

LICENSING SUB-COMMITTEE

A record of proceedings of the Licensing Sub-Committee held at Bodicote House, Bodicote, Banbury on 7 July 2005 at 10.00 am.

Membership of Sub-Committee (All members present) – Councillors Mrs Stratford (Chairman), Bhart and Wyse

Officers:	M Dudfield (Solicitor)	} Advising the
	S Lodge (Democratic Services Officer)	} Sub-Committee
	C Baynes (Head of Corporate Services)	} Representing the
	J Smith (Electoral and Licensing Services Manager)	}
	N Barnes (Senior Licensing Officer)	} Licensing Authority
		}

1. MINUTES

The minutes of the meeting of the Sub-Committee held on 7 June 2005 were approved as a correct record.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. LICENSING HEARINGS PROCEDURE

The hearings were undertaken in accordance with the agreed licensing hearing procedure.

4. APPEAL HEARING – ADMIRAL HOLLAND, WOODGREEN AVENUE, BANBURY

Present at hearing:	Mrs L Luffman	-	Licensee of the Admiral Holland
	Mr Dixon	-	Counsel for the Applicant
	PC K M Small	-	Thames Valley Police – Responsible Authority
	R Lowther	-	Environmental Protection Manager, Cherwell District Council – Responsible Authority

The Head of Corporate Services outlined the application which set out:-

- (i) outline of application and details of variation sought to the premises licence under the Licensing Act 2003;
- (ii) details submitted by the applicant which set out support for the promotion of the full licensing objectives, ie, (a) prevention of crime and disorder; (b) public safety; (c) the prevention of public nuisance; and (d) the protection of children from harm;
- (iii) representations received from the Police and the Head of Environmental Services as responsible authorities.

Counsel for the applicant indicated that the proposed variation was to extend the licence for the sale of alcohol, hot drinks/food and entertainment from 11.00 am to 11.00 pm, to 10.00 am to 12 midnight with 30 minutes being allowed for the clearance of customers. They indicated that following discussions with the Police

and Head of Environmental Services conditions had now been agreed that were acceptable both to the licensee and the responsible authorities.

The Police confirmed that subject to conditions they had no object to the variation of the licence and had agreed to delete conditions relating to CCTV as this equipment had never been installed, although this had been shown on the application form as existing.

The Head of Environmental Services confirmed that subject to conditions they had no objection to the variation of the licence and accepted a condition that the garden and outside drinking area could be used by customers until 11.30 pm.

The Sub-Committee then retired to seek the advice of the legal representative. Upon the return of the Sub-Committee it was;

RESOLVED that the variation to the existing premises licence be agreed, subject to the additional conditions agreed between the applicant and the Police and Head of Environmental Services.

Reason: the applicant and the two responsible authorities making representations have agreed conditions to meet those representations.

5. **APPEAL HEARING – G’S, DEANS COURT, MARKET SQUARE, BICESTER**

Present at hearing:

G Smith	Licensee of G’s Wine Bar
P Butterfield – Herbert Mallon and Gowers	Solicitor for the Applicant
Ms K Waechtler	Assisting Mr Butterfield
P C K M Small	Thames Valley Police - Responsible Authority
R Lowther	Environmental Protection Manager, Cherwell District Council - Responsible Authority
J Bone	Interested party making representations

The Head of Corporate Services outlined the application which set out:-

- (i) outline of application and details of variations of premises licensed under the Licensing Act 2003;
- (ii) details submitted by the applicant which set out support for the promotion of the full licensing objectives, ie, (a) prevention of crime and disorder; (b) public safety; (c) the prevention of public nuisance; and (d) the protection of children from harm;
- (iii) representations received from the police and the Head of Environmental Services as responsible authorities and representations from Mr J Bone, an interested party.

The application submitted set out variations to the premises license which were summarised as follows:-

- (i) persons to be admitted who were aged 18 and above upon production of evidence of age and identity in the form only of passport or driving licence;
- (ii) hours of licensable activities to be extended on Mondays, Tuesdays and Wednesdays to 2.00 am and on Thursdays, Fridays and Saturdays to 4.00 am

- and on Sundays to 1.00 am except when the Sunday is followed by a bank holiday when the extensions shall be to 4.00 am;
- (iii) last admission to be one hour before licensable activities ceases; and
 - (iv) provision of dancing entertainment.

Mr Butterfield the solicitor for the applicant indicated that following discussions with the Police and the Head of Environmental Services conditions have now been agreed they were acceptable to both the applicant and the responsible authorities.

Mr Butterfield addressed the Sub-Committee on the objections made by Mr Bone.

Police confirmed that they had now agreed to conditions which:-

- (i) extended licensable activities on Thursdays, Fridays and Saturdays and on Sundays which were followed by a bank holiday Monday to 3.00 am and not 4.00 am as originally requested. On eight occasions a year an extension of licensable activities would be agreed until 4.00 am provided in each case 28 days notice was given to the Police;
- (ii) restricted admission after 1.00 am;
- (iii) required persons aged 18 and above to be admitted to the premises in accordance with CD28 of the pool of conditions

The Head of Environmental Services confirmed that he had agreed to erotic dances being undertaken on one night per week subject to the following condition:-

“No regulated entertainment involving erotic dancing shall take place until a detailed operating schedule describing how the activities shall comply with relevant conditions with the Council’s pool of conditions has been submitted in writing for approval by the Licensing Authority. The activity shall be carried out in accordance with the approved operating schedule.”

The Head of Environmental Services stated that in the event of the applicant not agreeing to the conditions set out by the Licensing Authority this would be referred to the Sub-Committee for determination.

Mr Bone, speaking as an interested party, indicated the problems that he suffered as a local resident and his concerns regarding the likely exacerbation of that situation by an extension in operating hours.

The Sub-Committee then retired to consider the application. Upon the return of the Sub-Committee it was

RESOLVED that the variation to the premises licence now requested be agreed, subject to additional conditions indicated to the Sub-Committee by the Police and the Head of Environmental Services.

Reason: the Sub-Committee is not satisfied from the evidence it has heard, that the hours sought should not be granted.

6. **END OF PROCEEDINGS**

The proceedings ended at 11.05 am.