

# Public Document Pack



## Regulatory Sub Committee

**Monday, 30 September 2024 4.30 p.m.  
The Board Room - Municipal Building,  
Widnes**

A handwritten signature in black ink that reads 'S. Young'.

**Chief Executive**

### **COMMITTEE MEMBERSHIP**

Councillor Pamela Wallace (Chair)  
Councillor John Abbott  
Councillor Irene Bramwell

*Please contact Please contact Kim Butler on 0151 511 7496 or  
[kim.butler@halton.gov.uk](mailto:kim.butler@halton.gov.uk) for further information for further information.*

*The next meeting of the Committee is to be confirmed.*

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

**Part I**

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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.

**REGULATORY SUB COMMITTEE**

*At a meeting of the Regulatory Sub Committee on Wednesday, 12 June 2024 at the Civic Suite, Town Hall, Runcorn*

Present: Councillors Wallace (Chair), K. Loftus and A. McInerney

Apologies for Absence: None

Absence declared on Council Business: None

Officers present: K. Hesketh and A. Strickland

Also present: Councillor E. Jones

**ITEM DEALT WITH  
UNDER DUTIES  
EXERCISABLE BY THE BOARD**

**EXB12 MINUTES FROM THE MEETING ON 31 MAY 2024**

The minutes of the meeting held on the 31 May 2024 having been circulated were signed as a correct record.

**EXB13 APPLICATION FOR A PREMISES LICENCE - 74 ALBERT ROAD, WIDNES, WA8 6JT**

The Committee met to consider an application which has been made under Section 17 of the Licensing Act 2003 to grant the above premises licence. The hearing was held in accordance with the Licensing Act 2003 and Licensing Act 2003 (Hearings) Regulations 2005.

**PREAMBLE**

A meeting of the Regulatory Sub-Committee (acting as Licensing Committee under the Licensing Act 2003) of Halton Borough Council was held at Runcorn Town Hall on Wednesday 12th June 2024 commencing at 1.30pm. The meeting was held to hear an application made under section 17 of the Licensing Act 2003 for the grant of a Premises Licence for a new restaurant at 74 Albert Road Widnes. The application was amended prior to and during the hearing with the proposed closing hour for the premises being

*Action*

amended from 1am to midnight (Sunday to Thursday) (with the supply of alcohol terminating at 11.30pm) and the proposed closing hour for the premises remaining at 1am (Friday and Saturday) (with the supply of alcohol terminating at 12.30am). It was this amended application that was determined by the Sub-Committee.

In attendance were: -

- Members of the Regulatory Sub-Committee comprising Cllr Pamela Wallace (Chair), Cllr Angela McInerney and Cllr Kath Loftus ('the Sub Committee');
- Mark Marshall of M Squared Services Ltd (Poulton Le Fylde) representing the Applicant - namely Mr Karan Ravi Sasi ('the Applicant')
- Cllr Eddie Jones ('the Ward Member' and objector);
- Kim Hesketh (Licensing Manager); and
- Alex Strickland (Legal Adviser).

There were four written objections from local residents (Denis Leigh, June Leigh, Lyn Fletcher and Pauline Malcolm) and two Ward Councillors (Councillor Eddie Jones and Councillor Angela Teeling) ('the Objections' and 'the Objectors'). After the Chair of the Sub Committee had introduced the parties, the Legal Adviser outlined the procedure to be followed. The Licensing Manager presented the Licensing Report with appendices including Location Plan (Appendix A), the schedule of Licensed Premises in the local area (Appendix B), the (original) Application (Appendix C), correspondence sent to objectors on behalf of the Applicant (Appendix D), copies of objections from the objectors (Appendix E) and relevant extracts from statutory guidance (Appendix F), setting out the nature of the application and the relevant representations that had been made, noting that there had been no representations from responsible authorities.

#### **DETAILS OF THE APPLICATION (AS AMENDED BEFORE AND DURING THE HEARING)**

The application as amended is for the grant of a Premises Licence as follows:-

##### Supply of Alcohol

Sunday to Thursday 11:00 to 23:30; and  
Friday and Saturday 11:00 to 00:30.

Hours open to the public

Sunday to Thursday 11:00 to midnight; and  
Friday and Saturday 11:00 to 01:00.

Late Night Refreshment

Sunday to Thursday 23:00 to midnight; and  
Friday and Saturday 23:00 to 01:00.

Operating Schedule

The conditions as set out in the Operating Schedule to the Application dated 17 April 2024 (set out in Appendix C to the Licensing Report) (amended as above to reflect a change in hours) and taking account of the matters contained in the letter dated 4 May 2024 sent on behalf of the Applicant together with mandatory conditions under the Licensing Act 2003.

**THE HEARING**

The applicant and the objector were allowed a maximum of 20 minutes each to present their case.

Mr Mark Marshall for the applicant made clear that the proposal to open the restaurant constituted a low risk operation. The intention was to trade during the day and into the evening. It may be that the premises do not open late at night as much would depend on market demand. He maintained there was much less risk in a restaurant operation (which would have drinks with meals as part of table service) than that arising from a vertical drinking establishment. He also said he had received no response to the correspondence sent to the objectors and maintained that the conditions proposed in the operating schedule such as CCTV and Challenge 25 would further the statutory licensing objectives and minimise any potential problems. In response to questions from the Sub Committee, Mr Marshall maintained he would provide staff training for the applicant and his staff that would deal with any drunkenness in an appropriate and effective way. The proposal is to offer a 'Nando style' operation.

Mr Marshall fully acknowledged that local Councillors (and the Ward Member present) know their area best. Any takeaway element would be ancillary to the table/sit down restaurant operation. Mr Marshall, for the Applicant, offered amended hours (as set out in paragraph 2 above) and

agreement to conditions as set out in paragraph 4 below. In addition, he maintained that the Applicant had received advice that the proposal was compliant with planning law, although in response to a question for clarification from the Legal Adviser to the Sub Committee, he acknowledged that the Applicant had not approached the Planning Department. The Legal Adviser to the Sub Committee made clear planning was not a matter for this hearing, but that it would be prudent to contact the Planning Department to ensure they were content with what was proposed.

In summing up, Mr Marshall maintained the Applicant was committed to making a success of the business and working in good faith with residents to resolve any issues that may arise. He maintained that the concessions offered up showed that the Applicant was serious about his commitment to the business and the area, and he underlined his view that this was a low risk operation.

The Ward Member, Councillor Eddie Jones addressed the Sub Committee as an objector based on the representation that he had previously submitted.

Councillor Jones told the Committee that he represented local residents and was in support of the Objectors who had raised Objections. He said that colleagues all agree who know the area and noted that parking issues were causing serious problems in the local area.

Councillor Jones maintained the area was 'blighted by late night bar activity', that the area was unsuitable for the premises and that a sense of natural justice, common decency and fair play meant that the application should be rejected. Councillor Jones expressed concern for elderly people living in the area saying they had a right to live peacefully in their homes. Concern was also expressed about the establishment encouraging children to be out late at night.

In summing up, Councillor Jones noted that there were other vacant premises that would be more suitable with less impact on residents.

In response to questions from the Sub Committee, Councillor Jones accepted parking was an issue in general for the local area, that there would be potential noise problems (saying 'noise travels') and noting again that children should not be encouraged to be out late at night.

## **THE DETERMINATION**

The Sub Committee resolved to grant the (amended) application for the Premises Licence on the terms set out in paragraph 2 above with the additions set out below (and in the event of any inconsistency the points below shall apply):-

- 1) The placing of refuse such as bottles/glass into receptacles outside the premises shall only take place between 08.30 to 21.00 (Sunday to Thursday) and 8.30 to 22.00 (Friday and Saturday) to prevent disturbance to nearby premises;
- 2) All children to be off the premises by 22.00 hours daily;
- 3) Doors (except for purposes of obtaining access) and Windows to be kept closed;
- 4) Immediate area in front of the premises to be regularly swept/kept clean; and
- 5) Receptacle to be placed/installed at front of premises for litter/cigarette butts to avoid litter in the immediate area.

## **SPECIFIC REASONS FOR THE DETERMINATION**

In making its determination, the Sub Committee had regard to the licensing objectives, the statutory guidance and Halton Council's own Statement of Licensing Policy.

