 30% (Provided that the current level of fixed seating remains the same). This was item 2 of the application as identified in the Committee report.
- To remove condition C11 Table meal / waiter service. This was the second element of item 3 as identified in the Committee report,

“On the ground floor areas marked as restaurant areas on the plan, alcohol shall only be served in conjunction with and ancillary to a seated table meal and shall be supplied by waiter/waitress service”.

- Additional hour for British summertime – Wording of condition. This was item 4 of the application as identified in the Committee report.  
“Seasonal variations: An additional hour at the end of permitted hours when British summertime begins”
- Alterations to the layout of the premises. This was item 5 of the application as identified in the Committee report.

The remaining elements of the application in respect of which representations had not been withdrawn were:

- The request for additional hours (identified in the Committee report as item 1).
- The request to remove the CCTV Suite condition (identified as the first element of item 3 in the Committee report).

At the beginning of the hearing the Police stated (as they had put in their written representations) that there would be no objection to the CCTV Suite condition being varied so that the hour '00.30' be substituted for the hour '23.00' on the basis that most incidents happen after this hour. The Applicant was concerned that keeping the condition would cause a problem with rules which the Applicant understood to apply relating to monitoring by qualified staff which were imposed by the Information Commissioner. The Applicant was advised that the condition as drafted made no reference to qualified staff and for the purposes of the Licensing Act 2003 this was not relevant. The requirements (if any) of the Information Commissioner were an entirely separate issue for the Applicant to resolve. The applicant then withdrew the application to remove the condition and accepted the variation of wording proposed by the Police.

The Committee was then advised that the sole remaining matter for consideration was the request for additional hours.

At the hearing, the Committee were addressed by the applicant's Legal Representative Keith Jones of Barrow and Cook Solicitors who was accompanied by Stephen Lawler.

Cheshire Constabulary was represented by Philip Kenyon Solicitor who was accompanied by Ian Seville Police Licensing Officer and Paul Draycott Police Licensing Officer.

The Committee asked a number of questions of the parties and retired to consider the matter.

RESOLVED: That having considered the application in accordance with section 4 Licensing Act 2003 and all other relevant considerations and in particular, the Committee was mindful of the updated statutory guidance relating to the treatment of police representations, the Committee resolved that the application be granted subject to the following:

1. the CCTV Suite condition be amended as agreed;
2. the application for change of hours be granted in full

Strategic Director  
Policy and  
Resources

subject to point 3 below;

3. the existing 'Entry/Re-entry' condition was amended to prevent entry or re-entry within one hour rather than half an hour of the terminal hour for the supply of alcohol on the days that additional hours had been granted under point 2 above; and
4. the introduction of a 'British Summertime' condition had been agreed but the precise wording has not been set out in the application – consequently, the Committee determined the wording of the condition.

The detailed amendments consequent upon this determination are set out below.

1. The existing CCTV Suite condition was amended as follows:

**“CCTV Suite**

On Fridays, Saturdays and Sundays when additional hours are in operation, the Licence Holder shall ensure that the CCTV suite located at the entrance to the premises is staffed from 12.30 a.m. hours”

2. The following hours be substituted for those set out in the existing licence

**Hours**

For the categories B – Films, E Live Music, F – Recorded Music, G – Performance of Dance, I – Making Music, J – Dancing and K – similar to I or j

Monday and Tuesday	10.00 to 01.30
Wednesday	10.00 to 02.30
Thursday	10.00 to 03.30
Friday	10.00 to 03.30
Saturday	10.00 to 04.30
Sunday	10.00 to 03.30

For the category L – late Night Refreshment

Monday and Tuesday	23.00 to 01.30
Wednesday	23.00 to 02.30
Thursday	23.00 to 03.30
Friday	23.00 to 03.30
Saturday	23.00 to 04.30
Sunday	23.00 to 03.30

Category M – Sale of Alcohol

Monday and Tuesday	10.00 to 01.30
Wednesday	10.00 to 02.30
Thursday	10.00 to 03.30
Friday	10.00 to 03.30
Saturday	10.00 to 04.30
Sunday	10.00 to 03.30

Category O – Hours the Premises are open to the public

Monday and Tuesday	10.00 to 03.00
Wednesday	10.00 to 03.30
Thursday	10.00 to 04.00
Friday	10.00 to 04.00
Saturday	10.00 to 05.00
Sunday	10.00 to 04.00

3. The following conditions shall be substituted for the existing Entry/Re-entry condition.

“Miscellaneous conditions

F1.1 On the mornings of Tuesdays, Wednesdays, Thursdays and Saturdays there shall be no entry / re-entry to the premises 30 minutes before the terminal hour for the sale/supply of alcohol.

F1.2 On the mornings of Mondays, Fridays and Sundays there shall be no entry / re-entry to the premises one hour before the terminal hour for the sale/supply of alcohol”.

4. The following ‘British Summertime’ condition shall be added to the premises licence.

“British Summertime

Seasonal variation

An additional hour at the end of permitted hours when British summertime begins.”

The reason for the determination was that the Committee felt that the application was consistent with the Licensing Objectives. The Committee did not consider that the representations put forward by the Police withstood the scrutiny to which they were subjected to at the hearing.

**Time that the variations shall take effect**

Forthwith

*Meeting ended at 8.45 p.m.*