

LICENSING SUB-COMMITTEE

A record of proceedings of the Licensing Sub-Committee held at Bodicote House, Bodicote, Banbury on 8 September 2005 at 10.00 am.

Membership of Sub-Committee (all Members present) – Councillors Bhart, Mrs Milne and Wyse (Chairman).

Officers: J Astle (Solicitor) } Advising the
J D Best (Senior Democratic Services Officer) } Sub-Committee

Mrs T Poke (Central Services Manager) } Representing
Mrs J Smith (Electoral and Licensing Services Manager) } the Licensing
} Authority

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. LICENSING HEARINGS PROCEDURE

The hearing was undertaken in accordance with the agreed licensing hearing procedure.

3. APPEAL HEARING – WROXTON COLLEGE, WROXTON, BANBURY

Present at hearing R Lowther - Environmental Protection Manager,
Environmental Services Department,
Cherwell District Council – Responsible
Authority

Dr Nicholas Baldwin- Licensee - Wroxton College

Mrs K Cuffley } Interested parties making
Mr R G Nivison } - representations
Ms R H Waters }

The Central Services Manager stated that an application had been received on 19 July 2005 from Dr Nicholas Baldwin, who held a current Justices on-Licence for part of the premises at Wroxton College, Banbury, for a variation of the new 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) the representations received from Mrs K Cuffley, Mr and Mrs Nivison and Ms R H Waters as interested parties;
- (iii) that the Head of Environmental Services had no objection to the grant of the variation subject to the imposition of a condition that the premises should be arranged to minimise the risk of noise nuisance to nearby properties (Standard Condition PN2).

The application set out the requested variations to the Premises Licence as summarised below:-

- (i) to extend the hours the premises opened Sunday to Thursday from 12:00 to 00:30 and 12:00 to 02:00 on Friday and Saturday;
- (ii) to extend the hours for the supply of alcohol from Sunday to Thursday from 12:00 to 00:00 and 12:00 to 01:30 on Friday and Saturday;
- (iii) to allow non standard timings (10:00 to 02:00) for US Independence Day, US Thanksgiving and other pre-booked special events up to 15 in total; all other major sporting and political events may require an earlier start time to enable customer to view events. The pre-booked special and sporting events to be notified to the Police and Licensing Authorities 10 days prior to the event;
- (iv) to allow the provision of live music for wedding receptions and similar functions (max of 10 per year on varying days) from 19:00 to 00:00;
- (v) to allow the provision of recorded music for student activities and weddings (max of 20 per year on varying days) from 19:00 to 01:30;
- (vi) to allow the provision of plays in the form of medieval banquets throughout the year on varying days, from 19:00 to 23:00 (up to 10 events per year).

Dr Baldwin, the Dean of Wroxton College as licensee, spoke in support of the application and stressed that the College was not proposing to do anything different over and above the existing Justices on-licence. The primary intention of the application was to apply for the new integrated alcohol and music licence and thereby comply with the new licensing law. Dr Baldwin, following a question aimed at clarifying how the variation would operate if granted, confirmed that the condition currently included in the Justices on-licence would remain (the condition provided *inter alia* that liquor could not be supplied or sold on the premises other than to persons who either resided at the College, or to their private friends). Dr Baldwin also confirmed that the capacity of the College to hold functions, and special events such as weddings, was constrained as this depended on the availability of the on-site staff resource (weddings were not held when students were in residence). The primary focus, it was stressed, was that Wroxton was a university college.

Mrs Cuffley, Mr Nivison and Ms Waters, who were interested parties, made representations in respect of noise, vandalism, traffic problems and associated congestion especially if the increased functions, included in the application, attracted additional numbers of people and vehicles which would seriously impact on what was a small village with narrow streets where parking was already a serious problem.

Mr Nivison, following the statement made by Dr Baldwin earlier in the meeting that there would be no fundamental change to the number of events and functions as included in the current Justices on-licence indicated that if this was so it appeared his fears were unfounded and, on that basis, he was prepared to withdraw his objection.

The Sub-Committee then retired to consider the application in accordance with Regulation 14 (2) of the Licensing Act 2003 (Hearings) Regulations 2005. On the return of the Sub-Committee the decision was announced and it was

RESOLVED that the application be granted as submitted subject to:-

- (1) for non-standard events the alcohol hours shall commence no earlier than the event's commencement and shall conclude 30 minutes before the conclusion of the event;
- (2) for non-standard events the premises shall close no later than 30 minutes after the conclusion of the event;
- (3) notice of all non-standard events shall be given 10 days before the event to the police, licensing authority and residents in the vicinity as indicated on a map to be provided by the Head of Environmental Services from time to time;
- (4) the premises shall be arranged to minimise the risk of noise nuisance to nearby properties.

REASON - the application is consistent with the licensing objectives.

4. APPEAL HEARING – THE RED LION, HIGH STREET, ISLIP

Present at hearing	R Lowther	- Environmental Protection Manager, Environmental Services Department, Cherwell District Council
	Mr F Lloyd	- Business Relationship Manager, Punch Taverns – the applicants
	Mr Hugh Derbyshire	- Counsel for the applicants
	Mr Richard Harding Jones } Mrs C Kershaw } Mr J Sergeant, } Islip Parish Council } Mr I Jacob } Mr R Washington }	- Interested parties making representations

The Central Services Manager stated that an application had been received on 18 July 2005 from Punch Taverns plc the owners of the Red Lion, High Street, Islip for a variation of the new Premises Licence under the Licensing Act 2003.

The 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 Richard and Mrs Barbara Harding Jones, Mr M and Mrs C Kershaw, Mr F and Mrs V Edwards, Mr M Wilkinson (Clerk to Islip Parish Council), Mr I M Jacob, Ms J Skinner, Mr J Kingdon, Ms Afra O'Shea and Mr R and Mrs M Washington as interested parties.

The application set out the requested variations to the Premises Licence which included, the sale of alcohol, and recorded and live music, as summarised below:-

- (i) an additional hour every Thursday, Friday and Saturday from 11:00 to 00:00;
- (ii) a further additional hour into the morning following every Friday (01:00), Saturday (01:00), Sunday (23:30) and Monday (00:00) for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend;
- (iii) a further additional hour into the following morning following every Thursday (01:00), Friday (01:00), Saturday (01:00) and Sunday (23:30) and Monday (00:00) for the Easter Bank Holiday weekend;
- (iv) a further additional hour every Christmas Eve and Boxing Day ;
- (v) to reflect existing New Year's Eve/Day hours;
- (vi) drinking up time: an additional 10 minutes, to allow 30 minutes drinking up time after the last permitted sale of alcohol.

Mr H Derbyshire, Counsel for the applicants in support of the application indicated that his clients were offering a condition that the garden area (which had been subject to noise complaints) would not be used after 23:20 each evening in order to meet the concerns expressed by residents. Mr Derbyshire also mentioned that the representations were based on a misunderstanding as nothing more was proposed in the application in respect of music and entertainment over and above that which would transfer under the conversion provisions.

Mr Derbyshire confirmed that the application did not include music or music based performances outside the premises nor was there any intention to hold such entertainment every night of the week. The Red Lion would continue to be a Public house which concentrated on the serving of food and this was to continue as the main area to attract clientele. The representations and objections had concentrated on the character of the area, which did not form part of the licensing objectives, and further matters were outside the control of the applicants; there had, in addition, been no objections from the responsible authority.

Mrs Kershaw, Mr Sergeant, Mr Jacobs, Mr Washington and Mr Harding Jones, as interested parties, all addressed the Sub-Committee and asked that consideration should be given to (i) the character of the village which was a small settlement and the public house was located within the Conservation Area; (ii) the impact on the community generally and especially the occupiers of nearby premises if the extension in hours and music and musical entertainment was granted by virtue of expected high levels of noise, anti-social behaviour and the problems associated with cars parking in the vicinity of the public house where the roads were extremely narrow and were prone to congestion.

The Sub-Committee then retired to consider the application under Regulation 14 (2) of the Licensing Act 2003 (Hearings) Regulation 2005. On the return of the Sub-Committee the decision was announced and it was

RESOLVED the application be granted as submitted subject to the condition that the garden shall close at 23:20 daily.

REASONS – the Sub-Committee considers the application to be consistent with the licensing objectives, having regard to all the evidence and representations but in particular:-

- (i) the application relates only to licensable activities within the public house building;
- (ii) the garden will not be used for any purpose after 23:20;
- (iii) the application as granted does not result in the carrying on of any new or different licensable activities from those already carried on;
- (iv) the increase in the hours of those activities is considered reasonable in the circumstances;
- (v) the character of the village is not within the remit of the Sub- Committee except insofar as it relates to the licensing objectives.

5. APPEAL HEARING – THE RED LION INN, 8 RED LION STREET, CROPREDY

Present at hearing	R Lowther	- Environmental Protection Manager, Environmental Services Department, Cherwell District Council
	Mr A Morris and Karen Ohm	} - Licensees of the Red Lion Inn
	Mr P Haynes	}
	Ms Sharon Gilkes	} - Interested parties making
	Mr P Saunders	} representations
	Mrs M Cooke	}

The Central Services Manager stated that an application had been received on 14 July 2005 from Adam Morris and Karen Ohm, the owners and joint licensees of the Red Lion Inn, 8 Red Lion Street, Cropredy, for a variation of the new Premises Licence under the Licensing Act 2003.