The Sub Committee found that: -

- 1) The Applicant had improved the prospects of the licence being granted by engaging with Objectors prior to the hearing and by offering concessions on hours of operation and licence conditions before and during the hearing itself;
- 2) The Sub Committee was encouraged that the Applicant had made a substantial investment in the Premises by taking a 16 year lease of the premises and noted the commitments given on behalf of the Applicant to run the premises in a responsible way. Members gave substantial weight to this assurance, noting in particular that staff would be trained to deal with the issue of drunkenness in an appropriate and responsible way;

- 3) As set out in the statutory guidance, the Sub Committee looks to Cheshire Police as the main source of advice on crime and disorder/anti-social behaviour. The Sub Committee was mindful that they did not make any representations in respect of this application. Similarly, there were no representations from Halton Borough Council (Children's Directorate) in respect of the protection of children from harm statutory licensing objective;
- 4) The Sub Committee took account of the matters raised in the objections and in particular those matters raised by the Ward Member present, but it noted that issues such as parking were dealt with by a different regulatory regime, whilst questions around the need for the premises in that location were not matters to be taken into account by the Sub Committee, in line with the statutory guidance issued under section 182 Licensing Act 2003. On balance, the Sub Committee was satisfied that a range of conditions within the operating schedule covering issues from CCTV to Challenge 25 were sufficient to provide assurance that the premises would be run in a responsible way;
- 5) Notwithstanding legitimate concerns around the statutory licensing objectives – (in relation to public nuisance and child protection) raised by the objectors, the Sub Committee considered that this had to be weighed against the specifics of this application, and in particular the fact that there was little/no evidence presented in support of the same that at this time, would link any problems to this particular premises, perhaps due in part to the fact that this was a new business which had yet to commence operations. The Sub Committee noted the court decision in Daniel Thwaites Plc v Wirral Borough Council, and accordingly was not minded to impose additional regulation/conditions in this case; and
- 6) On balance, it therefore finds that the application (as amended before and during the hearing) does not undermine the statutory licensing objectives.

The Sub Committee recommends that the premises licence holder and local residents engage in dialogue should there be any concerns in future. If the operation of the premises does lead to problems, residents are strongly



advised to report matters to the police and relevant council department, as appropriate.

The Sub Committee was mindful that there are powers to deal with premises if a licence leads to the licensing objectives being undermined in the future. Options include reports to environmental health in relation to statutory noise nuisance, and mechanisms to commence a formal review of the Premises Licence, should that be necessary.

**TIME THAT THE DETERMINATION SHALL TAKE EFFECT**

Forthwith.

*Meeting ended at 2.42 p.m.*

<b>REPORT:</b>	Regulatory Sub-Committee
<b>DATE:</b>	25 September 2024
<b>REPORTING OFFICER:</b>	Director – Legal and Democratic Services
<b>PORTFOLIO:</b>	Resources
<b>SUBJECT:</b>	Application for to Vary a Premises Licence – Banksey’s Bar, 75 Albert Road, Widnes, WA8 6JS
<b>WARDS:</b>	Appleton

## 1. PURPOSE OF REPORT

To assist Members of the Regulatory Committee in their consideration of an application by Miss Bethany Christine Owens for the variation of a premises licence for Banksey’s Bar, 75 Albert Road, Widnes, WA8 6JS.

## 2. RECOMMENDATION that

The committee considers the contents of the report and makes a determination on the application.

## 3. BACKGROUND INFORMATION

- 3.1 The premises is situated on the corner of Albert Road/Ross Street in Widnes Town Centre. It is surrounded by commercial premises, including Wetherspools, and is located in close proximity to residential premises on Ross Street. A copy of a plan is attached at **Appendix A**.
- 3.2 The premises has been a licensed premises since 24 November 2005 and, overtime, it has been known as Tony’s Bistro, Meloni’s, Goodfellas and, more recently, Annie’s Bar. Annie’s Bar held a licence from 9 September 2019 until it was surrendered on 12 January 2023.
- 3.3 The current premises licence was granted on the 25 August 2023 and is now known as Banksey Bar.
- 3.4 There are several licensed premises on Albert Road and the surrounding area, attached at **Appendix B** of this report is the

list of all the licensed premises including the hours open to the public and walking distance from this premises.

3.5 Attached at **Appendix C** of this report is the current premises licence along with the current conditions on the licence.

3.6 The application is looking to increase the hours on the premises licence in the terms set out below.

#### 4. THE APPLICATION

4.1 The application has been made under section 34, of the Licensing Act 2003 (“the Act”).

4.2 A copy of the application can be found at **Appendix D**.

4.3 According to the application, the applicant seeks:

Hours open to the Public Monday to Thursday 11.00 to 00.30 and Friday & Saturday 11.00 to 01.30 and Sunday 11.00 to 00.30

Supply of alcohol Monday to Thursday 11.00 to 00.00, Friday & Saturday 11.00 to 01.00 and Sunday 11.00 to 00.00

Live & Recorded Music Monday to Thursday 11.00 to 00.00 and Friday & Saturday 11.00 to 01.00 and Sunday 11.00 to 0.00

Performance of Dance Monday to Thursday 11.00 to 00.00 and Friday & Saturday 11.00 to 01.00 and Sunday 11.00 to 0.00

Anything Similar to live music and recorded music Monday to Thursday 11.00 to 00.00 and Friday & Saturday 11.00 to 01.00 and Sunday 11.00 to 0.00

Late Night Refreshment Monday to Thursday 23.00 to 00.00, Friday & Saturday 23.00 to 01.00 and Sunday 23.00 to 00.00

- 4.4 The applicant would also like to amend the licence to allow underage patrons to allow them to be served meals from 11.00 to 20.00
- 4.5 In respect of anything similar to live music and recorded music the applicant has confirmed that this will be provided by a juke box and karaoke, both of which will take place indoors. This is also the case for late night refreshment. Equally, the applicant only seeks the supply of alcohol on the premises, meaning that no off-sales will not be licensed.
- 4.6 Within the operating schedule set out in Part 3 of the application, the applicant has set out the steps they intend to take to promote the four licensing objectives. These include:-
- CCTV Recording at all times;
  - Forms of ID accepted will be approved by Police or other Responsible Authorities;
  - Challenge 25 Policy;
  - Regular toilet checks;
  - Regular staff training;
  - A search policy for drugs and weapons;
  - Last entry to the premises will be 30 minutes before terminal hour;
  - First aid on premises;
  - Only toughened glass to be used and no glasses outside the premises
  - Notices will be displayed asking patrons to respect neighbours;
  - All windows to be closed at 23:00 hours
  - Noise levels to be monitored at all times.
  - No nudity or semi nudity at any times
  - All children to be off premises at 20.00
- 4.7. These steps will form the basis for conditions on the licence.

## **5. REQUIREMENT FOR A HEARING**

- 5.1 The application was submitted on 31 July 2024 and was advertised in the local newspaper on 5 August 2024. Officers have confirmed that the advertisement requirements were complied with.
- 5.2 During the 28 days representation period, the Licensing Authority received relevant representations from the five local residents and one Ward Councillor as detailed below.

- 5.4 Where relevant representations have been made and not withdrawn, the licensing authority must hold a hearing to consider them (unless otherwise agreed by the parties).
- 5.5 The hearing is held in accordance with the Act and the Licensing Act 2003 (Hearings) Regulations 2005. The procedure to be followed has been circulated to all parties and will be repeated at the beginning of the hearing.
- 5.6 The hearing is solely concerned with those aspects of the application, which has been the subject of the relevant representations as defined in the Act. These are the representations made by the four residents and one Ward Councillor
- 5.7 At the time of writing this report I have not received any indication from Environmental Health, Residents or the Ward Councillor if they will be making any submissions to the Sub-Committee at the hearing. All parties have all been informed of the hearing.

## **6. THE REPRESENTATIONS**

### **6.1 RESPONSIBLE AUTHORITIES**

#### **Cheshire Police**

Relevant representations have been received from Cheshire Police

The Police have asked for the following condition to be added to the premises licence

*Children are only permitted to use the premises when they are having a table meal, and they must be accompanied by a responsible and appropriate adult at all times.*

The condition has been accepted by the applicant.

#### **Environmental Health**

Environmental Health has no objection to the licence application, in principle, but they have made the following:

*Environmental Health have not received any complaints from residents In the 12 months that Banksey's bar has been operation. However we are concerned of the potential for noise nuisance from this premises given its location from a*

*residential street and the extended hours in which they now intend to operate.*

*It isn't clear from the application if they intend to play live & recorded music up until their other licensable activities end (midnight midweek / 1am weekends) or half an hour later when the premises closes. In either event though this would now go beyond the 11pm limit which would be permitted by the Live Music Act on all nights.*

*At the previous committee hearing Environmental Health wished to see that professionally installed & calibrated sound limiter was installed at this premises so that the likelihood of noise nuisance occurring was reduced. However this was argued against by the applicants representatives who felt it was an unreasonable burden for a new business. Given that they have now been trading for one year, I do not believe this can still be argued.*

*I Would therefore request that the following condition is added to the licence;*

- *A sound limiter shall be professionally installed at the premises and remain in operation at all times whilst regulated entertainment is taking place.*

## 6.2 ANY OTHER PERSON

Five representations have been received from local residents and one Ward Councillor who object to the variation of a premises licence on all 4 licensing grounds, with the main issue being the hours of operation and likelihood of noise nuisance and anti social behaviour. A copy of the objections can be found at **Appendix E** of this report.

