

## LICENSING SUB-COMMITTEE

A record of proceedings of the Licensing Sub-Committee held at Bodicote House, Bodicote, Banbury on 28 September 2005 at 6.00 pm.

Membership of the Sub-Committee (all Members present) – Councillor Back (Chairman), Councillors Gibbard and Webb.

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

### 1. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 2. LICENSING HEARING PROCEDURE

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

### 3. APPEAL HEARING – MIDDLE ASTON HOUSE, MIDDLE ASTON

Present at hearing:	N Lowther	-	Environmental Protection Manager, Cherwell District Council – Responsible Authority
	D Armitage	}	Interested parties making representations
	Mrs C A Parsons	}	
	Mr D Gordon	}	
	Mrs D Clifton	}	
	Mr & Mrs J Moore	}	
	Mrs D Wilson	}	

The Central Services Manager stated that an application had been received on 29 July 2005 from Middle Aston House Limited, the owners of the premises, for a variation of Premises Licence under the Licensing Act 2003.

The report set out:-

- (1) details submitted by the applicants which set out their support for the promotion of the four licensing objectives, ie: (a) the prevention of crime and disorder; (b) public safety; (c) the prevention of public nuisance; and (d) the protection of children from harm;
- (2) representations received from Mr T Davis, Mr D and Mrs P Armitage, Mr T and Mrs C Parsons, Ms E Spencer, Mr M and Mrs S Tutton, Mr D Gordon, Mrs S Rum, Mr S G Aldcroft, Mr G and Mrs D Clifton, Mr J and Mrs B Moore, Mr and Mrs D Wilson and Middle Aston Village Meeting as interested parties;
- (3) that the Head of Environmental Services had no objection to the granting of a licence submit to two conditions, namely:

- (i) all regulated entertainment (live and recorded music) to cease in the garden area by 22:00; and
- (ii) the garden area not to be used after 23:00.

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

- (1) To extend hours the premises are open to the public Monday to Sunday from 10:30 to 02:00 with seasonal variations several times throughout the year when Middle Aston House will be closed.
- (2) To extend hours for the supply of alcohol Monday to Sunday from 10:30 to 02:00.
- (3) To allow performance of live music (indoors and outdoors) Monday to Sunday from 10:30 until 02:00 for occasional small groups or individuals to play indoors, usually at private functions. Sometimes a request is made to play music outdoors, for example a harpist playing for a bride at a wedding line up.
- (4) To allow recorded music Monday to Sunday from 10:30 until 02:00. Amplified music, for example, a disco, usually played at private functions.
- (5) To allow provision of facilities for dancing Monday to Sunday from 10:30 to 02:00. Generally, dancing will take place at private functions for example weddings, Christmas parties and end of course parties, but not exclusively.

Mrs J Neville, licensee of Middle Aston House, stated that she had been employed by Middle Aston House Limited for 10 years and the business had operated harmoniously with the residents of Middle Aston during that period.

The business operated mainly as a training centre, but on a small number of occasions a social event, such as weddings, were held and they had therefore applied to sell alcohol until 02:00 and this would give them the flexibility they required to hold such events, and the premises would not operate in a different way to that which was currently operated.

Mrs Neville stated that any noise problems would be dealt with by the staff and it was not in the interests of the company to have rowdy events as it could disturb those who were residing overnight at the premises.

The function room was very small with a maximum number of people who could attend such events was between 90 and 100, many of whom would be sleeping overnight at Middle Aston House.

Mr R Lowther, on behalf of the Head of Environmental Services, stated that he had no objection to the application for a variation to the Premises License subject to the two conditions set out above and confirm that he wished to see the garden area closed at 23:00 and not 23:30 as requested by the applicants.

A number of interested parties spoke objecting to the variation to the Premises License primarily in relation to noise caused by guests leaving events. They felt that to serve alcohol until 02:00 was excessive and would only exacerbate the problem of noise in the small hamlet of Middle Aston.

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

**RESOLVED** that the variation of the Premises Licence be granted subject to the following conditions:-

- (1) All regulated entertainment in the garden shall cease at 22:00;
- (2) The garden shall not be used for any licensable activity after 23:00;
- (3) No licensable activity shall be allowed after 01:30;
- (4) The premises shall have a written dispersal procedure designed to make maximum contribution immediately before premises close, and directly thereafter, by exercising pro-active 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 the minimum impact upon the neighbourhood in relation to potential nuisance, anti-social behaviour, crime and disorder.

REASONS – (i) The application subject to the conditions is consistent with the promotion of the licensing objectives; and (ii) the conditions are for the purpose of ensuring that nearby residential properties and their occupants are not unreasonably disturbed by noise and are considered proportionate to the nuisance they are designed to prevent.

4. **APPEAL HEARING – BONITOS WINE BAR, 6/7 WHITE LION WALK, BANBURY**

Present at hearing: R Lowther - Environmental Protection Manager -  
Cherwell District Council –  
Responsible Authority

Mr L McKenzie - Licensee of Bonitos Wine Bar

The Central Services Manager stated that an application had been received on 4 August 2005 from Mr L McKenzie, licensee of Bonitos Wine Bar, 6/7 White Lion Walk 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) the 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 Banbury Charities, as an interested party.

The application set out the requested variations to the Premises Licence which was summarised as follows:-

- (1) To increase hours premises are open to the public Monday to Sunday from 11:00 to 02:30.
- (2) To increase hours for supply of alcohol Monday to Sunday from 11:00 to 02:00.
- (3) Provision of late night refreshment (indoors only) Monday to Sunday from 22:00 until 02:00. Provision of hot/soft snack/drinks particularly towards the end of

the night.

- (4) To extend performance of live music (indoors and outdoors) Monday to Sunday from 18:00 until 02:00 for small bands, occasionally with acoustic/amplified music/voice. Sometimes this may be done outside in conjunction with other traders of the walk to promote business. Non standard timings – occasionally during the day to promote trade in the area.
- (5) To extend recorded music (both indoors and outdoors) Monday to Sunday from 11:00 to 02:00. Background music/DJ. Exterior music on low volume to stop at 00:00.
- (6) To extend provision for performance of dance (both indoors and outdoors) Monday to Sunday from 11:00 to 00:00. Occasional performance eg charity events.
- (7) To extend provision of facilities for making music (indoors only) Monday to Sunday from 11:00 to 02:00. Small bands occasionally with amplified/acoustic music. Non standard timings – occasionally during the day to promote trade in the area.
- (8) To extend provision of facilities for dancing (indoors only) Monday to Sunday from 11:00 to 02:00. Spontaneous dancing with live/record music. Dance area provided.

Mr L McKenzie, as licensee of Bonitos Wine Bar stated that he had operated from the premises for 18 months and there had been no disturbance from the property in that time. Bonitos was situated between two nightclubs where he considered that most of the noise emanated. He lived above the premises and therefore wished to keep noise and disturbance to a minimum. He had installed two cameras in the vicinity of his premises which he considered reduced disturbance problems in the area.

There was no representative from Banbury Charities present. The letter of objection to the variation of the Premises License related to increased disturbance to the trustees alms houses which adjoined the premises.

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** that the application for a variation to the Premises Licence be granted.

REASONS – it was considered consistent with the promotion of the licensing objectives.

## 5. **END OF PROCEEDINGS**

The proceedings were ended at 7.50 pm.