The 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 A Highfield, Mr and Mrs M Girdlestone, Ms J Beer, T A Austin, Mrs P Dealtry, Mrs A Boyle, Mr P Morley (Chairman, Cropredy Parish Council), Mr and Mrs P J Haynes, Mr and Mrs C Jennings, Mr and Mrs R Watkiss, Mr M D Robins, Mr and Mrs J Privett, Mr J Atkins, Ms J Kershaw, Ms S Gilkes and Mr P Saunders and Mrs M Cooke as interested parties;
- (iii) that the Head of Environmental Services had no objection to the granting of a licence subject to two conditions namely (i) that all regulated entertainment (live and recorded music) should cease in the garden area by 22:00; and (ii) that the garden area should not be used after 23:00.

The application set out the requested variations to the new Premises Licence as summarised below:-

Monday to Thursday	23.00 stop sale of alcohol 23.45 close the doors
Friday to Saturday	Midnight stop sale of alcohol 00.40 close the doors

(v) **Standard Days/Times Generally**

no discos, live bands using electric or amplified music, or performance of dance inside or outside these would only be used on the 20 special occasions. CD player/stereo to be used throughout.

- (vi) indoor sports as set out in the variation application subject to standard times.
- (vii) all other applied for items to remain the same.

The Sub-Committee, following advice from the Solicitor, agreed that it would consider the proposals tabled at the meeting in the light of the application for the variation as submitted, the support as indicated for the compromise proposals by the representors who were present at the meeting and having regard to the representations of the five interested parties who had not signed up to the compromise proposal.

Ms Gilkes, who was also speaking on behalf of Mr and Mrs Watkiss and Ms S Girdlestone, indicated that representations had been submitted because of the number and frequency of events and the noise and congestion problems likely to be caused in what was a narrow residential street. Ms Gilkes confirmed that the residents of Red Lion Street were all in favour of the compromise. Mrs Cooke and Mr Haynes also voiced their support for the compromise proposals and reiterated their strong objections if the proposals set out in the variation application were granted by the Sub-Committee.

The Sub-Committee then retired to consider the application under Regulation 14 (2) of the Licensing Act 2003 (Hearings) Regulations 2005. On the return of the Sub-Committee the decision was announced and it was

RESOLVED that the application be granted subject to the following conditions:

- (1) indoor sporting events shall be permitted only between 19:00 and 23:45 Monday to Thursday inclusive;
- (2) there shall be no standard days and timings for live music, recorded music, performances of dance and provision of facilities for making music which is amplified or electronically produced except that stereo and CD music may be played during standard alcohol hours;
- (3) the above specified licensable activities shall be permitted as specified in the application under "Non standard timings" only during the times specified as follows namely;
 - inside the building between 10:00 and 23:00 Sundays to Thursdays inclusive;
 - inside the building between 10:00 and 00:00 Friday and Saturday;
 - outside between 10:00 and 19:00 daily.

- (4) the above specified licensable activities taking place within the building shall take place only within the restaurant;
- (5) the standard days and timings for supply of alcohol shall be between 10:00 and 23:00 Sunday to Thursday inclusive and between 10:00 and 24:00 on Fridays and Saturdays;
- (6) the supply of alcohol shall also be permitted on the days specified in the application under “Non-standard timings” when these days are days from Sunday to Thursday inclusive between 10:00 and 23:00 and when these days are Fridays or Saturdays between 10:00 and 00:30;
- (7) The standard hours the premises shall be open to the public shall be as follows namely:-
 - on Sunday 10:00 to 23:30;
 - Mondays to Thursdays inclusive 10:00 to 23:45;
 - Friday and Saturday 10:00 to 00:40;
- (8) the hours the premises shall be open to the public on the days specified in the application under “Non-standard timings” shall be as follows namely:-
 - when these days are days from Sunday to Thursday inclusive from 08:00 to 23:45;
 - when these days are Friday or Saturday from 08:00 to 01:00 of the following morning.
- (9) all recorded music within the building shall cease at 23:00 except on days specified under “Non-standard timings” in the application;
- (10) the garden is not to be used for any licensable activity after 23:00.

REASONS

- (1) the application as modified by the conditions agreed is consistent with the licensing objectives.
- (2) the objections of interested parties insofar as they relate to the likelihood of the licensing objectives being prejudiced have been satisfied by the conditions.

6. **END OF PROCEEDINGS**

The proceedings were adjourned at 12.55 and resumed at 2.30 and concluded at 5.25 pm.