

# Public Document Pack



## Special Regulatory Sub-Committee

Wednesday, 10 February 2016 10.00 a.m.  
Willow Room - 1st Floor Municipal  
Building, Widnes



**Chief Executive**

### **COMMITTEE MEMBERSHIP**

Councillor Kath Loftus (Chairman)
Councillor Pamela Wallace (Vice-Chairman)
Councillor Andrea Wall

*Please contact Gill Ferguson on 0151 511 8059 or e-mail [gill.ferguson@halton.gov.uk](mailto:gill.ferguson@halton.gov.uk) for further information.  
The next meeting of the Committee is on Wednesday, 16 March 2016*

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

**Part I**

<b>Item No.</b>	<b>Page No.</b>
<b>1. DECLARATION OF INTEREST</b>	
Members are reminded of their responsibility to declare any Disclosable Pecuniary Interest or Other Disclosable Interest which they have in any item of business on the agenda, no later than when that item is reached or as soon as the interest becomes apparent and, with Disclosable Pecuniary interests, to leave the meeting during any discussion or voting on the item.	
<b>2. APPLICATION FOR A TEMPORARY EVENT NOTICE AT HAMMER &amp; PINNACLES LIVERPOOL ROAD WIDNES</b>	<b>1 - 5</b>

***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.***

<b>REPORT:</b>	<b>Regulatory Sub-Committee</b>
<b>DATE:</b>	<b>10 February 2016</b>
<b>REPORTING OFFICER:</b>	<b>Strategic Director Community &amp; Resources</b>
<b>PORTFOLIO:</b>	<b>Community &amp; Resources</b>
<b>SUBJECT:</b>	<b>Application for a Temporary Event Notice at Hammer &amp; Pincers Liverpool Road Widnes.</b>
<b>WARDS:</b>	<b>Ditton</b>

## **1. PURPOSE OF REPORT**

To hold a hearing to consider an objection notice from a relevant person under Section 104 (2) Licensing Act 2003 made in response to a Temporary Event Notice dated 27 January 2016 for a Live Music Outdoor Event (Hough Green Fields) in the beer garden of the Hammer & Pincers Public House Liverpool Road Widnes.

## **2. RECOMMENDATION**

That the Committee considers the objection notice

## **3. SUPPORTING INFORMATION**

- 3.1** An application has been made under section 100 Licensing Act 2003 ("the 2003 Act") for a Temporary Event Notice (TEN) in relation to the above site.
- 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 the objection notice.

## **4 THE APPLICATION**

- 4.1** An application was received on 27 January 2016 from Christian Thornton of Hammer & Pincers Public House Liverpool Road Widnes for a TEN
- 4.2** The application is for a live music outdoor event (Hough Green Fields) to be held in the beer garden of the premises on Saturday 28 May 2016

between the hours of 00.00 to 00.00 (24 hours) - Music between 12.00 and 21.00

- 4.3** The licensable activities requested for the application are
- The sale of alcohol
  - The provision of regulated entertainment
- 4.4** The applicant has advised that the maximum number of people at the event at any one time shall be 499 persons

## **5 REPRESENTATIONS**

- 5.1** In accordance with the 2003 Act only relevant persons (relevant persons are (a) the chief officer for any police area in which the premises are situated and (b) the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health. The Police are not objecting to the application however the Councils Environmental Health are objecting and the objections are set out at Appendix A.
- 5.2** By virtue of Section 105 (2) (a) of the 2003 Act where an objection notice is given in respect of a TEN the licensing authority must hold a hearing to consider the objection notice unless the premises user, and the relevant person who gave the objection notice and the local authority agree that a hearing is unnecessary

## **6 OPTIONS**

- 6.1** The Committee has the following options
- Determine not to issue a counter notice (effectively allowing the temporary event to go ahead);
  - Determine not to issue a counter notice but to impose conditions in accordance with Section 106A of the 2003 Act
  - Issue a counter notice (thus preventing the temporary event from going ahead).
- 6.2** Where the Committee determines to impose conditions the conditions must be appropriate for the promotion of the Licensing Objectives and must not be inconsistent with the carrying out of the licensable activities under the TEN. Note that because the area of the TEN is not the same as for the premises licence the restrictions in Section 106A (2) (b) do not apply.
- 6.3** A counter notice can only be issued if the Committee considers it necessary for the promotion of a licensing objective.

**7 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/ Objection Notice	Legal Services	John Tully/Kay Cleary

Environmental Health Authority Objection Notice

NOTICE OF OBJECTION TO A TEMPORARY EVENT NOTICE (LICENSING ACT  
2003, SECTION 104)

To: 1. Ms Kay Cleary, Licensing Manager, Halton Borough Council.  
(the Relevant Licensing Authority)

2. Mr Christian Thornton (the premises user")

3. Chief Officer of Police Cheshire Constabulary .

The premises to which this objection notice relates ("the premises") means:  
Hammer and Pincers, Liverpool Road, Widnes, Cheshire, WA8 7XU.

The temporary event notice to which this objection relates ("the TEN") is the  
TEN dated 27<sup>th</sup> January 2016 relating to the premises.

I, Wendy Salisbury, on behalf of the Environmental Health Authority HEREBY  
GIVE NOTICE that I have received a copy of the TEN and object to the  
premises being used in accordance with the TEN because I am satisfied that  
allowing the premises to be used in accordance with the TEN would  
undermine a licensing objective, namely, the Prevention of Public Nuisance  
objective.

The reasons for being so satisfied are:

(Please see attached)

Dated : Friday 29<sup>th</sup> January 2016

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Signed: 

Wendy Salisbury

Environmental Health Authority



Legal Services  
Licensing Section  
4<sup>th</sup> Floor  
Municipal Building  
Kingsway  
Widnes  
Cheshire  
WA8 7QF

Our Ref  
Telephone 0151 511 7613  
Your ref  
Date 27th January 2016  
E-mail address Wendy.salisbury@halton.gov.uk

**LICENSING ACT 2003**  
**Objection notice – Prevention of Public Nuisance**

Dear Sir/Madam,

On behalf of the relevant Environmental Health authority we hereby give notice of my objection to the following application for a Temporary Event Notice (TEN) relating to the Hammer and Pincers, Liverpool Road, Widnes, WA8 7XU.

. TEN for Saturday 28<sup>th</sup> May 2016: Application received by the Environmental Health Department on 27<sup>th</sup> January 2016.

We object to this application because we believe that allowing the premises to be used in accordance with the above TEN will undermine the licensing objective of prevention of public nuisance.

We can advise you that there have been complaints of noise nuisance relating to the event held at Hammer and Pincers, Liverpool Road, Widnes, Cheshire, WA8 7XU

An abatement notice under s.80 of the Environmental Protection Act 1990 was served on the above named person at the above named premises in May 2015. We note that the TEN relates to an event proposed to be held in the beer garden of the premises between 00:00hrs – 00:00hrs and will involve the provision of regulated entertainment.

Based on the history of justified complaints we confirm our view that allowing the premises to be used in accordance with the above TEN will undermine the licensing objective of the prevention of public nuisance.

Yours Sincerely,

Wendy Salisbury  
Principal Environmental Health Officer

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Policy & Resources  
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