

REGULATORY COMMITTEE

At a meeting of the Regulatory Committee on Tuesday, 14 December 2010 in the Committee Room 1, Runcorn Town Hall

Present: Councillors Philbin (Chairman), Loftus (Vice-Chairman), Bryant, Fry, Howard, Inch, A. Lowe, Murray, E. Ratcliffe and Wallace

Apologies for Absence: Councillor McDermott

Absence declared on Council business: None

Officers present: K. Cleary, J. Tully and L. Capper

Also in attendance: N/A

ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE

Action

REG11 APPLICATION TO VARY A PREMISES LICENCE JD'S BAR 2 - 4 HIGH STREET RUNCORN

The Committee met to consider an application which had been made under Section 34 of the Licensing Act 2003 to vary the above premises licence. The hearing was held in accordance with the Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations 2005.

The meeting was held as a hearing relating to an application made in respect of JD's Bar 2 – 4 High Street Runcorn to vary elements of its premises licence. In attendance were:

The Applicant, Dale Carter, (who did not attend) was represented by James Quigley, the Designated Premises Supervisor (DPS);
Cheshire Constabulary ("the Police") were represented by Chris Rees-Gay (Walker Morris Solicitors) also in attendance were Ian Seville Police Licensing Officer, PC Chris Carney, Sgt Byrne, Bill Seabury Licensing Enforcement Officer Safer Halton Partnership and Paul Draycott Police Licensing Officer Warrington.

The Chairman, Cllr. G Philbin, introduced the persons

in attendance.

The Council's legal advisor, John Tully, outlined the procedure to be followed and summarised the nature of the application and the relevant representations which had been made including the Objection File provided by the Police after the Committee item had been produced. All documents had been previously provided to the applicant and to the Committee.

Details of the existing premises licence standard hours

The premises currently have the following licensable activities:-

Categories A – Plays (Indoors), B – Exhibition of films (Indoors), C – Indoor Sporting Events, D – Boxing and Wrestling (Indoors), E – Live Music (Indoors and Outdoors) , F – Recorded Music (Indoors and Outdoors), G – Performance of Dance (Indoors and Outdoors) , H – Similar to e,f or g (Indoors and Outdoors), I – Making Music (Indoors and Outdoors), J – Dancing (Indoors and Outdoors) for the following hours:

Sunday to Wednesday 09.00 to 01.30

Thursday to Saturday 09.00 03.00

Category L – Late Night Refreshment (Indoors and Outdoors) for the following hours:

Sunday to Thursday 23.00 to 02.00

Friday and Saturday 23.00 to 03.30

Category M – Sale of Alcohol (On and Off) for the following hours:

Sunday to Wednesday 09.00 to 02.00

Thursday to Saturday 09.00 to 03.00

Category O – Hours Premises are Open to the Public

Sunday to Wednesday 09.00 to 02.00

Thursday to Saturday 09.00 to 03.30

Details of the application

The variation application requested the following licensable activities:-

For the categories A – Plays (Indoors) , B – Films (Indoors), C – Indoor Sporting Events, D – Boxing and Wrestling (Indoors), E – Live Music (Indoors and Outdoors), F – Recorded Music (Indoors and Outdoors), G – Performance of Dance (Indoors and Outdoors), H – Anything Similar to e f or g (Indoors and Outdoors), I – Making Music (Indoors and Outdoors), J – Dancing (Indoors and Outdoors) - between the hours of:

Sunday to Wednesday 09.00 to 02.00

Thursday 09.00 to 03.00
Friday and Saturday 09.00 to 03.30

For the category L – Late Night Refreshment (Indoors and Outdoors)

Monday to Wednesday 23.00 to 02.30
Thursday 23.00 to 03.00
Friday and Saturday 23.00 to 04.00
Sunday 23.00 to 02.00

For category M – Sale of alcohol (On and off)

Sunday to Wednesday 09.00 to 02.00
Thursday 09.00 to 03.00

Friday and Saturday 09.00 to 03.30

For the category O – Hours Premises are Open to the Public

Sunday to Wednesday 09.00 to 02.30

Thursday 09.00 to 03.30

Friday and Saturday 09.00 to 04.00

Additional Seasonal and Non Standard timings

For the categories A – Plays B – Films, C – Indoor Sporting Events, D – Boxing or Wrestling, L – Live Music, F – Recorded Music, G – Performance of Dance, H – anything similar to e f or g, I – Making Music, J – Dancing, M- Supply of alcohol

An extension until 05.30 into any Bank Holiday Monday morning

For the category L – Late Night Refreshment

An extension until 05.00 into any Bank Holiday Monday morning

For the category O – Hours Premises are open to the public

An extension until 06.00 into any Bank Holiday Monday morning

In addition to the above variation the applicant requested the following conditions to be amended as a consequence of the proposed variation.

