

REGULATORY SUB COMMITTEE

At a meeting of the Regulatory Sub Committee on Monday, 9 December 2024 at The Board Room - Municipal Building, Widnes

Present: Councillors Wallace (Chair), Abbott and Fry

Apologies for Absence: Councillors

Absence declared on Council business: None

Officers present: K. Hesketh, W. Pringle and A. Strickland

Also in attendance: None

ITEM DEALT WITH UNDER DUTIES EXERCISABLE BY THE BOARD

Action

REGS15 MINUTES

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

REGS16 APPLICATION FOR A GRANT OF A PREMISES LICENCE - 71B ALBERT ROAD, WIDNES, WA8 6JS

PREAMBLE

A meeting of the Regulatory Sub-Committee (acting as Licensing Committee under the Licensing Act 2003) of Halton Borough Council was held at Municipal Building, Widnes on Monday 9th December 2024 commencing at 12 Noon.

The meeting was held to hear an application (Appendix C) made under section 17 of the Licensing Act 2003 for the grant of a Premises Licence at 71b Albert Road Widnes. The application was amended prior to the hearing (by way of email dated 2nd December (timed 18:37) to the Licensing Manager) to withdraw Steven Hewitt as the proposed DPS and to have the terminal hour for all licensing

activities at 2am (rather than 4am originally applied for). The Application was further amended during the hearing by the Applicant to reduce the terminal hour on Sunday to 1am (Monday morning) with 30 minutes drinking up time (throughout the week) (the latter being requested by Cheshire Police and agreed by the Applicant) and all other matters remaining as set out in the Operating Schedule and subject to the mandatory conditions in sections 19-21 Licensing Act 2003 and the additional conditions imposed by the Sub Committee set out herein.

In attendance were: -

1. Members of the Regulatory Sub Committee comprising Councillor Pamela Wallace, Councillor John Abbott, Councillor Mike Fry ('the Sub Committee')
2. Karl Barry - Consultant for the SER Holdings Ltd and Costin Serban - Director of SER Holdings Ltd ('the Applicant')
3. Kim Hesketh (Licensing Manager)
4. Alex Strickland (Legal Adviser)
5. Wendy Pringle (Taxi Enforcement Officer)
6. Lesley Halliday (Cheshire Police)
7. Jon Prior & Kath Harkin (Cheshire Fire)
8. Councillor E Jones (Ward Member)
9. Lyn Fletcher and Mr Jones ('Residents')

The hearing was triggered as a result of representations lodged by the Residents who attended the hearing and others who did not, namely Mr. K. O' Brien and Ms. A. McNamara. Also, Councillor Eddie Jones and Councillor Ged Philbin lodged relevant representations together with Cheshire Police and Cheshire Fire.

After the Chair of the Sub Committee had introduced the parties, the Sub Committee adjourned for 15 minutes to allow for discussions between the Applicant and Cheshire Fire. Cheshire Police and Cheshire Fire then attended the Sub Committee to outline the basis of their representations before the public session recommenced. Upon reconvening, the Legal Adviser outlined the procedure to be followed.

1. **Details of the application (as amended before and during the hearing)**

As set out in the Operating Schedule to the Application (Appendix C) with the amendment that the terminal hour of 4am was substituted for 2am (Monday to

Saturday) and the terminal hour for Sunday (Monday morning) was to be 1am.

In addition to the above, there was to be a 30 minutes drinking up time (to allow for last entry before the terminal hour). This was requested by Cheshire Police and agreed to by the Applicant.

The Applicant and Cheshire Fire have agreed upon submission of the appropriate Fire Risk Assessment before the premises commence trading.

The Applicant acknowledged that a new DPS would have to be appointed before supply of alcohol could take place.

2. The Hearing

The Licensing Manager presented the Licensing Report dated 9 December 2024 with appendices including Location Plan (Appendix A), the schedule of Licensed Premises in the local area (Appendix B), the Premises Licence Application (Appendix C), the representation from Cheshire Police (Appendix D) the representation from Cheshire Fire (Appendix E), representations from ward members and residents (Appendix F), extract from S182 guidance (Appendix G) - setting out the nature of the application, noting that there had been objections from Cheshire Police, Cheshire Fire, ward members and local residents. The Licensing Manager noted also that the Applicant had changed the application since the original submission to allow closing at 2am (instead of 4am) through the week (since altered to 1am on Sunday (Monday morning) and to remove Steven Hewitt as potential DPS.