## 6.3 EVIDENCE

In accordance with the normal procedure, it is noted that the relevant representations do not amount to evidence. The objectors have been requested to supply the evidence they intend to rely on no later than 5 working days prior to the hearing. When received this will be forwarded to the applicant and members of the committee.

## 7. LEGAL AND POLICY FRAMEWORK

- 7.1 The Sub-Committee must determine the application with a view to promoting the licensing objectives which are:

- The prevention of crime and disorder;
- The prevention of public nuisance;
- Public Safety;
- The protection of children from harm.

7.2. In making its decision, the Sub-Committee must also have regard to the national guidance issued under section 182 of the Licensing Act 2003 (“the Guidance”) and the Council’s Statement of Licensing Policy (“Policy”).

7.3 Relevant sections from the Guidance can be found at **Appendix F**.

7.4 Members’ attention is also drawn to the following paragraphs of the Council’s Statement of Licensing Policy:-

**1. Introduction**

...

5. The Council wish to promote these objectives whilst still encouraging a vibrant and sustainable entertainment and leisure industry. The Council recognises both the needs of local residents for a safe and healthy environment in which to work and live and the importance of safe and well-run entertainment and leisure facilities to the area.

...

15. The Council’s vision as set out within the Corporate Strategy 2018/2020 and within Halton’s fifteen year Sustainable Community Strategy 2011–2026 is that:

“Halton will be a thriving and vibrant Borough where people can learn and develop their skills; enjoy a good quality of life with good health; a high quality, modern urban environment; the opportunity for all to fulfil their potential; greater wealth and equality, sustained by a thriving business community; and safer, stronger and more attractive neighbourhoods”.

...

17. Locally due to the high levels of alcohol-related harm Halton experiences the Halton Health and Wellbeing Strategy 2017/2022 includes the reduction in the harm from alcohol as a priority area.

18. The strategy identified a number of issues which may be affected by the licensing regime in Halton including:

- A significant proportion of cases of domestic violence are alcohol related
- Alcohol related crime and alcohol related violent crimes are worse in Halton than for both the North West and England as a whole
- Alcohol specific admissions (both among adults and those aged under 18) are much higher than the national and regional averages.

19. In addition due to the high levels of alcohol-related harm Halton was one of only twenty areas in the country to be awarded the status of being a “Local Alcohol Action Area” (LAAA). This award provided support from the Home Office and Public Health England during 2014/15 related to addressing the harm from alcohol across three areas – health, crime and anti-social behaviour, and diversifying the night time economy.

...

21. The vision of the strategy is to: “Enable people in Halton to have a sensible relationship with alcohol that promotes good health and wellbeing and ensures Halton is a safe place to live”.

22. In order to achieve this vision and minimise the harm from alcohol in Halton the strategy will seek to deliver three interlinked outcomes:

1. Reduce alcohol-related health harms
2. Reduce alcohol-related crime, antisocial behaviour and domestic abuse
3. Establish a diverse, vibrant and safe night-time economy.

22. So far as is consistent with the licensing objectives, the Council will carry out its licensing functions with a view to promoting these priorities and themes (including priorities and themes which may be adopted from time to time).

23. The Council will encourage the provision of a wide range of entertainment activities within the Halton area including promotion of live music, dance and so on, in the interests of broadening cultural opportunities within the local community.

...

34. In addressing this matter, the Council will primarily focus on the direct impact of the activities taking place at the licensed premises on members of public living, working or engaged in normal activity in the area concerned. Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond



the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in town and city centres.  
[...]

#### **48. Licensing hours**

49. With regard to licensing hours, consideration will be given to the individual merits of an application.

- The Council recognises that, in certain circumstances, longer licensing hours with regard to the sale of alcohol can help to ensure that concentrations of customers leaving premises simultaneously are avoided. This is necessary to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which lead to disorder and disturbance.
- The Council also wants to ensure that licensing hours should not inhibit the development of a thriving and safe evening and night-time local economy.

50. The term “zoning” is used in the Guidance to refer to the setting of fixed trading hours within a designated area. At the moment the Council sees no need to adopt such a policy. The Council has followed the advice in the Guidance and will not be adopting such a Policy within the Borough. However, stricter conditions with regard to noise control will be expected in areas which have denser residential accommodation, but this will not limit opening hours without regard to the individual merits of any application.

...

#### **57. Protection of children from harm**

58. The Body the Council judges to be competent to act as the responsible authority in relation to the protection of children from harm is Halton Borough Council People Directorate: contact details are set out in Appendix A.

[...]

#### **84. Plastic containers and toughened glass**

85. The Council has concerns about the dangers of bottles and glasses being used as weapons. It

believes that the use of safer forms of glasses can help to reduce injuries and will expect applicants to state in their operating schedule what proposals they have to minimise such injuries through the use of safer forms of glasses, bottles and other means.

86. Consideration will therefore be given to conditions requiring either the use of plastic containers or toughened glass which inflicts less severe injuries. Location and style of the venue, the activities carried on there, and the hours of operation, would be particularly important in assessing whether a condition is necessary: for example, the use of glass containers on the terraces of outdoor sports grounds may be of concern.

### **87. CCTV**

88. The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions should not just consider a requirement to have CCTV on the premises, but also the precise siting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time. The police should provide individuals conducting risk assessments when preparing operating schedules with advice on the use of CCTV to prevent crime.

...

### **92. Crime prevention**

93. Conditions attached to premises licences and club premises certificates will, so far as possible, reflect local crime prevention strategies. For example, the provision of closed circuit television cameras in certain premises. Conditions will, where appropriate, also reflect the input of the local Crime and Disorder Reduction Partnership.

### **94 Drugs**

The Council recognises that the supply and use of illegal drugs by individuals is not relevant to all licensed premises but it is recognised that conditions

may need to be attached to the licences for certain venues if representations are received. The aim will be to endeavour to reduce the availability, sale, and consumption of illegal drugs and to create a safer environment for those who may have taken them. Any conditions will take into account the relevant guidance and advice from appropriate bodies. The Council expects licensees of all venues to take all reasonable steps to:

- Prevent the entry of drugs into licensed premises
- Prevent drugs changing hands within the premises
- Understand the signs of drug misuse in people so that practical steps can be taken to deal with any instances that occur
- Have appropriately trained staff to deal with drug related incidents.

The Council expects licensees to permit the access and use of drug dogs within the public and staff areas of the premises upon request of the Council and/or police involved in such an initiative. The increasing prominence and dangers that can occur from Novel (New) Psychotic Substances (Legal Highs) is recognised and the Council would encourage all venues to include suitable steps within their Drugs Policy to deal with legal highs. The Council will consider whether it would be appropriate to impose a condition in order to promote one or more of the statutory licensing objectives where there is evidence to do so.

### **95 The control of excessive Alcohol consumption**

It is an offence under the Licensing Act 2003 to sell to, or obtain alcohol for, a person who is drunk on licensed premises.

In practical terms this includes:

- Selling an alcoholic drink to someone who you know is drunk
- Buying an alcoholic drink for someone who you know is drunk

The Council expects all premises licence holders to take steps to control excessive consumption and

drunkenness on relevant alcohol licensed premises. All serving staff should be trained in recognising the signs of drunkenness, how to refuse service and the premises duty of care. The premise should display prominent signage at point of sale that it is an offence to sell alcohol to anyone who is drunk.

This will reduce the risk of anti-social behaviour occurring both on and away from the premises after customers have departed. Premises licence holders are expected to be able to demonstrate a general duty of care to customers using their premises and others affected by their activities.

...

#### **96. Capacity limits**

97. Although most commonly made a condition of a licence on public safety grounds, consideration should also be given to conditions which set capacity limits for licensed premises or clubs where it may be necessary to prevent overcrowding which can lead to disorder and violence. Where such a condition is considered necessary, consideration should also be given to whether door supervisors would be needed to ensure that the numbers are appropriately controlled.