Current condition 14 – With the exception of specific events organised for persons under the age of 18 there shall be no persons under the age of 18 allowed into the premises

Requested amended Condition 14 – With the exception of specific events organised for persons under the age of 18 there shall be no persons under the age of 18 allowed into the premises unless accompanied by an adult.

Current Condition 16(b) No entry / re entry after 01.00

Requested amended condition 16(b) No entry / re entry after 03.00 every Friday and Saturday

Current condition 16(e) No intoxicants will be supplied, for consumption by a customer in 'goldfish bowls' or 'jugs'
Requested amended condition 16(e) If the intended supply of intoxicants for consumption by a customer in jugs then plastic only jugs must be supplied

Details of the Police objections

The Police objections were set out in the agenda and in the Objection File. Mr Tully pointed out that the Objection File contained a modified objection (to that set out in the agenda) to the application request relating to the existing 'entry/re-entry condition' and also a request to reduce the existing hours in specified cases.

The hearing

Mr Quigley outlined the reasons for application and answered questions put to him by the Committee.

Mr Rees-Gay presented the case for the Police. Evidence was given by Ian Seville, PC Chris Carney and Bill Seabury and Sgt Chris Byrne relating to the documents supplied by the Police. The Police confirmed that they did not object to the application to increase the times for Late Night Refreshment (LNR) on Thursdays by one hour as this would bring LNR into line with the time for the cessation of the sale of alcohol, as is the case on other days.

Detailed questions were put to both Mr. Quigley and the Police.

The Police and Mr Quigley were then invited to sum up their cases

The Committee then retired to consider the matter.

RESOLVED: That having considered the application in accordance with Section 4 Licensing Act 2003 and all other relevant considerations the Committee made the following determination:-

ITEM 1

Existing condition 14

The application in respect of existing condition 14 be rejected but the condition be varied as follows:-

14.1 With the exception of specific events organised for

persons under the age of 18 there shall be no persons under the age of 18 allowed into the premises;

14.2 Condition 14.1 shall not apply on any occasion when all of the following provisions apply:

14.2.1 The person under the age of 18 is accompanied by an adult;

14.2.2 Substantial hot food is being served at the premises;

14.2.3 No person under the age of 18 remains on the premises after the hour of 7.00 PM.

ITEM 2

Existing condition 16(b)

The application in respect of existing condition 16(b) be rejected but the condition be varied as follows:-

16(b) The last entry/re entry time to the premises to be 1(one) hour before the terminal hour for the supply of alcohol.

ITEM 3

The request to vary existing condition 16(e) which prohibits the supply of intoxicants in 'goldfish bowls' or 'jugs' be rejected.

ITEM 4

4.1 Additional hours request made by the Applicant

All of the requested additional hours which were subject to objections made by the Police be rejected.

The request to increase the permitted hours for Late Night Refreshment on Thursdays by one hour (that is to 03.00) be granted.

4.2 Reduction in hours requested by the Police

The application made by the Police to reduce the existing permitted hours in specified cases be rejected.

Reasons for the decision and steps taken under section 35(3)(b) of the Act

The reason for the determination was that the Committee felt that the application as submitted was not consistent with the Licensing Objective of preventing crime and disorder. The varied conditions imposed were designed to overcome certain deficiencies in the application. In particular, the variation of condition 14 would give the premises licence holder an opportunity to introduce a family element into the

clientele of the premises. The Police request for a reduction in hours could not be justified on the evidence presented. The parties were advised that the formal notice of determination would be prepared as soon as practicable after the hearing.

Time that the variations shall take effect: Forthwith

Following the conclusion of the hearing the Chairman of the Committee advised that, with regard to the CCTV issues, the Police and the applicant should get together as quickly as possible to resolve any outstanding issues.

The Chairman also advised that when the Police attended the premises on 30 October 2010 if it had it been proved beyond doubt that the bottles used were glass bottles then there would have been a different outcome to the hearing. In view of the incident which had occurred on 2nd May 2010 the risks associated with the use of glass bottles were obvious. He stressed that all bottles must remain behind the bar area of the premises.

Meeting ended at 9.40 p.m.