

LICENSING SUB-COMMITTEE

A record of proceedings of the Licensing Sub-Committee held at Bodicote House, Bodicote, Banbury on 18 August 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
	T Poke (Central Services Manager)	} Representing the
		} Licensing Authority

1. DECLARATIONS OF INTEREST

Councillor Mrs Stratford declared a personal interest in respect of the appeal hearings relating to the Six Bells, Bicester and the Swan Inn, Bicester as she was acquainted with two people who are making representations as interested parties.

2. LICENSING HEARINGS PROCEDURE

The hearing was undertaken in accordance with agreed Licensing Hearing Procedure.

3. APPEAL HEARING – THE SIX BELLS, 7 CHURCH STREET, BICESTER

Present at Hearing	M Harmon	-	Senior Technical Officer, Environmental Services, Cherwell District Council – Responsible Authority
	Ms A Hornby	-	Joint Licensee of the Six Bells
	Mr J W Roberts	-	
	Mrs P J Roberts	-	Interested parties making
	Colonel R Marriner	-	representations
	Ms W Wright	-	

The Central Services Manager stated that an application had been received on 4 July 2005 from Ms A Hornby and Mr D Truby, joint Licensees of the Six Bells, 7 Church Street, Bicester for a variation of the premises licence under the Licensing Act 2003.

A report set out:-

- (i) details submitted by the applicants 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 Mr J and Mrs P Roberts, Colonel R Marriner, J Arnold and W Wright as interested parties;
- (iii) that the Head of Environmental Services had no objection to granting a licence subject to five conditions.

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

- (i) to extend licensing hours by one hour Monday to Thursday to 00.00;
- (ii) to extend licensing hours by two hours Fridays and Saturdays to 01.00;
- (iii) to allow non standard timings during sporting events (times not specified);
- (iv) to provide live music on Friday and Saturday from 20.00 until 00.00 and on Sundays from 15.00 until 19.00 with a seasonal variation allowing live music in the garden from May to September (to finish at 23.00);
- (v) to provide recorded music from 11.00 to 00.00 Monday to Thursday from 11.00 until 01.00 on Friday and Saturday and on Sunday from 12.00 until 22.30, with a seasonal variation to include provision of recorded music in the garden from May to September (to finish at 23.00).

Ms Hornby, as joint Licensee, stated that the Six Bells was one of the few public houses in Bicester which provided live music, and she wished to continue to cater for her customers who appreciated this type of entertainment. Inevitably live music resulted in significant levels of noise which she intended to keep to an acceptable level for local residents.

Mrs Roberts, on behalf of the interested parties making representations, indicated the problems suffered by local residents in relation to (1) disturbance in the street; (2) parking problems; and (3) noise nuisance.

The Committee considered the written representations of the other interested parties who were present together with written representations by J Arnold, who was not present.

Mr Harmon on behalf of the Head of Environmental Services outlined the history relating to the Six Bells, Bicester and confirmed that subject to five conditions he had no objections to the variation of the licence.

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

RESOLVED

that the variation to the existing premises licence be agreed subject to:-

- (i) the sale of alcohol until 00.00 Monday to Thursday and 00.30 Friday and Saturday, with an additional 30 minutes for closure;
- (ii) the designated premises supervisor/duty manager shall ensure that no nuisance is caused by noise emitting from the premises or by vibration transmitted through the structure of the premises (PN1 – Pool of Conditions);
- (iii) all regulated entertainment (live and recorded music) to cease in the garden by 22.00;
- (iv) that the garden is not used after 23.00;
- (v) that all regulated entertainment (live and recorded music) within the premises to cease at 23.00;

- (vi) all external doors and windows must be closed other than for access and egress, in all rooms when events involving amplified music or speech are taking place (PN12 – Pool of Conditions); and
- (vii) to allow non standard timings during sporting events subject to five days prior written notice being given to local residents.
- (viii) Only one event involving live music shall take place each calendar week.

REASONS – the Sub-Committee has taken into account the position of this property in a residential area and the needs of both types of premises to be able to satisfactorily co-exist.

The objectors have indicated three groups of opposition. Parking is not a issue that the Sub-Committee can take into account and the Sub-Committee believe that the restrictions they have imposed will deal with the potential for noise nuisance from the premises.

In terms of disturbance this is a main thoroughfare and has two licensed premises in close proximity to each other. The Sub-Committee have set out hours which they think are reasonable to both the applicants and the objectors. The new legislation provides for a review to be undertaken and the Sub-Committee note that the Head of Environmental Services is aware of the issues and regularly monitors the situation. The Sub-Committee are sure that the residents will bring their concerns to her and if appropriate that she will refer the matter to this Sub-Committee.

Finally, in relation to the non standard timings for sporting events, the Sub-Committee have required the applicant to give prior notice of these events to residents. These can also be monitored and the situation reviewed if necessary.