...

#### **98. Good Management**

99. Certain kinds of physical environment within places subject to premises licences (such as an over preponderance of vertical drinking) are generally thought be less conducive to avoiding crime and disorder. Good management and adequate staff training are vital. Where appropriate the provision of food in addition to alcohol can have a beneficial effect. Where food is provided it is good practice (but not mandatory under the licensing system) to have regard to current practice on healthy eating. The Council encourages premises licence holders to take an active part in local Pub Watch and Arc Angel schemes.

100. Another aspect of good management in relation to door supervision is to have proper systems in place to comply with the Private Security Industry Act 2001 and to think about how good door supervision systems can contribute to crime reduction both within and outside of premises. Applicants will be expected to have considered these and all relevant issues and to reflect these within their operating schedules

- 7.5 A full copy of the Guidance and the Council's Policy will be available at the hearing.
- 7.6 Every case must be considered on its own merits. The Sub-Committee may depart from the Guidance and Policy if there is good reason to do so. However, proper reasons must be given.
- 7.7 In addition to the above, the Committee must have regard to its wider duties under section 17 of the Crime and Disorder Act 1998 and Article 1 of the First Protocol of the Human Rights Act 1998.

## **8. OPTIONS**

- 8.1 The Committee has the following options under Section 35 of the Act:

The Committee has the following options under Section 35 of the Act:

- (1) Grant the variation application subject to such conditions that are consistent with the operating schedule and any mandatory conditions;
- (2) Modify the conditions of the licence, by altering or omitting or adding to them;
- (3) Reject the application in whole or in part.

## **9. POLICY IMPLICATIONS**

- 9.1 None

## **10. FINANCIAL IMPLICATIONS**

- 10.1 There are no special financial considerations to the Authority which need to be highlighted at this stage. However, it should be noted that the decision of the sub-committee is subject to appeal to the Magistrates' Court. If an appeal is made, there will be costs associated with this.

**11. IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

**11.1 Improving Health, Promoting Wellbeing and Supporting Greater Independence**

None

**11.2 Building a Strong, Sustainable Local Economy**

None

**11.3 Supporting Children, Young People and Families**

None

**11.4 Tackling Inequality and Helping Those Who Are Most In Need**

None

**11.5 Working Towards a Greener Future**

None

**11.6 Valuing and Appreciating Halton and Our Community**

None

**12. RISK ANALYSIS**

12.1. The Council is required to hold the hearing in accordance with the Licensing Act 2003. Failure to do so, may mean that the Council is acting in breach of its obligations under that Act.

**13. EQUALITY AND DIVERSITY ISSUES**

13.1 There are no equality and diversity issues to highlight.

**14. CLIMATE CHANGE IMPLICATIONS**

14.1 There are no climate change implications since the decision will have no effect on the environment.

**15. 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>
Guidance issued under Section 182 of the Licensing Act 2003	Licensing Section/ Government Website see link 1 below.	Kim Hesketh
Halton Council's Statement of Licensing Policy	Licensing Section/ Council website see link 2 below.	Kim Hesketh

1. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/705588/Revised\\_guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_Licensing\\_Act\\_2003\\_April\\_2018\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf)
2. <https://www3.halton.gov.uk/Documents/business/licencing/alcoholent/StatementofLicensingPolicy.pdf>

# APPENDIX A

**PREMISES**

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## APPENDIX B

<u>Licensed Premises</u>	<u>Distance from Banksey Bar</u>	<u>Opening hours</u>	<u>Supply of alcohol</u>
74 Albert Road Widnes	43 ft – walking 1 min	Sunday to Thursday 11.00 to 00.00 Friday and Saturday 11.00 to 01.00	Sunday to Thursday 11.00 to 23.30 Friday and Saturday 11.00 to 00.30
Albert Local 71 Albert Road Widnes	249 ft – walking 1 min	Monday to Sunday 08.00 to 22.00	Monday to Sunday 12.00 to 22.00
Bradley 38 Albert Road Widnes	302 ft- walking 1 min	Monday to Wednesday 09.00 to 00.30 Thursday to Saturday 09.00 to 01.30 Sunday 09.00 to 00.30	Monday to Sunday 10.00 to 00.00
Day 2 Day Supermarket 57-59 Albert Road Widnes	203 ft – walking 1 min	Monday to Sunday 06.00 to 23.00	Monday to Sunday 06.00 to 23.00

Henry's 94 Albert Road Widnes	213ft – walking 1 min	Monday to Wednesday 16.00 to 02.30 Thursday & Friday 16.00 to 03.30 Saturday 12.00 to 03.30 Sunday 16.00 to 03.30	NO ALCOHOL SALES
Wetherspoons 93-99 Albert Road Widnes	213 ft – walking 1 min	Monday to Thursday 07:00 to 01.00 Friday & Saturday 07.00 to 01.30 Sunday 07.00 to 01.00	Monday to Thursday 09:00 to 00.00 Friday & Saturday 09.00 to 00.30 Sunday 09.00 to 00.00
Papas 105 Albert Road Widnes	364 ft – walking 1 min	Monday to Wednesday 16.00 to 01.30 Thursday 16.00 to 03.30 Friday & Saturday 16.00 to 03.30 Sunday 16.00 to 01.30	NO ALCOHOL SALES

Sweet Caroline  
98 Albert Road  
Widnes

515 ft – walking 2 mins

Monday to Sunday  
12.00 to 00.00

NO ALCOHOL SALES

Todays Extra  
78 Albert Road  
Widnes

128 ft – walking 1 min

Monday to Thursday  
06.00 to 00.00  
Friday & Saturday  
06.00 to 01.00  
Sunday  
06.00 to 00.00

Monday to Thursday  
06.00 to 00.00  
Friday & Saturday  
06.00 to 01.00  
Sunday  
06.00 to 00.00



Licensing Act 2003

**Premises Licence****LPA0459**

## Part 1 - Premises Details

**POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION****Banksey's Bar**

75 Albert Road, Widnes, Cheshire, WA8 6JS.

**WHERE THE LICENCE IS TIME LIMITED THE DATES**

Not applicable

**LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE**

- provision of late night refreshment
- the sale by retail of alcohol

**THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES**

Activity (and Area if applicable)	Description	Time From	Time To
L. Late night refreshment (Indoors)	Thursday, Friday and Saturday	11:00pm	Midnight
M. The sale by retail of alcohol for consumption ON the premises only	Monday to Wednesday	11:00am	11:00pm
	Thursday, Friday and Saturday	11:00am	Midnight
	Sunday	11:00am	11:00pm

**THE OPENING HOURS OF THE PREMISES**

Description	Time From	Time To
Monday to Wednesday	11:00am	11:30pm
Thursday, Friday and Saturday	11:00am	12:30am
Sunday	11:00am	11:30pm

**WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES**

- M. The sale by retail of alcohol for consumption ON the premises only

## Part 2

**NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE**

Bethany Christine Owens

**REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)**



Licensing Act 2003

# Premises Licence

LPA0459

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Bethany Christine OWENS

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. PLHBC1564

Issued by Halton

## ANNEXES

### Definitions:

"Act" means the Licensing Act 2003

"Application" means the Application for this Licence submitted by or on behalf of the Holder

"Holder" means the Licence Holder named on this Licence

"Licensing Authority" means Halton Borough Council

"Operating Schedule" means the Operating Schedule accompanying the Application

**THIS LICENCE CONSTITUTES A NEW LICENCE AS DEFINED IN SCHEDULE 8 TO THE ACT AS VARIED FOLLOWING AN APPLICATION UNDER PARAGRAPH 7 TO SCHEDULE 8 TO THE ACT**

The Holder shall comply with the following conditions:

#### **A Alteration of details relating to this Licence**

No details set out on this Licence shall be altered without the consent of the Licensing Authority

#### **B Compliance with the Operating Schedule**

The Holder shall comply with the Operating Schedule and the details set out in the Application except as varied or inconsistent with anything set out in this Licence

#### **C Conditions agreed by the Holder during the Licence application process dated 3<sup>rd</sup> July 2023**

### **CHESHIRE POLICE**

#### **Prevention of Crime & Disorder**

A CCTV system shall be used and shall be designed and installed in accordance with the Cheshire Constabulary's CCTV guidance document called 'CCTV in Licensed Premises - An Operational Requirement'. This system shall be in operation at all times when licensable activities are taking place.

Recorded CCTV images will be maintained and stored for a period of twenty-eight days.

