

LICENSING SUB-COMMITTEE

A record of proceedings of the Licensing Sub-Committee held at Bodicote House, Bodicote, Banbury on 21 July 2005 at 10.00 am.

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

Officers:	M Dudfield (Solicitor)	} Advising the
	S Lodge (Democratic Services Officer)	} Sub-Committee
	T Poke (Central Services Manager)	} Representing the
	J Smith (Electoral and Licensing Services Manager)	} Licensing Authority
		}

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. LICENSING HEARINGS PROCEDURE

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

3. APPEAL HEARING – KINGS HEAD EAST STREET FRITWELL

Present at hearing:	G Stevenson	- Designated Premises Supervisor and
		- Joint Licensee Kings Head, East Street
		- Fritwell
	R Lowther	- Environmental Protection Manager,
		Cherwell District Council – Responsible
		Authority
	P Finnemore	}
	A Mills	} Interested parties making
	Mrs J Gibson Harris	} representations

The Central Services Manager stated that an application had been received, on the 27 May 2005 from Mr R Edwards the proprietor of the Kings Head, Fritwell for a variation of the Premises Licence under the Licensing Act 2003.

The report set out:-

- (i) details submitted by the applicant which set out support for the promotion of the four 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;
- (ii) representations received from the Police and the Head of Environmental Services as responsible authorities and Mr P Finnemore, Mr A Mills, Mr and Mrs J Gibson as interested parties.

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

- (i) to extend general licensed times to 00.00 Sunday to Thursday and 02.00 Friday and Saturday;

- (ii) to extend licensing hours to 02.00 on Bank Holidays and other notable occasions;
- (iii) to allow other licensable activities such as live and recorded music, film shows and late night food provision;
- (iv) to allow licensed activities for up to 24 hours on discretionary events days;
- (v) event days will be limited to 30 per year;
- (vi) Thames Valley Police will be given 5 days notice of any such events;
- (vii) remain open 30 minutes after licensed activities to allow a wind down and dispersal period and
- (viii) it was envisaged that operation on any day beyond midnight would be a rare event. This variation was to allow flexibility for special events.

Mr Stevenson, as Joint Licensee stated that he had acted in this capacity for 2½ years and wished to see the Kings Head developed as a family establishment. He stated that although the application sought a wide range of activities, these would be only undertaken occasionally, and although the application had sought extended licensing hours until 02.00 on Friday, Saturdays Bank Holidays and other notable occasions it was unlikely that the premises would remain open until 2.00 on more than two occasions a month.

Mr R Lowther on behalf of the Head of Environmental Services confirmed that he had no objections to the variation of the licence subject to the following conditions:-

- (i) PN12 – all external doors and windows must be kept closed, other than for access and egress, in all rooms when events involving amplified music or speech are taking place;
- (ii) PN15 – no music or speech should be relayed via external speakers other than for events with the prior approval of the Licensing Authority and
- (iii) PN17 – the garden must not be used by customers after the hour of 23.00.

In this connection the interested parties requested that policy PN17 be extended to include the patio area at the front of the building and the Head of Environmental Services accepted that this condition should be extended to take into account the patio area.

The Sub Committee noted the conditions required by the police relating to:-

- (i) CD10 – a premises daily register shall be kept at the premises;
- (ii) CD12 the Licence Holder or Designated Premises Supervisor shall become actively involved in the Pub Watch Scheme and a representative shall attend Pubwatch meetings.

Mr Stevenson accepted the conditions were appropriate. Mr P.Finnemore, Mr A Mills and Mrs J Gibson Harris, speaking as interested parties, indicated problems that they had suffered in the past, prior to Mr Stevenson becoming Joint Licensee and expressed concerns in relation to problems which might arise in the future.

The Sub Committee then retired to consider the application under Regulation 14(2) of the Hearings Regulations. Upon the return of the Sub-Committee it was

RESOLVED:-

- (i) to allow the variation of hours to 00.00 Sunday to Thursday and to 01.00 Fridays, Saturdays, Bank Holidays and New Years Eve;
- (ii) approval is given for the licensing activities of the retail sale of alcohol, late night refreshment, live music up to two performers at any one time and recorded music as background music;
- (iii) any other licensable activity will require the prior written approval of the Licensing Authority on 20 working days notice and will be subject to compliance with any extra conditions imposed to meet the needs of that activity;
- (iv) not to allow 24 hour discretionary event days. These must be subject to Temporary Event Notices;
- (v) premises to remain open 30 minutes after licensed activities cease;
- (vi) the approval is subject to Conditions CD10 and CD12 as requested by the Police and conditions PN12, PN15 and PN17 as requested by the Head of Environmental Services with PN17 including the patio area.

REASONS: The Sub-Committee stated that they considered the intentions stated by Mr Stevenson and the concerns expressed by local residents. Both wish this to be a successful village pub and therefore, this approach was adopted in making the decision.

The Licensable activities have been restricted to those Mr Stevenson indicated would be the ones primarily taking place. Any other activities will require prior notice and approval and can be made subject to additional conditions to meet the proposals. These can be reviewed post event to see whether future events of that nature are appropriate. The Sub-Committee have not given approval to any longer period discretionary events but the applicant does have the right to apply for temporary events and any such events can be reviewed post event for the future.

Finally, the additional conditions requested by the Police and those indicated by Mr Lowther on behalf of Environmental Services, at the hearing have been added to the conditions which will transfer to the new licence from the existing licence.

4. END OF PROCEEDINGS

The proceedings ended at 11.50 am.