

LICENSING SUB-COMMITTEE

A record of proceedings of the Licensing Sub-Committee held at Bodicote House, Bodicote, Banbury on 29 September 2005 at 10.00 am.

Membership of the Sub-Committee (all Members present) – Councillor Mrs Stratford (Chairman), Bhart and Wyse.

Officers:	M Dudfield (Solicitor)	}	Advising the Sub-
	J D Best (Senior Democratic Services Officer) (Hearing - The Bell Inn, Hook Norton)	}	Committee
	S Lodge (Democratic Services Officer)	}	
	(Hearing – The Horse and Jockey, Bodicote)	}	
	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 – HORSE AND JOCKEY, BODICOTE

Present at hearing:	R Lowther	-	Environmental Protection Manager, Cherwell District Council – Responsible Authority
	Mr G & Mrs K Goddard	-	Licensees of the Horse and Jockey
	Mr M Mills	}	Interested parties making representations
	Mrs V Dessain	}	
	Ms C Simonds	}	
	Miss V Towler	}	
	(representing herself)	}	
	Mr Lord and Mr Davis		

The Central Services Manager stated that an application had been received on 4 August 2005 from Heritage Pub Company Ltd, the owners of the Horse and Jockey Bodicote, 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) representations received from the Police and the Head of Environmental Services as responsible authorities;
- (3) representations received from Mr and Mrs M A Mills (2), Mr M and Mrs V Dessain, Mr H Lord, Mr P Davis, Mr and Mrs R A Tipping, Ms C Simonds, Ms S Grierson and P Aston, Mr R and Mrs E Turvey, Mr J Dale and Miss V Towler as interested parties.

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

- (1) To extend hours the premises are open to the public Sunday to Thursday from 11:00 to 01:30, and Friday and Saturday from 11:00 to 02:30 Non standard timings – an additional 30 minutes after the non standard finish timing for the supply of alcohol.
- (2) To extend hours for the supply of alcohol (for consumption on and off the premises) Sunday to Thursday from 11:00 to 01:00 and Friday and Saturday from 11:00 to 02:00. Non standard timings – Easter Monday, Christmas Eve, Christmas Day, Boxing Day and 27 December from 11:00 to 02:00. 31 December 11:00 to 2 January 02:00. If applicable, an additional hour to the standard & and non standard times on the day when British summer time commences. In the event of the transmission of any international sporting event which falls outside the standard hours timing to commence one hour before the start of the event and ending one hour after the end of the event.
- (3) To allow exhibition of film Sunday to Thursday from 11:00 to 01:00 and Friday and Saturday from 11:00 to 02:00. Films or recorded events including but not restricted to race nights and multi media amusement machines. Non standard timings – Easter Monday, Christmas Eve, Christmas Day, Boxing Day and 27 December from 11:00 to 02:00. 31 December 11:00 to 2 January 02:00. If applicable, an additional hour to the standard & and non standard times on the day when British summer time commences. In the event of the transmission of any international sporting event which falls outside the standard hours timing to commence one hour before the start of the event and ending one hour after the end of the event.
- (4) To allow indoor sporting events – darts, pool or other pub games - Sunday to Thursday from 11:00 to 01:00 and Friday and Saturday from 11:00 to 02:00. Non standard timings – Easter Monday, Christmas Eve, Christmas Day, Boxing Day and 27 December from 11:00 to 02:00. 31 December 11:00 to 2 January 02:00. If applicable, an additional hour to the standard and non standard times on the day when British summer time commences. In the event of the transmission of any international sporting event which falls outside the standard hours timing to commence one hour before the start of the event and ending one hour after the end of the event.
- (5) To allow live music (indoors only) – live performers playing amplified or un amplified music throughout the premises. Sunday to Thursday from 11:00 to 01:00 and Friday and Saturday from 11:00 to 02:00. Non standard timings – Easter Monday, Christmas Eve, Christmas Day, Boxing Day and 27 December from 11:00 to 02:00. 31 December 11:00 to 2 January 02:00. If applicable, an additional hour to the standard and non standard times on the day when British summer time commences. In the event of the transmission of any international sporting event which falls outside the standard hours timing to commence one hour before the start of the event and ending one hour after the end of the

event.

- (6) To allow recorded music (indoors and outdoors) Sunday to Thursday from 11:00 to 01:00 and Friday and Saturday from 11:00 to 02:00. Amplified recorded music throughout the premises and patio. Non standard timings – Easter Monday, Christmas Eve, Christmas Day, Boxing Day and 27 December from 11:00 to 02:00. 31 December 11:00 to 2 January 02:00. If applicable, an additional hour to the standard & and non standard times on the day when British summer time commences. In the event of the transmission of any international sporting event which falls outside the standard hours timing to commence one hour before the start of the event and ending one hour after the end of the event.
- (7) To allow provision of facilities for making music Sunday to Thursday from 11:00 to 01:00 and Friday and Saturday from 11:00 to 02:00. Juke box situated in main bar. Non standard timings – Easter Monday, Christmas Eve, Christmas Day, Boxing Day and 27 December from 11:00 to 02:00. 31 December 11:00 to 2 January 02:00. If applicable, an additional hour to the standard and non standard times on the day when British summer time commences. In the event of the transmission of any international sporting event which falls outside the standard hours timing to commence one hour before the start of the event and ending one hour after the end of the event.