A staff member from the premises who is conversant with the operation of the CCTV system shall be on







Licensing Act 2003

LPA0459

## Premises Licence

### ANNEXES continued ...

the premises at all times when the premises are open to the public. This staff member shall be able to show/provide footage to a Police officer or an authorised officer of the licensing authority data or footage upon request. Any requests for CCTV shall be complied with, within 48 hours or less, or otherwise as agreed to comply with data protection legislation.

Designated premises supervisors will need to demonstrate that their CCTV system complies with their Operational requirements. They will need to be able to demonstrate the following:-

- Recordings are fit for their intended purpose,
- Good quality images are presented to the officer in a format that can be replayed on a standard computer
- The supervisor has an understanding of the equipment/training,
- Management records are kept,
- Maintenance agreements and records are maintained,
- Data Protection principles and signage are in place.

### Risk Assessed Door Staff

When there is a private function or event with regulated entertainment being held at the premises the Premises Licence Holder or Designated Premises Supervisor shall conduct an assessment of the need for SIA registered door supervisors, taking into account any advice offered by the Police.

Where the assessment shows that door supervision is required, supervisors shall be engaged at such times and ratios as are assessed to be necessary.

The risk assessment will be documented in a book kept for that purpose and will be made available to the police or an officer from the Licensing Authority upon reasonable request.

When such Door supervision is employed:-

A written record shall be kept on the premises by the Designated Premises Supervisor of every person employed on the premises as a door supervisor in a register kept for that purpose. That record shall contain the following details:-

- The door supervisor's name, date of birth, contact telephone number and home address;
- His/her Security Industry Authority licence number;
- The time and date he/she starts and finishes duty;
- The time of any breaks taken whilst on duty;
- Each entry shall be signed by the door supervisor.





Licensing Act 2003

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## Premises Licence

### ANNEXES continued ...

- Record of all incidents taking place in the venue

The register shall be available for inspection on demand by an Authorised Officer of the Council, the Security Industry Authority or a Police Constable.

#### **Incident Log**

The premises shall maintain an Incident Log, and this will be made available to the Police or Licensing Authority upon request.

#### **Search Policy**

When Door Supervisors are present, the Premise Licence Holder shall put in place a search policy to cover both drugs and weapons for the premises, which shall be to the satisfaction of Cheshire Constabulary. The Premises Licence Holder or Designated Premises Supervisor shall then ensure that this search policy is complied with at all times when the premises are open for licensable activities and door supervisors are employed.

Conspicuous notices advising customers of the search policy shall be displayed at all entrances to the premises.

There shall be a suitable secure location available for the safe storage of suspected drugs seized or found in the premises. The items to be placed within Police supplied drugs bags and appropriately labelled and sealed until handed over to the Police.

Anyone with drugs or weapons are to be refused entry, this is to be recorded in a refusals book kept for this purpose.

#### **Drugs**

The premises will operate a zero tolerance to drugs policy on the premises.

Prominent signage will be displayed in the toilets at the premises to advise patrons that management have a zero tolerance to drugs policy in place.

Anyone caught with drugs are to be asked to leave the premises immediately.

#### **Public Safety**





Licensing Act 2003

LPA0459

## Premises Licence

### ANNEXES continued ...

An effective method of communication between the licenced premises and other premises in the town and the police shall be in operation at times when the premises is open to the public, so long as such method is approved by the police.

#### Protection of Children from Harm

A "Challenge 25" policy shall be operated at the premises at all times.

The only forms of ID that shall be accepted (at the discretion of the Management) as proof of age are a valid passport, a valid photographic driving licence, a PASS approved proof of age card, HM Services Warrant Card or other reliable photo ID (that has been approved for acceptance by the Police or an Officer of the Local Authority) or other forms of ID approved by the Home Office for age verification relating to sales of alcohol.

Publicity materials notifying customers of the operation of the "Challenge 25" scheme shall be displayed at the premises, including entrances and shall include the message that it is illegal to sell alcohol to under 18's.

The Designated Premises Supervisor or Premises Licence Holder shall operate and maintain an up-to-date Register of Refusals of Sale of Alcohol, indicating the date, time and reason for refusal which shall be made available for inspection by Local Authority Officers and the Police. The register can either be hard-copy or part of a till prompt system.

The DPS or other responsible person shall check and sign the register once a week, if hard copy.

A documented training programme shall be introduced for all staff in a position to sell, serve or deliver alcohol. A written record for each member of staff shall be kept of the content of such training and shall be made available for inspection at the request of Local Authority Officers and Police.

The DPS or Premises Licence Holder shall conduct six monthly training reviews with all members of staff authorised to sell, serve or deliver alcohol in order to reinforce the training and to promote best practice. A written record for each member of staff shall be kept of the content of such reviews and shall be made available for inspection at the request of Local Authority Officers and Police.

A list of persons authorised to sell alcohol shall be kept on site and made available for inspection at the request of Local Authority Officers and Police.

#### ENVIRONMENTAL HEALTH





Licensing Act 2003

## Premises Licence

LPA0459

### ANNEXES continued...

Patrons who wish to smoke will be directed to the front of the premises on Albert Road. Smoking shall not be permitted on Ross Steet.

With the exception of pre-booked and advertised regulated entertainment the volume of music to be kept to a level that it could be considered incidental / background music.

All windows and doors are to be kept closed after 21:00 save for access and egress.

#### Additional Conditions

A cigarette receptacle shall be provided on the outside of the premises facing Albert Road to enable the disposal of cigarette butts.

At the start and close of the hours of operation, the pavements immediately outside of the premises on Albert Road and Ross Street must be swept and/or washed and litter and sweepings collected and disposed of in the premises waste receptacles.

Between the hours of 22:00 and 6:00, no waste or glass bottles shall be moved or deposited outside.

At the start of any regulated entertainment a check will be undertaken outside of 2 Ross Street to ascertain whether the volume of the entertainment is likely to cause a public nuisance. A log will be maintained showing when the check was undertaken and to confirm that the level is deemed not to be loud enough to cause a public nuisance. If any action is taken to reduce the volume this is to be recorded. A copy of the log will be made available for inspection by the Responsible Authorities.

#### D Conditions consistent with the Operating Schedule

##### D - Display of Licence

D1 The Summary Licence or a certified copy of that summary must be prominently displayed at the premises whenever the premises are being used for one or more licensable activities authorised by the licence.

D2 A notice specifying the position held at the premises by any person nominated for the purposes S 57 (2) of the LA 2003 (which relates to the keeping at the premises of the premises licence or a certified copy of it) must be prominently displayed at the premises whenever the premises are being used for one or more licensable activities authorised by the licence.

D3 Whenever the premises are being used for one or more licensable activities authorised by the licence a constable or an authorised officer may require any person referred to in D2 as the person





Licensing Act 2003

## Premises Licence

LPA0459

ANNEXES continued ...

nominated for the purposes of S 57 (2) L A 2003 to produce the premises licence or a certified copy of it.

### E Mandatory Conditions

1. No supply of alcohol may be made under the premises licence-

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

2. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities or substantially similar activities carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol) or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise)

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carried a significant risk of undermining a licensing objective.

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carried a significant risk of undermining a licensing objective.

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in, the vicinity of, the premises which can reasonably be considered to condone, encourage, or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner:

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

3. The responsible person must ensure that free potable water is provided on request to customers





Licensing Act 2003

## Premises Licence

LPA0459

ANNEXES continued ...

where it is reasonably available.

4. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) the policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request before being served alcohol identification bearing their photograph, date of birth and either-

- (a) A holographic mark, or
- (b) An ultraviolet feature

5. The responsible person must ensure that-

(a) Where any of the following alcoholic drink is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) is available to customers in the following measure-

- (i) Beer or cider, ½ pint
- (ii) Gin, rum, vodka or whisky: 25ml or 35ml, and
- (iii) Still wine in a glass: 125ml

(b) These measures are displayed in a menu price list or other printed material which is available to customers on the premises, and

(c) Where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

6. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

### F Miscellaneous conditions

N/A

### G Pre-existing conditions

N/a

### H Plans

The unreferenced plan submitted with the application form dated 3<sup>rd</sup> July 2023 form part of this licence.







Licensing Act 2003

# Premises Licence

# LPA0459

ANNEXES continued ...

