

LICENSING SUB-COMMITTEE

A record of proceedings of the Licensing Sub-Committee held at Bodicote House, Bodicote, Banbury on 28 July 2005 at 10.00 am.

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

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 – THE EASINGTON, BANBURY

Present at hearing:	Mrs M Moran	-	Licensee of Easington
	Mr Dixon	-	Counsel for the Applicant
	Mr & Mrs A W Hearn	-	interested parties making representations

The Central Services Manager stated that an application had been received on 3 June 2005 from Mitchells and Butler Leisure Retail Limited, the owners of the Easington, Bloxham Road, Banbury 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 J Kirby and A W Hearn as interested parties.
- (iii) that the Head of Environmental Services had no objection to granting a licence subject to a condition that the garden areas shall not be used after 23.00 and this had been accepted by the applicant;

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

- (i) to extend hours for the sale of alcohol, hot drinks and/or food (indoors and outdoors);

- (ii) to permit the playing of films as regulated entertainment (indoors) and
- (iii) to operate Monday to Sunday 10.00 to 00.00.

Mrs Moran, as licensee, in support of her application stated that the Easington was a community public house and she wished to increase opening hours by one hour each evening for the benefit of patrons. Children were not encouraged to use the public house and its use by young people was very restricted.

Counsel for the applicant indicated that measures had been taken to assist the problems experienced by neighbours, with a wooden fence being erected on the boundary with adjoining houses and fans being switched off once cooking ceased to take place. There was no intention of increasing hours when food would be served and nuisance to neighbours would be kept to a minimum.

In summing up he stated that the modest increase in opening of one hour was in line with the Government guidance and there was no intention to change the character of the public house.

Mr Hearn, speaking as an interested party, outlined the problems he and his wife had experienced, particularly with regard to noise from the Easington. He feared that unless additional steps were taken to reduce these nuisances then the increase in licensing hours would only exacerbate the problem. He also referred to numerous complaints he had made to the Environmental Services Department of Cherwell District Council over the years and stated that a planning condition in relation to the times that people used the garden facilities had not been complied with.

Mr J Kirby was not present and the Sub-Committee considered his written representation.

The Sub-Committee then retired to consider the application and Regulation 14(2) of the Hearings Regulation. Upon return of the Sub-Committee it was **RESOLVED**:-

that the variation to the existing premises licence be agreed subject to a condition that the garden should not be used after 23.00

REASON - the Sub-Committee having considered the extent of the variations sought did not believe that the extended hour would make any serious alteration to the current situation. If circumstances did change there was a right for the Sub-Committee to review the situation. In the meantime, if planning conditions are not met these should be referred to the Planning Department. Similarly if there were specific issues concerning noise from the premises these must be pursued with Environmental Services. Environmental Services had not made any representations to the Sub-Committee regarding noise from these premises other than in relation to the rear garden.

4. **END OF PROCEEDINGS**

The procedures ended at 11.50 am.