

Public Document Pack



Regulatory Committee

Monday, 30 July 2007 6.30 p.m.
Council Chamber, Runcorn Town Hall



Chief Executive

COMMITTEE MEMBERSHIP

Councillor Ged Philbin (Chairman)
Councillor Pamela Wallace (Vice-Chairman)
Councillor Bob Bryant
Councillor Carl Cross
Councillor Philip Drakeley
Councillor Harry Howard
Councillor Alan Lowe
Councillor Diane Inch
Councillor Steff Nelson
Councillor Ernest Ratcliffe
Councillor Kevan Wainwright

*Please contact Gill Ferguson on 0151 471 7395 or e-mail gill.ferguson@halton.gov.uk for further information.
The next meeting of the Committee is on Monday, 24 September 2007*

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

Part I

Item No.	Page No.
1. DECLARATION OF INTERESTS	
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 FOR A PREMISES LICENCE BARRACUDA BAR 71B ALBERT ROAD WIDNES	1 - 4
3. APPLICATION TO VARY A PREMISES LICENCE BRADLEY 38 ALBERT ROAD WIDNES	5 - 7

PART II

**ITEMS CONTAINING "EXEMPT" INFORMATION FALLING
WITHIN SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT
1972 AND THE LOCAL GOVERNMENT (ACCESS TO
INFORMATION) ACT 1985**

In this case the Sub-Committee has a discretion to exclude the press and public but, in view of the nature of the business to be transacted, it is RECOMMENDED that under Section 100(A)(4) of the Local Government Act 1972, having been satisfied that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act.

4. TAXI MATTERS	8 - 12
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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: 30 July 2007

REPORTING OFFICER: Chief Executive

SUBJECT: Application for a premises Licence Barracuda Bar 71b Albert Road Widnes

WARDS: Appleton

1. PURPOSE OF REPORT

To hold a hearing to assess relevant representations made in response to an application in respect of the Barracuda Bar 71b Albert 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 17 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.

4 THE APPLICATION

- 4.1** Barracuda Pubs and Bars Limited has applied for a premises licence in respect of 71b Albert Road Widnes
- 4.2** The application is for
Films, Live Music, Recorded Music, Making Music, Dancing and Supply of Alcohol, between the hours of 10.00 to 01.00 Sunday to Wednesday and 10.00 to 02.00 Thursday to Saturday. Late Night Refreshment 23.00 to 01.30 Sunday – Wednesday and 23.00 to 02.30 Thursday to Saturday.
- 4.3** In addition the applicant has advised the hours the premises are open to the public are 10.00 to 01.30 Sunday to Wednesday and 10.00 to 02.30 Thursday to Saturday.

- 4.4** The premises are described as a bar with a subtle South African influence providing quality food together with the provision of extensive sports facilities serving a wide age range bringing a day to night bar experience.
- 4.5** The application is for the ground floor only.

5 RELEVANT REPRESENTATIONS

5.1 RESPONSIBLE AUTHORITIES

CHESHIRE CONSTABULARY

The Police have requested the following conditions be attached to the premises licence.

Proof of Age / Challenge 21

The licence holder shall ensure that anyone who appears to be under 21 years of age and who attempts to purchase alcohol will be asked to prove their age. Accepted methods of proof of age are: passports, photo driving licences and PASS accredited proof of age cards e.g. Validate, Connexions, Citizen Card, Prove It Card. If any such person fails to satisfy the licence holder by means of such proof of age that they are 18 years old or older that person shall be refused the sale of alcohol

REASON - The prevention of harm to children

A notice or notices shall be displayed in and at the entrance to the premises where they can be clearly seen and read and shall indicate that it is unlawful for persons under 18 to purchase alcohol or for any person to purchase alcohol on behalf of a person under 18 years of age

REASON - The protection of children from harm

CCTV

An effective CCTV system should be designed and installed in accordance with the Cheshire Constabulary CCTV guidance document called 'CCTV in Licensed Premises – An Operational Requirement'. It is advisable that the constabulary Divisional Licensing Officer, CCTV Liaison Officer and Crime Reduction Advisor are contacted and consulted at the earliest opportunity

Designated supervisors will need to demonstrate that their CCTV system complies with their Operational requirements. A commissioning test must be carried out with the licensing and CCTV Liaison Officers before completion and hand over of the system. The commissioning test will need to demonstrate the following:-

- 1 recordings are fit for their intended purpose
- 2 good quality images are presented to the officer in a format that can be relayed on a standard computer
- 3 the supervisor has an understanding of the equipment/training
- 4 management records are kept

- 5 maintenance agreements and records are maintained
- 6 Data protection principles and signage are in place

REASON - Prevention of crime and disorder

ENVIRONMENTAL HEALTH – NOISE

Environmental Health – Noise have requested the following conditions shall be attached to the premises licence.