## Conditions consistent with Operating Schedule on the application dated 3<sup>rd</sup> July 2023

### General

No children on premises at any time

### Prevention of Crime and disorder

Regular toilet checks

### Public Safety

Last entry to premises will be 30 mins before terminal hours

First aid on premises

Only toughened glassware to be sold

No glasses outside the premises

### Prevention of Public Nuisance

Notices will be displayed asking patrons to respect neighbours

### Protection of children from harm

No nudity or semi nudity at any time

No children on premises at any time

### NON STANDARD / SEASONAL TIMINGS

NONE





Licensing Act 2003

# Premises Licence

# LPA0459





Licensing Act 2003

**LPA0459****Premises Licence Summary**

## Premises Details

**POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION****Banksey's Bar**

75 Albert Road, Widnes, Cheshire, WA8 6JS.

**WHERE THE LICENCE IS TIME LIMITED THE DATES**

Not applicable

**LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE**

- provision of late night refreshment
- the sale by retail of alcohol

**THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES**

Activity (and Area if applicable)	Description	Time From	Time To
L. Late night refreshment (Indoors)	Thursday, Friday and Saturday	11:00pm	Midnight
M. The sale by retail of alcohol for consumption ON the premises only	Monday to Wednesday	11:00am	11:00pm
	Thursday, Friday and Saturday	11:00am	Midnight
	Sunday	11:00am	11:00pm

**THE OPENING HOURS OF THE PREMISES**

Description	Time From	Time To
Monday to Wednesday	11:00am	11:30pm
Thursday, Friday and Saturday	11:00am	12:30am
Sunday	11:00am	11:30pm

**WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES**

- M. The sale by retail of alcohol for consumption ON the premises only

**NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE**

Bethany Christine Owens

**REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)**





Licensing Act 2003 **LPA0459**  
**Premises Licence Summary**

**NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**  
Bethany Christine OWENS

**STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED**  
Not applicable



**Application to vary a premises licence under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We BETHAY CHRISTINE OWENS  
 (Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number	LP00459
-------------------------	---------

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description			
75 ALBERT RD WIDNES			
Post town	WIDNES	Postcode	WA8 6IS

Telephone number at premises (if any)	[REDACTED]
Non-domestic rateable value of premises	£

**Part 2 – Applicant details**

Daytime contact telephone number	[REDACTED]		
E-mail address (optional)	[REDACTED]		
Current postal address if different from premises address	[REDACTED]		
Post town	WIDNES	Postcode	[REDACTED]

**Part 3 - Variation**



Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes

No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1)  Yes  No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

ALLOW ENTRANCE TO UNDER AGE PATRONS SO AS TO ALLOW THEM TO BE SERVED MIXES FROM 11AM UNTIL 20:00 HRS

EXTEND OPENING HOURS FROM 1AM TO 24:00 HRS MON TUESDAY, WEDNESDAY, THURSDAY, & SUNDAY.

EXTEND OPENING HOURS TO 1AM FRIDAY & SATURDAY.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

[Empty box for number of attendees]

**Part 4 Operating Schedule**

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

**Provision of regulated entertainment (Please see guidance note 3) Please tick all that apply**

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box I)

**Supply of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

**B**

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
Tue					
			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Wed					
Thur					
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)	
Day	Start	Finish		
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)	
Tue				
Wed				<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Thur				
Fri				
Sat				
Sun				

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here (please read guidance note 5)</u>		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)</u>		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 7)</u>		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon	11 am	24-00 PM			
Tue	11 am	24-00	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Wed	11 am	24-00			
Thur	11 am	24-00			
Fri	11 am	1-00 am	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat	11 am	1-00 am			
Sun	11 am	12-11 AM			

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon	11 am	24 am			
Tue	11 am	24 am	State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Wed	11 am	24 am			
Thur	11 am	24 am			
Fri	11 am	1 pm	Non standard timings. Where you intend to use the premises for the <u>playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat	11 am	1 am			
Sun	11 am	24 am			



G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	11 am	2.45 pm	<b>Please give further details here</b> (please read guidance note 5)	Both	<input type="checkbox"/>
Tue	11 am	2.45 pm			
Wed	11 am	2.45 pm	<b>State any seasonal variations for the performance of dance</b> (please read guidance note 6)		
Thur	11 am	2.45 pm			
Fri	11 am	1 pm	<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 7)		
Sat	11 am	1 pm			
Sun	11 am	2.45 pm			

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)</p>			<p>Please give a description of the type of entertainment you will be providing</p> <p style="text-align: center;">D&amp;CO / KENNEDY.</p>		
Day	Start	Finish	<p><b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 4)</p>	Indoors	<input checked="" type="checkbox"/>
Mon	11 am	24 hrs		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	11 am	24 hrs	<p><b>Please give further details here</b> (please read guidance note 5)</p>		
Wed	11 am	24 hrs			
Thur	11 am	24 hrs			
Fri	11 am	1.00 am	<p><b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 6)</p>		
Sat	11 am	1.00 am	<p><b>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 7)</p>		
Sun	11 am	24 hrs			

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 5)					
Mon	11pm 23.00	24pm						
Tue	11pm 23.00	24pm						
Wed	11pm 23.00	24pm				<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 6)		
Thur	11pm 23.00	24pm	<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 7)					
Fri	11pm 23.00	11pm						
Sat	11pm 23.00	11pm						
Sun	11pm 23.00	24pm						

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 8)			<b>Will the supply of alcohol be for consumption</b> - please tick (please read guidance note 9)	On the premises	<input checked="" type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 6)					
Mon	11.00 am	24 hrs						
Tue	11.00 am	24 hrs						
Wed	11.00 am	24 hrs						
Thur	11 am	24 hrs						
Fri	11 am	1 am						
Sat	11 am	1 am						
Sun	11 am	24 hrs						
						<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 7)		

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 8)			<b>State any seasonal variations</b> (please read guidance note 6)
Day	Start	Finish	
Mon	11.00am	01.30am	<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 7)
Tue	11 am	01.30am	
Wed	11am	01.30am	
Thur	11am	01.30am	
Fri	11am	01.30am	
Sat	11am	01.30am	
Sun	11am	01.30am	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

**M** Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)**

CC TV AT ALL TIMES  
CHALLENGE 25 POLICY IN OPERATION

**b) The prevention of crime and disorder**

A CHALLENGE 25 POLICY OPERATES  
FORMS OF I.D ACCEPTED WILL BE APPROVED BY POLICE  
OR OTHER RESPONSIBLE AUTHORITY  
REGULAR TICKET CHECKS  
SAFE TRAVEL. STAFF TRAINING.

**c) Public safety**

THE PREMISES WILL OPERATE A SEARCH POLICY FOR DRUGS  
AND WEAPONS  
LAST ENTRY TO PREMISES WILL BE 30 MINS BEFORE  
TERMINAL HOUR.  
FIRST AID ON PREMISES  
ONLY TOUCHMENDS CLASSWARE TO BE USED  
NO GASSES OUTSIDE PREMISES

**d) The prevention of public nuisance**

NOTICES ARE DISPLAYED ASKING PATRONS TO RESPECT  
NEIGHBORS.  
ALL WINDOWS TO BE CLOSED AT 23:00 HRS  
NOISE LEVELS TO BE MONITORED AT ALL TIMES

**e) The protection of children from harm**

NO NUDITY OR SEMI NUDITY AT ANY TIME  
ALL CHILDREN TO BE OFF PREMISES AT 20:00 HRS

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 5 – Signatures** (please read guidance note 12)

**Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	31/7/2024
Capacity	Licence Holder

**Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 14). If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

**Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)**

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)			
Post town		Post code	
Telephone number (if any)			



**Objections to Banksey's Bar request for extended opening hours in Ross Street, Widnes, Cheshire.**

Jane Hargreaves,

[REDACTED], Widnes, Cheshire, [REDACTED]

Tel [REDACTED] 29/08/2024

I have lived in Ross Street for 34 years and I am aware that there has always been a bar at the bottom of our street. When it was Tony's Bar it was a lounge bar where people dropped in on their way on to pubs/clubs further up or down the street. I cannot recall any issues with Tony's Bar. When the building became Annie's Bar it became a nightmare of issues for the residents of Ross Street the owners were not friendly or respectful. We had to resort to continuously complaining to the local council about noise levels, public safety, intimidation, littering of bottles and used condoms, open drug dealing, fighting/arguments. I would often go to work as a nurse on little or no sleep due to noise issues. I am aware that other residents had the same experience and now have concerns about this happening again which would leave us no choice other than to continuously complain to our local council bodies once again. I live at the top of the street and experienced all the above issues from Annie's Bar it must have been really difficult for residents living nearer to the bar.

Although the above does not appear to have occurred with the current bar of Banksey's Bar I believe increased opening hours will potentially increase the risk of these concerns occurring once again.