4. **APPEAL HEARING – THE SWAN INN, 13 CHURCH STREET, BICESTER**

Present at Hearing	M Harmon	-	Senior Technical Officer Environmental Services Cherwell District Council – Responsible Authority
	Ian Henderson	-	Licensee of The Swan Inn
	Mr J W Roberts	-	}
	Mrs P J Roberts	-	} Interested parties making
	Colonel R Marriner	-	} representations
	Ms W Wright	-	}

The Central Services Manager stated that an application had been received, on 27 June 2005 from Mr I Henderson, the Licensee of The Swan, 13 Church Street, Bicester, 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 Mr J and Mrs P Roberts, Colonel R Marriner, Mr J Arnold, Ms W Wright, E A Garforth and W S Garforth as interested parties;

- (iii) that the Head of Environmental Services had no objection to granting the licence subject to a condition that all external doors/windows must be closed, other than for access and egress, and to all rooms when events involving amplified music or speech are taking place.

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

- (i) to extend hours for supply of alcohol until 00.00 on Sunday to Thursday and until 01.00 on Friday and Saturday;
- (ii) to extend hours for the supply of alcohol until 01.00 on Christmas Eve;
- (iii) to extend hours for the supply of alcohol until 01.00 on the Sunday preceding a Bank Holiday Monday;
- (iv) to extend hours for the supply of alcohol to 24 hours per day (as needed) for world and euro sporting events dependent on start of event;
- (v) to allow occasional live music performed by no more than two persons every other week on a Sunday from 20.00 to 22.30 (indoors only);
- (vi) to provide facilities for entertainment by way of a TV screen.

Mr Henderson, as licensee in support of the application, stated that he wished to extend opening hours and to take the opportunity to introduce live performances, once a fortnight, for the benefit of his customers and to improve his business. He had been the landlord of the premises for three years and catered for the 25 plus age group and also provided residential accommodation. He did not propose to change the character of the business and noise would not increase significantly particularly in view of the residential accommodation, part of which was immediately above the bar area.

Mr Harmon, on behalf of the Head of Environmental Services, confirmed that subject to one condition he had no objections to the variation of the licence.

Mrs Roberts, on behalf of the other interested parties making representation, indicated the problems suffered by local residents in relation to (1) disturbance in the street; (2) parking problems; and (3) noise nuisance.

The Committee considered the written representations of the other interested parties who were present together with written representations by J Arnold, E A Garforth and W S Garforth who were not present.

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

RESOLVED

that the variation of the existing premises licence be agreed subject to:-

- (1) the sale of alcohol until 00.00 Sunday to Thursday and 00.30 Friday and Saturday;
- (2) the sale of alcohol until 01.00 on Christmas Eve;

- (3) that a variation to the premises licence to extend the hours of the supply of alcohol to 00.30 on the Sunday preceding Bank Holiday be agreed

(Note: (1) to (3) above the premises shall close 30 minutes after the agreed time)

- (4) the sale of alcohol for 24 hours a day for world and euro sporting events subject to a five days prior written notice being given to all residents;
- (5) that all external doors/windows must be kept closed, other than for access and egress, in all rooms when events involving amplified music or speech are taking place (PN12 – Pool of Conditions).

REASONS – the Sub-Committee has taken into account the position of this property in a residential area and the needs of both types of premises to be able to satisfactorily co-exist.

The objectors have indicated three groups of opposition.

As parking is not an issue the Committee could not take this into account and believe that the restrictions they have imposed will deal with the potential for noise nuisance from the premises.

The objectors main opposition was in respect of disturbance. This is a main thoroughfare and has two licensed premises in close proximity to each other. The Sub-Committee have set hours which they think are reasonable to both the applicant and the objectors. The new legislation provides for a review to be undertaken and the Sub-Committee note that the Head of Environmental Services is aware of the issues in the area and regularly monitors the situation. The Sub-Committee are sure that the residents would bring their concerns to her and if appropriate that she would refer the matter to the Sub-Committee.

Finally, in relation to the extended hours for the supply of alcohol to 24 hours per day for world and euro sporting events, the Sub-Committee have required the applicant to give prior notice of these events to residents. These can also be monitored and the situation reviewed if necessary.

5. **APPEAL HEARING – THE BULL, BICESTER ROAD, LAUNTON**

Present at Hearing	M Harmon	-	Senior Technical Officer Environmental Services Cherwell District Council – Responsible Authority
	J Brook	-	Licensee of The Bull, Launton
	A Muir	-	Counsel for the Applicant
	Mr J Boulton	-	Interested party making representations

The Central Services Manager stated that an application had been received on 29 June 2005 from Greene King Retailing Limited, the owner of The Bull, Launton, for a variation in 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 activities 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 Boulton as an interested party;
- (iii) that the Head of Environmental Services had no objections to granting a licence subject to three conditions.