The representative on behalf of the Applicant made clear that the original application was somewhat ambitious and noted that in the Liverpool City Region many premises do trade until the early hours of the morning. Nevertheless, the Applicant was mindful of the need to work with the community and had considered the representations from Cheshire Fire and Police and decided to respond by withdrawing Steven Hewitt as the proposed DPS. The Applicant had also scaled back proposed opening hours and hours of licensable activities from an original terminal hour of 4am to 2am (Monday to Saturday) and in a further concession proposed a terminal hour of 1am on Sunday (Monday morning). The back door would be used as a fire exit only. The Applicant was happy to agree a condition on bottling disposal and conditions around litter. The pub was to

be part of the local community and the Applicant expressed a willingness to work with them. When the pub was trading, it was anticipated that some 15-20 jobs would be created, paying a living wage. The Applicant had discussed fire safety matters with Cheshire Fire and had agreed they would submit the appropriate risk assessment to them for approval before commencing trading.

Responding to questions from the Sub Committee, the Applicant confirmed that Steven Hewitt would not be involved at all in running the Premises and that in the event of the licence being granted, a new DPS would be proposed/appointed in the usual way.

In response to questions, the Applicant confirmed that the back door to the premises would remain closed and only used as a fire exit (and a condition confirming this would be acceptable). The Applicant proposed to provide CCTV cameras on the entry with a focus on that (and not on properties/residents) to mitigate problems around fly tipping. The Applicant agreed to a condition governing times of bottle disposal and that the frontage should be kept clear of litter and cigarette receptacles would be provided outside the entrance to the premises. The Applicant further confirmed that deliveries would take place at the front of the premises only and that a condition requiring those under 18 to leave the premises by 8pm (or 15 minutes after the conclusion of a special sporting event) would be acceptable. The Applicant confirmed that doors to the premises would remain closed during live or recorded music other than to allow for reasonable access and egress.

In response to questions from Cheshire Police, the Applicant confirmed again that Steven Hewitt would not be involved the running of the premises and accepted that they would agree to a condition for 30-minute drinking up time.

In response to questions from Cheshire Fire, the Applicant confirmed that they had agreed to submit an appropriate Fire Risk Assessment before the Premises were opened and to liaise with Cheshire Fire throughout to ensure fire safety.

Cheshire Police indicated that the main concern of their representation (Mr Hewitt as the proposed DPS) had been dealt with and that they would be satisfied with a 30-minute drinking up time could be added as a condition to any licence, if it were to be granted.

Cheshire Fire indicated that they were satisfied with

the agreement reached with the Applicant on the issues raised in their representation.

Councillor Jones addressed the Sub Committee and made clear that his concern was for local residents who sought a measure of natural justice. It was socially unacceptable to require local residents to put up with noise, disruption and anti-social behaviour that he considered would result from the application. He also indicated that although statutory formalities had been followed on notification (which the Licensing Manager confirmed), many residents would not be aware of the application and many did not make representations, because such have not been successful on previous applications.

Lyn Fletcher (for the Residents) agreed with the points made by Councillor Jones. She acknowledged that the Imperial had been a successful bar that operated in the past, but considered that the proposed 2am closing time was too late, creating the potential for noise nuisance, anti-social behaviour and disruption from taxi operators - 'the lot'.