***The residents of Ross Street and Saxon Terrace do not want any animosity we just want to go about our lives in a relatively peaceful manner without worrying about increased noise levels and disturbances from longer opening hours. This happened previously and had a direct impact on residents mental health and wellbeing.***

Current customers of Banksey's Bar congregate outside on Ross Street to smoke and the entrance also remains on Ross Street I thought there was consideration for the entrance to be moved to the Albert Road side?

**Main concerns for objection are:**

Increased noise level from live music/karaoke, audience participation.

Bar open currently from early in the day until midnight in keeping with other pubs in the locality. There is no need to increase opening times as this will just create an influx of people who just want to drink for longer, becoming more intoxicated increasing noise levels and disturbances in the area.

Taxi's dropping/picking customers off until early hours of the morning.

**Kim Hesketh nee Fisher**

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**From:** James Howard <james.howard@...>  
**Sent:** 26 August 2024 12:59  
**To:** Legal Licensing  
**Subject:** Objection to license application - Banksys Bar

Good afternoon.

I would like to make an objection to the application of license extension that has been made by Banksy's Bar on Ross Street Widnes.

Firstly I have been made aware that the owner intends to extend the opening hours of the bar. Although currently there haven't been any major issues having the bar open longer will mean people leaving Wetherspoons and other bars can go there and become more inebriated. I worry this will cause more noise and anti-social behaviour from people leaving the bar.

I am also aware that the owner has asked for a license for live bands, karaoke etc. Having live music in such a small space is bound to cause excessive noise. I feel the owner has only thought about making money rather than the effect this will have on the rest of the street.

Kind regards  
James Howard-Smith  
Resident of Ross Street.

[REDACTED]  
[REDACTED]  
[REDACTED]

23 August 2024

Dear Sir/Madam

**Letter of Objection**

Application for Variation of Premises Licence  
Name of Applicant Bethany Owens  
Bankseys Bar, Albert Road, Widnes.

I am writing to formally object to the above application. I would like the Committee members to consider the health and wellbeing of the residents of Ross Street and Saxon Terrace when coming to a decision about the proposed extension to opening/closing hours and music licence hours in respect of this application.

I previously raised an objection to the Council in relation to the initial application made by the applicant 12 months ago when Bankseys bar opened its doors for business. I was invited, along with another neighbour to speak to the Licencing Committee and the Applicants legal representative stated that she didn't want to be like the previous bar (Annies Bar) playing music and causing a nuisance to the residents. He stated that the Applicant wanted to be a more up market wine bar playing background ambient music and attracting a different clientele. How things change! Now they want to open longer, serve alcohol for longer, play music longer and allow under age patrons in so they can purchase food. All of which, I believe, to be detrimental to the residents of Ross Street and Saxon Terrace.

The business is the same, as it's always been. It is a small bar, with its entrance and exit in a residential street., serving alcohol and playing music which brings all kinds of issues for residents in the immediate area, mainly noise nuisance. It is a well known fact that the more people drink the louder they become and this increases the risk of noise and anti-social behaviour which impacts the residents of Ross Street and Saxon Terrace.

By extending the opening hours there will be a longer period of time where there will be increased foot and vehicle traffic as customers travel to and from the bar. Car doors slamming, people talking whilst waiting for taxis also affect the residents of Ross Street, over the weekend residents may not be able to get to sleep before 2am, which is not acceptable. Also as Bankseys Bar is only a small venue customers may not be able to gain entry so will queue up outside, talking loudly and causing a noise nuisance.

I will reiterate the points made in my previous objection. Bankseys Bar, compared to the other establishments, is a very small space and I believe is not suitable to be a bar or for events such as live music or karaoke as it increases the potential for noise levels to increase as customers join in with the singing.. The last few weeks the noise levels have been increasing and only 2 weeks ago the noise coming out of the establishment was excruciating. This was 8,30pm at night and residents living nearer to the bar than I had to endure excessive noise. They were unable to hear their TVs. Totally unacceptable. It was agreed at the last Licencing Committee meeting last year that the Applicant would ensure that they would regularly monitor the external noise levels to make sure that there wouldn't be any noise nuisance for Residents. I don't believe this has been done as if it had been then the unacceptable noise levels over the past 2 weeks wouldn't have happened and residents wouldn't have had to have their health and wellbeing compromised. By approving longer opening hours there is no guarantee that external noise levels will be monitored.

The only entrance/exit door to the venue is in the residential street of terraced houses, Ross Street. There are 2 small transom windows which also open into the residential street. Although these are closed at a specified time the noise still can be heard when the door is opened and shut as patrons come and go. The terraced houses in Ross street are close together and front doors open onto the street. There are no grass verges to set the houses back from the road.

I acknowledge that Inevitably there will be noise, from any bar, as customers visit and leave the pub. If the application, to extend the opening hours, is approved then the time span for noise nuisance will be extended.

If the application for music to be played till closing time is approved this again is extremely likely to impact the residents living nearby. As the doors are opened and closed during the hours of business there is additional continuous noise disturbance for residents. As the evening progresses the noise will increase whether it's from people or music and this negatively impacts the health and wellbeing of the residents living in Ross Street and Saxon Terrace. Residents are entitled to be able to go to bed at a reasonable hour and cannot go to work the next day deprived of sleep. Children may also be affected by the noise nuisance and end up going to school tired. This is not acceptable. The lives and comfort of residents is paramount and we, as residents have a right to a level of peace and quiet,

Patrons also continue to smoke outside of the front entrance to Bankseys Bar despite the Applicant providing a smoking area to the back of the premises. This prevents people from being able to pass on the pavement so they have to cross over the road to get past. Nobody from the bar comes out to ask the people who are smoking to use the smoking area , at the rear of the building so people continue to smoke on the street.

There are also a couple of free standing advertising boards on the pavement as well causing an obstruction.

The area outside the pub is swept most mornings with cigarette ends being swept into the nearest drain rather than being swept up and put in the bin. I have witnessed this. Occasionally there are glasses and empty bottles of beer left on the pavement on a Sunday morning. By extending the opening hours will this result in more litter on Ross Street?? Once again the residents of Ross Street/Saxon Terrace have to put up with this.

By extending the hours it is likely to generate more empty bottles which need collecting. It was agreed at last years Licencing Committee meeting that collection would be within certain times in order to minimise disruption to residents. Unfortunately on several occasions this has not been adhered to as the bottle bin has been emptied at 7,15am. Once again the Applicant has not adhered to the agreed process for emptying the bottle bin and residents have had their sleep disturbed,

I also note that the application is requesting that under age patrons be allowed to enter the establishment in order to be served food between 11am and 8pm. Can they only go into the establishment if they buy food??

What happens if they just want to sit and watch a football match on TV??

Who is going to monitor it??

I assume that the under age patrons will be accompanied by an adult in order to be served?

Who will ensure that the under 18s leave the premises by the specified time??

Are there any exemptions for under age patrons to remain in the establishment after 8pm if they are watching a football game on TV??

With serving food will any food waste be contained in appropriate secure bins? What time will they be emptied ? as residents would not want to be woken at 6am by a bin lorry collecting the waste. What measures are in place for excess food waste that doesn't fit in bins as the entry is already awash with rats due to rubbish being dumped.

In my opinion The bar does not need to be open so late in a **residential** area and is not a suitable venue for holding live music events and Karaoke. I know that music and karaoke has taken place since the bar opened in August 2023 and I haven't personally been affected by any noise, as I live half way up the street, and I have not been at home for a month but I know that the residents closer to the bar have been affected and they have told me that the last couple of weeks has seen an increase in the noise levels heard from the bar.

I believe that the opening times should remain as they currently are and that live music and karaoke be restricted to cease at 11pm with recorded music being allowed until the pub closes. I believe that this will in turn reduce noise pollution and lessen the effects this application is going to have on the residents stress, mental health and wellbeing.

Residents have the right to enjoy peace and quiet and be able to go to bed and have a decent sleep before they have to get up for work or children to go to school. Extending the opening hours of this establishment will impact this right.

Residents of Ross Street/Saxon Terrace have worked together with the Council and Council Members over the past few years and with their help have improved the quality of life for most of the residents in Ross Street/Saxon Terrace. I would ask the Committee, therefore, to take all the residents' concerns into consideration when coming to a decision about the application that has been submitted by Bankseys Bar.