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

- (i) to extend hours the premises are open to the public Monday to Sunday from 09.00 to 01.00;
- (ii) to extend hours for the supply of alcohol Monday to Sunday from 09.00 to 00.30;
- (iii) non standard timings for world cup and other sport events shown live for both hours of opening and for the sale alcohol; and
- (iv) to allow performance of live music (occasional soloist/duos – indoors and traditional folk – outdoors) Monday to Sundays from 18.30 until 00.00. If outdoor entertainment would cease at 23.00.

Counsel for the applicant indicated that his client was prepared to accept the three conditions required by the Head of Environmental Services subject to the condition being amended which stated that the garden must not be used by customers after the hours of 23.30 and not 23.00 hours required by the Head of Environmental Services.

Mr J Brook, as licensee, in support of his application stated that he had operated The Bull at Launton for 2½ years without complaint. There would be no alterations in the operation as a result of extended hours and a request for the extension was to give him greater leeway particularly during December.

Mr Harmon, on behalf of the Head of Environmental Services confirmed that subject to conditions, he had no objection to the variation of the licence. He confirmed that he had agreed that the three conditions were acceptable to the applicant and himself and that this included a condition that the garden must not be used by customers after the hours of 23.30.

Mr Boulton, speaking as an interested party, outlined the problem of noise and expressed his concerns at the proposal to increase licensing hours at The Bull which would only exacerbate current problems. He also referred to the effects of the floodlighting on the car park which shone into his bedroom window contrary to a recent planning decision.

In relation to the problem of floodlight the Central Services Manager had previously indicated that this matter had been referred to the District Council's Planning Department.

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

RESOLVED

that the variation of the premises licence be agreed subject to:-

- (i) the sale of alcohol until 00.30 Monday to Sunday with an additional 30 minutes for closure being agreed;
- (ii) the garden must not be used by customers after the hours of 23.30 (PN17 – Pool of Conditions);
- (iii) no entertainment involving the use of sound amplification equipment shall take place outside the premises;
- (iv) entertainment outside the premises shall cease no later than 22.00;
- (v) that in respect of non standard timings these be subject to 5 days prior written notice to local residents.

REASONS – on the basis on which the application has been presented the Sub-Committee do not believe that the granting of the additional hours will make a substantial difference to the operation of the premises. Should this change, concerns can be raised with Environmental Services Department and the licence subjected to a review by the Sub-Committee.

For non standard timings, the Sub-Committee again require prior written notice to be given to local residents.

6. **APPEAL HEARING – THE BOAT, THRUPP, KIDLINGTON**

Present at Hearing	M Harmon S Bushell Mr A Muir	- - -	Senior Technical Officer Environmental Services Cherwell District Council – Responsible Authority Licensee of The Boat, Thrupp Counsel for the applicant
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The Central Services Manager stated that an application had been received, on 12 August 2005 from Greene King Retailing Limited who owned The Boat at Thrupp, for a variation of the premises licence under the Licensing Act 2003.

The report set out:-

- (1) 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;
- (2) the representations received from the Head of Environmental Services.

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

- (1) to extend hours the premises are open to the public Monday to Sunday from 10.00 to 00.20;
- (2) to seasonal variation in respect of opening hours on Christmas Eve, Christmas Day, Boxing Day, New Years Eve and Day, Spring and August Bank Holiday, Good Friday, Easter Saturday, Sunday and Monday and any other Bank Holidays from 10.00 to 01.20;

- (3) to extend hours for the supply of alcohol Monday to Sunday from 11.00 to 00.00;
- (4) seasonal variation in respect of the supply of alcohol on Christmas Eve, Christmas Day, Boxing Day, New Years Eve and Day, Spring and August Bank Holiday, Good Friday, Easter Saturday, Sunday and Monday and any other Bank Holidays from 10.00 to 01.00;
- (5) to allow performance of live music (duo's, jazz and folk) Friday to Sunday from 12.00 until 23.00, if outdoor entertainment would cease 20.00;
- (6) to allow performance for plays Monday to Sunday from 15.00 to 21.00 – outdoors for two to three occasions during the summer only.

Mr Bushell, as Licensee and Mr Muir, Counsel for the applicant spoke in favour of the application and indicated that the only issue was a condition recommended by the Head of Environmental Services that no entertainment involving the playing of amplified or acoustic music shall take place outside the premises.

Mr Bushell submitted photographs of classical music events which had taken place outside The Boat which had been appreciated by customers and local residents and stated that he had never received any complaints personally from residents.

Mr Harmon on behalf of the Head of Environmental Services stated that he was currently investigating a noise complaint concerning an event which took place outdoors on a Sunday evening and he was therefore recommending a condition which would prohibit such events taking place outside.

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

RESOLVED that the variation of the existing premises licence be granted in accordance with the application and the Sub-Committee do not impose a condition that no entertainment involving the playing of amplified or acoustic music should take place outside the premises.

REASONS – the Sub-Committee having considered the application consider that there were no facts on which they should do otherwise.

7. **END OF PROCEEDINGS**

The proceedings were adjourned at 12.10 and resumed at 12.50 and ended at 1.25 pm.