Mr Goddard, as one of current joint licensees, stated that although he had applied to open the Horse and Jockey until 01:30 Sundays to Thursdays and 02:30 Fridays and Saturdays it was not his intention to open these hours except on special occasions. He had separate employment and therefore most weekdays wished to close at the earliest opportunity.

The damage referred to by the interested parties was unlikely to be caused by customers from the Horse and Jockey as he had a good knowledge of his customers and was careful to ensure that minimal noise was caused from people leaving the establishment. He stated that he proposed that no-one but regular customers would be allowed to enter the Horse and Jockey after 22:45.

Mr Goddard stated that the other public houses in the village had applied for similar opening hours and he was surprised that no objections had been raised to his applications but not the others. In relation to the complaints regarding parking of cars in High Street, he was the only one of 3 public houses in the village to have a car park.

Mr Lowther, on behalf of the Head of Environmental Services, stated that he had no objection to the granting of a variation to the Premises Licence subject to the following conditions:

- (1) PN12 – 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;
- (2) No entertainment involving sound amplification equipment shall be used in the garden area; and
- (3) PN17 – the garden/patio area must not be used by customers after the hours of 23:00.

The Committee noted that the joint licensees had accepted the 3 conditions suggested by the Head of Environmental Services.

Mr M A Mills, Mrs V Dessain, Ms C Simonds and V Towler, who were interested parties, made representation in respect of (i) noise caused by traffic and customers leaving the premises; (ii) damage to property and (iii) disturbance caused by the playing of loud music. They considered that if the premises were to be open until the hours now suggested by the applicant this would only exacerbate the current problems.

The Committee noted the report of the Police who had no objections to the granting of a variation to the Premises Licence subject to conditions relating to:

- (1) the keeping of the premises daily register;
- (2) that notice should be given to Thames Valley Police no less than 10 working days of special occasions or events;
- (3) all external doors/windows to be kept closed; and
- (4) a Designated Premises Supervisor or nominated representative shall receive and respond to complaints throughout the duration of all noisy events.

The joint licensees stated that they were prepared to accept the proposed conditions put forward by the Police.

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

RESOLVED that the variation of the existing Premises Licence be granted subject to:

- (1) 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);
- (2) no regulated entertainment involving sound amplification equipment shall be used in the garden area;
- (3) the garden/patio area must not be used by customers after the hours of 23:00 (PN17 Pool of Conditions);
- (4) a Daily Premises Register shall be kept at the premise. This register will be maintained and kept for a minimum of 12 months. The register shall record the person in the position of responsibility for the premises. The Premises Daily Register shall record all calls made to the premises where there is a complaint made by a resident of neighbour of noise, nuisance or anti-social behaviour by persons attending or leaving the premises. This shall record the details of the caller, the time and date of the call and the time and date of the incident relating to the call and any action taken to deal with the call. The Premises Daily Register will be readily available for inspection by an authorised person throughout the trading hours of the premises (CD10 Pool of Conditions);
- (5) on occasions that the applicant makes use of additional hours to cover special occasions, Thames Valley Police should be given no less than 10 working days written notification of the special occasion or event. This should be in a set

format detailing:

- the nature of the event and brief details of how the event will be run if not covered by the general operating schedule;
 - the date, the commencement and conclusion time of the event;
 - expected numbers attending;
 - name of the premises and name of the Designated Premises Supervisor for the duration of the event;
 - the number of occasions used and the total number of occasions permitted at the premises each year, eg, occasion 7 of 15 permitted (CD15 Pool of Conditions).
- (6) the designated premises supervisor or a nominated representative shall receive and respond to complaints throughout the duration of all noisy events and local residents should be advised of a telephone number that can be used for registering such complaints (PN24 Pool of Conditions);
- (7) the applicant is required to put up notices inside the premises requiring customers to leave the premises quietly; and
- (8) live music inside the premises shall cease at 23:30 on Sundays to Thursdays.

REASONS – the concerns expressed by the local residents related to previous incidents where it is not clear that these have been caused by customers from the Horse and Jockey and fears as to what might happen if the application is granted. The Sub-Committee is obliged to deal with the application on the basis of fact. The new legislation and the Government guidance promote extensions of drinking hours as a means of reducing anti-social behaviour through the regulated dispersal of customers. Only time will tell if that proves to be the case.

The Sub-Committee has placed conditions on the garden area to ensure that the area is not a source of public nuisance. The Sub-Committee has also placed conditions to enable residents to complain if they have concerns. The Committee have added to the conditions requested by the Police a requirement for local residents to be notified of a telephone number which they can use. Finally the Sub-Committee has restricted live music during the normal week to 23:30 to give local residents a degree of protection against possible noise outbreak and anti-social behaviour.

There is a right of review if concerns do arise.