In summing up – Lyn Fletcher made clear her focus was on residents of the town that should not be forgotten, and their wellbeing should be paramount. Councillor Jones was concerned if the licence was granted, it may have an impact on other premises that would seek longer hours and be to the detriment of the amenity of local residents. Cheshire Fire indicated they were satisfied with the agreement reached with the Applicant and Cheshire Police indicated they would welcome the 30-minute drinking up time condition. The Applicant indicated they had sought to respond to local concerns, by reducing the proposed terminal hour through the week to 2am and to 1am on Sunday (Monday morning). They had also decided to withdraw the proposed DPS (Steven Hewitt) in response to representations from Cheshire Police and Cheshire Fire and were agreeable to a range of further conditions as proposed in the hearing. Overall, these were thought to mitigate any concerns that the statutory licensing objectives were not being met. The aim would be to ensure the premises operated as a community venue and if there were to be any future problems, they could be dealt with by way of statutory review. There was also a wish to resolve any matters informally with residents through the Ward Member(s) if at all possible. On this basis, the representative for the Applicant maintained that the application for the premises licence should be granted.

All parties then withdrew from the room for the Sub

Committee to conduct deliberations on the matter.

3. **The Determination**

The Sub Committee deliberated on the matter (keeping an open mind on all issues until the point of decision) and resolved to grant the (amended) application for the Premises Licence on the terms set out in sections 1 (including mandatory conditions) and 2 of this Notice with the inclusion of following the conditions:-

- The back door to the premises would remain closed and only used as a fire exit (to keep public nuisance to a minimum).
- Provision of CCTV cameras on the entry with a focus on that (and not on properties/residents) to mitigate problems around fly tipping (to keep public nuisance to a minimum)
- Any bottles to be disposed of only after 8am Monday to Saturday and 10am Sunday (to keep public nuisance to a minimum)
- The frontage should be kept clear of litter and cigarette receptacles would be provided outside the entrance to the premises (to keep public nuisance to a minimum).
- Deliveries would take place at the front of the premises only (to keep public nuisance to a minimum)
- Patrons (accompanied) under the age of 18 be required to leave the premises by 8pm (or 15 minutes after the conclusion of a special sporting event) (to protect children from harm).
- Doors to the premises would remain closed during live or recorded music other than to allow for reasonable access and egress (to keep public nuisance to a minimum).
- 30-minute drinking up time (as set out above) (to keep public nuisance to a minimum and to deal with any potential problems of crime and disorder).

The above determination was taken specifically on the assurances that were given to the Sub Committee by/on behalf of the Applicant that Steven Hewitt would not have any involvement in the premises and that Cheshire Fire were satisfied that suitable agreement had been reached in respect of providing a suitable fire risk assessment before the premises started trading and to abide by reasonable requests from Cheshire Fire going forward on the fire safety issue (to promote public safety). It was further noted that a new DPS would have to be proposed/appointed in the usual way.

4. Specific reasons for the Determination

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

The Sub Committee found that:

1. Whilst the Sub Committee was sympathetic to the issues raised by Residents and Ward Members (including Councillor Philbin who was not in attendance), it was conscious that the Applicant had significantly amended the original application to take account of concerns raised by Responsible Authorities and Residents, notably by withdrawing the original proposal for DPS (Steven Hewitt) and reducing the proposed hours of operation.
2. The Sub Committee were encouraged by and gave particular weight to the fact that the Applicant had listened to concerns raised by Cheshire Police and Cheshire Fire and subsequently withdrew Steven Hewitt as the proposed DPS.
3. The Sub Committee were further encouraged with the express undertaking given on behalf of the Applicant, that Steven Hewitt would not have any involvement in the management of the premises going forward, thereby taking account of the concerns that were raised by both Cheshire Fire and Cheshire Police. This factor carried significant weight in reaching this determination.
4. The Sub Committee were satisfied that the agreement reached between Cheshire Fire and the Applicant over the vitally important issue of fire safety, represented the best way forward and provided a reasonable and sustainable approach to addressing the question of fire safety for the premises.
5. The extra conditions imposed by the Sub Committee were considered to be a reasonable and proportionate response to promoting the statutory licensing objectives in respect of this particular application.
6. On balance, the Sub Committee therefore finds that the application (as amended) does not undermine the

licensing objectives and therefore resolved to grant the Premises Licence on the basis set out herein.

Parties were reminded that they have the right to commence a formal review of the Premises Licence should any issues arise in the future.

5. **Time that the determination shall take effect**

Forthwith.

Meeting ended at 2.01 p.m.