

REGULATORY COMMITTEE

At a meeting of the Regulatory Committee on Thursday, 11 August 2011 in the Council Chamber, Town Hall, Runcorn

Present: Councillors Philbin (Chairman), K. Loftus (Vice-Chairman), Fraser, Fry, Howard, A. Lowe, M. Ratcliffe and Wainwright

Apologies for Absence: Councillors Browne, McDermott and Wallace

Absence declared on Council business: None

Officers present: L. Capper and K. Cleary

Also in attendance: 2 members of the public (Item REG24)

ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE

REG22 MINUTES

The minutes of the meeting held on 19th May 2011, 8th June 2011 and 28th June 2011 were taken as read and signed as a correct record.

REG23 LOCAL GOVERNMENT ACT 1972 AND THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 URGENT BUSINESS

The Board was advised that a matter had arisen which required immediate attention by the Board (Minute REG refers). Therefore, pursuant to Section 100 B (4) and 100 E, and due to immediate action being required, the Chairman ruled that the items be considered as a matter of urgency.

REG24 APPLICATION FOR A PREMISES LICENCE - FOOD LED PUBLIC HOUSE LANARK GARDENS / QUEENSBURY WAY WIDNES

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

Action

The Committee met to consider an application which had been made under Section 17 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 for a premises licence made by Greene King Developments Limited in respect of a food led public house at Lanark Gardens / Queensbury Way Widnes. The applicant requested the following licensable activities:-

Films, Indoors Sporting Events, Live Music, Recorded Music, Performance of Dance, Making Music, Dancing (all indoors), and the supply of alcohol (on and off) between the hours of 10.00 to 00.00 each day.

The provision of Late Night Refreshment (Indoors and Outdoors) between the hours of 23.00 and 00.00 each day
The hours the premises are open to the public 07.00 to 00.30 each day.

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

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

At the hearing, the Committee were addressed by the applicant's Legal Representative John Gaunt of John Gaunt & Partners who was accompanied by Colin Royle the Business Development Manager for the applicant Greene King Developments Limited.

During the hearing Mr Gaunt confirmed that the provision of Late Night Refreshment was to take place indoors only following acceptance of condition No 4 below from the Councils Environmental Health

Helen Carlin addressed the members as an interested party.

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

RESOLVED: That

Having considered the application in accordance with section 4 Licensing Act 2003 and all other relevant considerations the Committee decided that the application be granted subject to the following conditions:

- 1) Noise from any regulated entertainment shall be inaudible at the nearest noise sensitive property at any time;
- 2) Windows and doors shall be kept closed when any amplified music or voices are being played within the premises;
- 3) No external speakers shall be used outside the building; this will include any beer gardens or outside drinking area or car park;
- 4) The use of any outside area shall cease after 23:00 hours for any regulated entertainment and the consumption of alcohol;
- 5) All live and recorded music shall cease at 23.30 hours Monday to Sunday; and
- 6) Late Night Refreshment shall take place between the hours of 23.00 to 00.00 each day - Indoors only.

The reason for the determination was that the Committee felt that the application was consistent with the Licensing Objectives.

Time that the licence shall take effect: Immediately

NOTE: The premises to which the licence relates did not exist at the date of the hearing. Consequently, although the premises licence technically has immediate effect no licensable activity can take place under the premises licence until the premises have been completed in accordance with the plan submitted by the applicant.

Following the announcement of the Committee decision the Chairman of the Committee again advised the local resident who attended the hearing that the path for them to follow is to concentrate on applications made to the development control committee who can apply different criteria to applications which the Licensing Act 2003 cannot.

The Board considered:

- (1) whether Members of the press and public should be excluded from the meeting of the Board during consideration of the following items of business in accordance with Sub-Section 4 of Section 100A of the Local Government Act 1972 because it was likely that, in view of the nature of the business to be considered, exempt information would be disclosed, being information defined in Section 100 (1) and paragraph 3 of Schedule 12A of the Local Government Act 1972; and
- (2) whether the disclosure of information was in the public interest, whether any relevant exemptions were applicable and whether, when applying the public interest test and exemptions, the public interest in maintaining the exemption outweighed that in disclosing the information.

RESOLVED: That as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information, members of the press and public be excluded from the meeting during consideration of the following items of business in accordance with Sub-Section 4 of Section 100A of the Local Government Act 1972 because it is likely that, in view of the nature of the business, exempt information will be disclosed, being information defined in Section 100 (1) and paragraph 3 of Schedule 12A of the Local Government Act 1972.

REG26 CONSIDERATION OF A MATTER RELATING TO A SINGLE STATUS DRIVER (SSD) LICENCE HOLDER

ITEM DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE OTHERWISE THAN UNDER THE LICENSING ACT 2003

Following consideration of this matter it was:

RESOLVED: That the SSD licence holder shall be permitted to work as a licensed SSD at any time between the hours of 10.00 to 15.00 and 18.00 to 08.00 on any day and also the SSD licence holder shall not undertake any contract work on behalf of any Private Hire Operator with effect from 11 August 2011 and continuing until such time as the Licensing Section receives formal information concerning the outcome of the matter when circumstances will be reviewed.

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Meeting ended at 9.14 p.m.