- Standard Hours premises are open to the public Category O shall be:
 - Sunday to Wednesday 10:00 to 00:30
 - Thursday to Saturday 10:00 to 01:30
- The use of the outside area for the consumption of alcohol and food shall cease at 23:00.
- Use of outside area for any activity shall cease after:
 - 00:00 Sunday to Wednesday
 - 01:00 Thursday to Sunday
- The rear emergency exit door shall be kept closed at all times (in case of emergency) and shall be alarmed.
- Noise from any regulated activity shall be inaudible at any noise sensitive property at any time.
- Any use of the bin store shall be limited to between the hours of 10:00 and 22:00.
- Windows and doors shall be kept closed when any amplified music or voices are being played within the premises

REASON – Prevention of Public Nuisance

5.2 INTERESTED PARTIES

The following interested parties made representations
P Tobin and M Tobin 7 Regent Road Widnes
Mrs E Fairhurst 9 Regent Road Widnes
Mrs S Connor 13 Regent Road Widnes

The relevant representations relate to: -

- Damage caused to property and cars in the area when people are on their way home from licensed premises.
- Another drinking establishment in the area would only add to the major problems that the area already experiences.
- Regent Road / Cooper Street appears to be the thoroughfare for all late night bars and clubs in the town.
- Granting a licence to yet another drinking premises in the area would be totally irresponsible.
- Plagued with drunken hooligans using the roads often en route to another drinking venue.

6 OPTIONS

6.1 The Committee has the following options:

- Grant the application
- Grant subject to conditions
- Reject 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

REPORT: Regulatory Committee

DATE: 30 July 2007

REPORTING OFFICER: Chief Executive

SUBJECT: Application to vary a premises Licence Bradley
38 Albert Road Widnes

WARDS: Appleton

1. PURPOSE OF REPORT

To hold a hearing to assess relevant representations made in response to an application in respect of the Bradley 38 Albert 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.

4. THE APPLICATION

- 4.1** Punch Taverns PLC has applied for a variation of premises licence in respect the Bradley 38 Albert Road Widnes
- 4.2** The application is for:-
Structural alterations and the removal of the condition “The use of any outside area shall cease at 23.00 hours”
- 4.3** The current premises licence authorises Live Music, Recorded Music, and Dancing between the hours of 10.00 to Midnight Sunday to Wednesday and 10.00 to 01.00 Thursday to Saturday. Late Night Refreshment 23.00 to Midnight Sunday to Wednesday and 23.00 to 01.00 Thursday to Saturday. Sale of Alcohol 10.00 to Midnight each day. The hours the premises are open are 09.00 to 00.30 Sunday to Wednesday and 09.00 to 01.30 Thursday to Saturday.

5 RELEVANT REPRESENTATIONS

5.1 RESPONSIBLE AUTHORITIES

CHESHIRE CONSTABULARY – have requested the following conditions:-

In relation to the Structural Alterations:

1. The double gated access to the outside area on the right of the plan supplied shall be locked at all times when the outside area is used for licensable activities or as a smoking area. Access to this area should only be possible via the inside of the venue itself.

Reason – To prevent crime and disorder and protection of children from harm

In relation to the removal of the Condition governing the use of this area:

2. In relation to any the fixing of any terminal hour for all uses of this area, we will support any recommendations made by the Environmental Health Officer's Representations
3. The Condition shall be amended to, 'The use of any outside area for consumption of alcohol and food or any other Licensable Activity shall cease at time to be fixed in accordance with above.
4. The DPS shall ensure that the area is regularly supervised after 2300hrs and only used by smokers for the purpose of smoking.
5. Suitable signs are to be erected within this area requiring persons using this area after the agreed time to do so in a quiet and orderly fashion.

Reason – To prevent public nuisance and to prevent crime & disorder

ENVIRONMENTAL HEALTH – NOISE require the following condition to be attached to the premises licence.

Use of outside area for any activity shall cease after

- 00:00 Sunday to Wednesday
- 01:00 Thursday to Saturday

Reason – to prevent public nuisance

5.2 INTERESTED PARTIES

N/A

6 OPTIONS

6.1 The Committee has the following options:

- Grant the application
- Grant subject to conditions
- Reject 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

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted