

## LICENSING SUB-COMMITTEE

A record of proceedings of the Licensing Sub-Committee held at Bodicote House, Bodicote, Banbury on 15 September 2005 at 10.00 am.

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

Officers:	J Astle (Solicitor)	}	Advising the Sub-
	S Lodge (Democratic Services Officer)	}	Committee
	Mrs T Poke (Central Services Manager)	}	Representing the
		}	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 hearings procedure.

### 3. APPEAL HEARING – THE SWAN INN, ISLIP

Present at hearing:	R Lowther	-	Environmental Protection Manager, Cherwell District Council – Responsible Authority
	S Foster	-	Counsel for the applicant
	Dr J Sargent	}	Interested parties making
	Mrs J Tombs	- }	representations
	Mr R & Mrs M Washington	}	

At the commencement of the hearing an adjournment was agreed to allow the counsel for the applicant and the interested parties to enter into discussion which might lead to the interested parties present indicating their agreement to the variation of the premises licence applied for subject to conditions.

Upon the resumption of the hearing the Central Services Manager stated that an application had been received on 27 July 2005 from Greene King Retailing Ltd, the owners of The Swan, Islip 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) the representations received from Mr R and Mrs M Washington, Mr A and Mrs L Bibbings, Mr R and Mrs B Harding Jones, Mr M Wilkinson, Mr M Kershaw, Mr F and Mrs V Edwards, Mr I Jacob, Ms A O'Shea, Mr J Kingdon, Ms J Skinner, Ms E Skinner, Dr J and Mrs P Sargent, Mrs J Tombs and Mr C and Mrs E Tatham, as interested parties
- (iii) that the Head of Environmental Services had no objection to the granting of a licence subject to two conditions; one that all regulated entertainment (live music and performance and dance) to cease in the garden area by 22.00 hours and that the garden area is not used after 23.00 hours.

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 10:00 to 00:00;
- (ii) to extend hours for the supply of alcohol Monday to Sunday from 10:00 to 23:30;
- (iii) to allow performance of live music (indoors and outdoors) Friday from 19:00 until 23:30, Saturday and Sunday from 12:00 until 23:30;
- (iv) to allow recorded music indoors Friday and Saturday from 19:00 until 23:30;
- (v) to allow provision of facilities for dancing indoors and outdoors Friday from 19:00 to 23:30, Saturday and Sunday 12:00 until 23:30;
- (vi) seasonal variations for the performance of live and recorded music and provision of facilities for dancing on Christmas Eve, Christmas Day, Boxing Day, New Years Day, Good Friday, Easter Saturday/Sunday/Monday and all other Bank Holidays 12:00 until 23:30. New Years Eve 12:00 until 01:30.

The counsel for the applicant and the interested parties present confirmed that following discussion they were prepared to agree details of the variation to the premises licence subject to additional conditions.

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

**RESOLVED** that the variation to the existing licence is granted as applied for but subject to variations in accordance with the following conditions:-

- (1) there shall be no regulated entertainment outdoors at any time;
- (2) the beer garden shall not be used for the purposes of any licensable activities on any day after 22.00 hours;
- (3) any lights in the beer garden shall be extinguished by 22.15 daily;
- (4) all regulated entertainment on Sunday other than those Sundays falling on days specified in the application under the heading 'Seasonal Variations' when the following day is not a Bank Holiday shall cease at 22.30 hours;

- (5) all regulated entertainment on any day falling on days specified in the application under the heading 'Seasonal Variations' when the following day is not a Bank Holiday or a Saturday or Sunday shall cease at 22.30 hours.

#### REASONS

- (1) the grant of the licence as varied in accordance with and subject to the conditions is consistent with the promotion of the licensing objectives;
- (2) the conditions are necessary to ensure that nearby residential properties and their occupiers are not unreasonably disturbed by noise and other nuisance and they are proportionate to the risk of nuisance to be prevented.

#### 4. **APPEAL HEARING – THE BLACK HORSE, KIDLINGTON**

Present at hearing:	R Lowther	- Environmental Protection Manager, Cherwell District Council – Responsible Authority
	K McEneaney	- Licensee of The Black Horse, Kidlington
	N Wyatt	- Interested party making representations

The Central Services Manager stated that an application had been received on 1 August 2005 from Greene King Retailing Ltd, the owners of The Black Horse, Kidlington 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 from the Head of Environmental Services as responsible authority and Mr N Wyatt an interested party.

The applications set out variations to the Premises Licence which were summarised as follows:-

- (i) to increase hours the premises are open to the public to start at 11.00 Monday to Sunday closing at 23.40 Sunday to Thursday and closing at 00.40 on Friday and Saturday;
- (ii) to increase hours for the supply of alcohol to start at 11.00 Monday to Sunday finishing at 23.00 Sunday to Thursday and at 00.00 Friday and Saturday;
- (iii) provision of late night refreshment on Friday and Saturday from 23.00 until 00.00;
- (iv) seasonal variation in respect of hours open to public, supply of alcohol, late night refreshment and provision of entertainment, including performance of live music and playing of recorded music and dancing for an additional hour on

Christmas Eve, Christmas Day, Boxing Day, New Years Day, Spring and August Bank Holidays, Good Friday, Easter Saturday, Easter Sunday and Easter Monday, proceeding and preceding day before a Bank Holiday, St Georges Day and St Patricks Day. Any other publicly declared holiday one extra hour.

Mr McEneaney as licensee, in support of his application stated that he wished to extend the opening hours by only a modest amount and would continue to operate the business in the same way as in the past. In response to the letter of the interested party he stated that at weekends there was little noise from vehicles late at night from the Black Horse as most customers left their vehicles overnight in the car park.

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:

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.

PN21 – disposal of waste bottles into external receptacles, where the noise will be audible to neighbouring properties and must not occur between certain hours.

Mr Wyatt, speaking as an interesting party, outlined the problems he and his wife had experienced in relation to:

- (i) noise made by customers leaving The Black Horse;
- (ii) the restocking and cleaning of the bar at night particularly the emptying of the bottle skip; and
- (iii) the live entertainment at weekends where there was a constant base beat.

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

**RESOLVED** that the variation of the existing premises licence be agreed but subject to the following conditions:-

- (1) All external doors/windows shall be kept closed other than for access and egress in all rooms when events involving amplified music or speech are taking place (pool of conditions PN12);
- (2) Disposal of waste bottles into external receptacles where the noise will be audible to neighbouring properties must not occur between 1800 and 09.00 (pool of conditions PN21);
- (3) Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents and leave the premises and the area quietly (pool of conditions PN16);
- (4) The premises shall have a written dispersal procedure designed to make the maximum contribution immediately before the premises close, and directly thereafter, by exercising proactive measures, to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours, both residential and business and to

make a minimum impact upon the neighbourhood in relation to potential nuisance, anti-social behaviour, crime and disorder.

REASONS:

- (1) The grant of the application subject to and in accordance with the conditions is consistent with the promotion of the licensing objective;
- (2) The conditions were necessary to ensure that nearby residential and business properties and their occupiers are not unreasonably disturbed by noise and other nuisance and they are proportionate to the risk of nuisance to be prevented.

5. **APPEAL HEARING – WHITE LION, STEEPLE ASTON**

Present at hearing: J Freeston	- Licensee of the White Lion, Steeple Aston
Mr P and Mrs J Hotston	- Interested parties making representations

The Central Services Manager stated that an application had been received on 2 August 2005 from Greene King Retailing Ltd who owned the White Lion, Steeple Aston, 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 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 P and Mrs J Hotston as interested parties.

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

- (i) to extend hours the premises are open to the public Monday to Saturday from 11.00 to 00.30 and on Sundays from 12.00 until 00.30;
- (ii) to extend hours for supply of alcohol Monday to Saturday from 11.00 to 00.00 and on Sunday from 12.00 to 00.00;
- (iii) seasonal variation in respect of performance of live music (including karaoke) and playing of recorded music (including disco) on Christmas Eve, Christmas Day, Boxing Day, New Years Day, Good Friday, Easter Saturday, Sunday and Monday and all other Bank Holiday weekends from 19.00 to 00.00). New Years Eve from 19.00 until 01.00;
- (iv) seasonal variation in respect of hours for supply of alcohol on Christmas Eve, Christmas Day, Boxing Day, New Years Day, Good Friday, Easter Saturday, Sunday and Monday and all other Bank Holiday weekends from 11.00 to 00.00.

Mr Freeston, as licensee of the premises stated that he had applied for one hour extra per night with half an hour drinking up time, although he would not use the hour on every occasion. The variation would also give him the ability to provide live and

recorded music when necessary. He was a member of Pubwatch and had never had any complaints from the Police or the Environmental Services Department of Cherwell District Council.

Mr Holston, as interested party, made representations relating to the White Lion in respect of noise and anti-social behaviour mainly by drunken youths, which had taken place in the past, particularly during the performance of live music.

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 granted but subject to and in accordance with the following conditions:-

- (1) all external doors and windows shall be kept closed, other than for access and egress, in all rooms when events involving amplified music or speech are taking place (pool of conditions PN12);
- (2) the garden shall not be used for the purposes of any licensable activity on any day after 23.00 hours;
- (3) prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents and to leave the premises and the area quietly (pool of conditions PN16).

REASONS:-

- (1) The grant of the application subject to and in accordance with the conditions is consistent with the promotion of the licensing objectives;
- (2) The conditions are necessary to ensure that nearby residential properties and their occupiers are not unreasonably disturbed by noise and other nuisance and they are considered proportionate to the risk of the nuisance to be prevented.

## 6. **END OF PROCEEDINGS**

The proceedings were adjourned at 11.10 am, were resumed at 2.00 pm and ended at 3.23 pm.