Yours Sincerely

Lyn Fletcher



**Kim Hesketh nee Fisher**

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**From:** yvonne jones <[REDACTED]@hotmail.co.uk>  
**Sent:** 13 August 2024 10:26  
**To:** Legal Licensing

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

To whom it may concern I am writing this e-mail to strongly object to the new licensing hours of Banksey's Bar. I have lived in Ross Street for 30 years. In which time the bar has had a few different owners. So we've had to put up with late nite revellers, damage to our car at 1 point. I'm quite happy for Banksey's to continue has they are, but definitely not new proposals. The thought off every wkend with late nite music and revellers is not acceptable in our Street. It is not fair to all the residents in our street, especially those of us who live nearer to the bar. Please do not let this happen.

Regards

Anthony and Yvonne Jones



**Kim Hesketh nee Fisher**

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**From:** Jeanette Everitt <[REDACTED]>  
**Sent:** 05 August 2024 20:10  
**To:** Kim Hesketh nee Fisher  
**Subject:** Re: Banksey's Bar

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Mrs Hesketh

I believe Bankseys bar is applying for an extension to their license. I wish to lodge an objection. I don't think there is any need for this bar to open later as it could lead to anti social behaviour. At the moment things seem to be settled the way they are.

This bar is on the end of a residential street and backs on to another street. It could lead to noise when people are leaving and it will carry more late at night. Also more taxis going along the street.

Yours sincerely

Jeanette Everitt

Sent from my iPad

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**Kim Hesketh nee Fisher**

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**From:** Danielle Collings  
**Sent:** 01 August 2024 08:12  
**To:** Kim Hesketh nee Fisher  
**Subject:** FW: Premises Licence Variation - Banksey's Bar, Widnes

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**From:** Eddie Jones - CLLR <Eddie.Jones@hutton.gov.uk>  
**Sent:** Wednesday, July 31, 2024 7:57 PM  
**To:** Danielle Collings <Danielle.Collings@hutton.gov.uk>; Ged Philbin <Ged.Philbin@hutton.gov.uk>; Angela Teeling <Angela.Teeling@hutton.gov.uk>  
**Subject:** Re: Premises Licence Variation - Banksey's Bar, Widnes

Hello. The same grounds for objection, detriment to nearby and established residents, as before.  
Thank you.  
E.J.

Sent from Outlook for iOS

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**From:** Danielle Collings <Danielle.Collings@hutton.gov.uk>  
**Sent:** Wednesday, July 31, 2024 2:58:47 PM  
**To:** Eddie Jones - CLLR <Eddie.Jones@hutton.gov.uk>; Ged Philbin <Ged.Philbin@hutton.gov.uk>; Angela Teeling <Angela.Teeling@hutton.gov.uk>  
**Subject:** Premises Licence Variation - Banksey's Bar, Widnes

Good Afternoon,

We have received a Premises Licence Variation application from Banksey's Bar, Widnes – as they would like to amend their permitted hours of alcohol sales.

Please can you let me have any comments you may have by the 29<sup>th</sup> August 2024?

Kind Regards

Danielle

Danielle Collings  
Licensing Officer  
Legal Services | 4th Floor Municipal Building | Kingsway | Widnes | WA8 7QF  
Tel: 0151 353 2222

## Licensing objectives and aims

1.2 The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.

1.3 The licensing objectives are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

1.4 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

1.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:

- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
- recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
- encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

[...]

## Licence conditions – general principles

1.16 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions:

- must be appropriate for the promotion of the licensing objectives;

- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;
- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met;
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format.

## **Each application on its own merits**

1.17 Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

[...]

## **Crime and Disorder**

2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).

2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority ("SIA") as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led

operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.

2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.

2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that evidence of a right to work check, either physical or digital (e.g. a copy of any document checked as part of a right to work check or a clear copy of the online right to work check) are retained at the licensed premises.

## **Public nuisance**

2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

### **Protection of children from harm**

2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.

2.23 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:

- adult entertainment is provided;
- a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
- it is known that unaccompanied children have been allowed access;
- there is a known association with drug taking or dealing; or
- in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.

2.24 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific



incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

2.25 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.

2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.

2.27 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:

- restrictions on the hours when children may be present;
- restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
- restrictions on the parts of the premises to which children may have access;
- age restrictions (below 18);
- restrictions or exclusions when certain activities are taking place;
- requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- full exclusion of people under 18 from the premises when any licensable activities are taking place.

2.28 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

2.29 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.



2.30 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.

2.31 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

[...]

### **Late night refreshment**

3.12 Schedule 2 to the 2003 Act provides a definition of what constitutes the provision of late night refreshment. It involves the supply of 'hot food or hot drink' between the hours of 23.00 and 05.00 to the public for consumption on or off the premises. It includes the supply of hot food or hot drink between those hours on premises to which the public has access. Under Schedule 2, food or drink is considered to be 'hot' if, before it is supplied, it has been heated on the premises or elsewhere for the purpose of enabling it to be consumed at a temperature above the ambient air temperature and at the time of supply it is above that temperature; or after it is supplied, may be heated on the premises for the purpose of enabling it to be consumed at a temperature above the ambient air temperature.

3.13 Shops, stores and supermarkets selling only cold food and cold drink, whether it is immediately consumable or not, from 23.00 are not licensable as providing late night refreshment. The 2003 Act affects premises such as night cafés and takeaway food outlets where people may gather to purchase hot food or drink at any time from 23.00 and until 05.00. In this case, supply takes place when the hot food or hot drink is given to the customer and not when payment is made. For example, supply takes place when a table meal is served in a restaurant or when a takeaway is handed to a customer over the counter.

3.14 Some premises provide hot food or hot drink between 23.00 and 05.00 by means of vending machines. The supply of hot drink by a vending machine is not a licensable activity and is exempt under the 2003 Act provided the public have access to and can operate the machine without any involvement of the staff.

3.15 However, this exemption does not apply to hot food. Premises supplying hot food for a charge by vending machine are licensable if the food has been heated on the premises, even though no staff on the premises may have been involved in the transaction.

3.16 It is not expected that the provision of late night refreshment as a secondary activity in licensed premises open for other purposes such as public houses, cinemas or nightclubs or casinos should give rise to a need for significant additional conditions.

3.17 The supply of hot drink which consists of or contains alcohol is exempt under the 2003 Act as late night refreshment because it is licensed by the provisions relating to the sale or supply of alcohol.

3.18 The supply of hot food or hot drink free of charge is not a licensable activity. However, where any charge is made for either admission to the premises or for some other item in order to obtain the hot food or hot drink, this will not be regarded as “free of charge”. Supplies by a registered charity or anyone authorised by a registered charity are also exempt.

3.19 Supplies made on moving vehicles (for example boats, trains or coaches) are also exempt. However supplies made from a vehicle which is permanently or temporarily parked, such as from a mobile takeaway van, are not exempt (see section 3.34 below for more detail on provisions for ‘Vessels, vehicles and moveable structures’).

3.20 Supplies of hot food or hot drink from 23.00 are exempt from the provisions of the 2003 Act if there is no admission to the public to the premises involved and they are supplies to:

- Revised Guidance issued under section 182 of the Licensing Act 2003
- a member of a recognised club supplied by the club;
- persons staying overnight in a hotel, guest house, lodging house, hostel, a caravan or camping site or any other premises whose main purpose is providing overnight accommodation;
- an employee of a particular employer (for example in a staff canteen);
- a person who is engaged in a particular profession or who follows a particular vocation (for example, a tradesman carrying out work at particular premises);
- a guest of any of the above.

## **8. Applications for premises licences**

### **Steps to promote the licensing objectives**

8.41 In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these

matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.

8.42 Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
- any risk posed to the local area by the applicants' proposed licensable activities; and
- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

8.43 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact assessment), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

8.44 It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.

8.45 The majority of information which applicants will require should be available in the licensing policy statement in the area. Other publicly available sources which may be of use to applicants include:

- the Crime Mapping website;
- Neighbourhood Statistics websites;
- websites or publications by local responsible authorities;
- websites or publications by local voluntary schemes and initiatives; and
- on-line mapping tools.

8.46 While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. Licensing authorities may wish to encourage co-operation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.

8.47 Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.

8.48 All parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively. Where there are no disputes, the steps that applicants propose to take to promote the licensing objectives, as set out in the operating schedule, will very often translate directly into conditions that will be attached to premises licences with the minimum of fuss.

8.49 For some premises, it is possible that no measures will be appropriate to promote one or more of the licensing objectives, for example, because they are adequately covered by other existing legislation. It is however important that all operating schedules should be precise and clear about the consideration given to the licensing objectives and any measures that are proposed to promote them.

[...]

### **Determining actions that are appropriate for the promotion of the licensing objectives**

9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is 76 | Revised Guidance issued under section 182 of the Licensing Act 2003 imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when

imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.