4. **APPEAL HEARING – THE BELL INN, HOOK NORTON**

Present at hearing:	Mr J Coulton, Area Manager, Punch Taverns plc	-	The applicants
	Mr D Matthews	-	Licensee of The Bell Inn, Hook Norton

The Central Services Manager stated that an application had been received on 4 August 2005 from Punch Taverns plc, the owners of the Bell Inn, Hook Norton for a variation of the Premises Licence under the Licensing Act 2003.

The report set out:-

- (1) details submitted by the applicants 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) representations received from Mr Roger and Mrs Becky Cooke, Mr and Mrs F Lucas, Mr M Richardson, Mr R E and Mrs V Calderan, Mrs Gill and Mr Maurice White and Fiona Hehir;
- (3) that the Police had no objections to the granting of the licence subject to three conditions which were, in summary, (1) that a Premises Daily Register should be kept at the premises; (2) that all external doors/windows must be kept closed other than for access and egress in all rooms where events were taking place; and (3) that the Designated Premises Supervisor (or a nominated representative) should receive and respond to complaints through the duration of all noisy events.

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

- (1) To extend hours the premises are open to the public Monday to Wednesday from 11:00 to 23:30, Thursday to Saturday 11:00 to 01:30 and Sunday 12:00 23:00. Non standard timings – A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend. A further additional hour every Christmas Eve. A further additional hour every Boxing Day. To reflect existing New Years Eve/Day hours.
- (2) To extend hours for the supply of alcohol (for consumption on and off the premises) Monday to Wednesday from 11:00 to 23:00, Thursday to Saturday 11:00 to 01:00 and Sunday 12:00 22:30. Non standard timings – A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend. A further additional hour into the morning following the Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday Weekend. A further additional hour every Christmas Eve. A further additional hour every Boxing Day. To reflect existing New Years Eve/Day hours.
- (3) To extend hours for the performance of live music (indoors only) Monday to Wednesday from 11:00 to 23:00, Thursday to Saturday 11:00 to 01:00 and Sunday 12:00 22:30. To enable up to two entertainers to perform as currently allowed. Non standard timings – A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend. A further additional hour into the morning following the Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday Weekend. A further additional hour every Christmas Eve. A further additional hour every Boxing Day. To reflect existing New Years Eve/Day hours.

- (4) To extend hours for the playing of recorded music (indoors only) Monday to Wednesday from 11:00 to 23:00, Thursday to Saturday 11:00 to 01:00 and Sunday 12:00 22:30. To match sale of liquor at section M (supply of alcohol). Amplified recorded music ancillary to sale of alcohol. Non standard timings – A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend. A further additional hour into the morning following the Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday Weekend. A further additional hour every Christmas Eve. A further additional hour every Boxing Day. To reflect existing New Years Eve/Day hours.
- (5) To extend hours for the provision of facilities for dancing (indoors only) Monday to Wednesday from 11:00 to 23:00, Thursday to Saturday 11:00 to 01:00 and Sunday 12:00 22:30. To enable dancing to live music of a maximum two entertainers, recorded music and karaoke in a area specifically set apart for that activity.. Non standard timings – A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend. A further additional hour into the morning following the Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday Weekend. A further additional hour every Christmas Eve. A further additional hour every Boxing Day. To reflect existing New Years Eve/Day hours.
- (6) To permit provision of facilities for entertainment of a similar description to provision of facilities for making music and dancing (indoors only) Monday to Wednesday from 11:00 to 23:00 and on Thursday, Friday and Saturday from 11:00 to 01:00 and Sunday 12:00 to 22:30. Performance of karaoke. Non standard timings – A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend. A further additional hour into the morning following the Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday Weekend. A further additional hour every Christmas Eve. A further additional hour every Boxing Day. To reflect existing New Years Eve/Day hours.

Mr J Coulton spoke in support of the application and confirmed that the extension in hours included in the application was for one additional hour only on Thursdays to Saturdays. He mentioned that Roger and Betty Cooke, who lived opposite the Bell Inn, had written in support of the application. Mr Coulton went on to refer to the issues relating to noise and disturbance and the contention in the letters of representation that The Bell Inn was in a quiet residential area whereas the village shop, another public house and the Church were all located in a relatively short section of the High Street. In addition, some residents parked their vehicles on the High Street as some of the properties did not have any off-street parking areas within the curtilage. The majority of local residents who frequented the Bell Inn did so by walking rather than driving. The expectation was that customer patterns would not change and there was nothing to indicate there would be an influx of customers from outlying areas if the application was granted. Mr Coulton concluded by referring to the Hook Norton family background of Derek Matthews, his support for local events and charities and that the last thing Mr Matthews wanted was to be seen as a nuisance to his neighbours and local residents. In addition, there had been no objections from the Police nor the other responsible authorities.

The Sub-Committee then, in the absence of any interested parties, retired to consider the application under Regulation 14(2) on the Licensing Act 2003 (Hearings)

Regulations 2005. On the return of the Sub-Committee the decision was announced and it was

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

- (1) supply of alcohol, playing of recorded music, facilities for dancing and facilities for entertainment of a similar nature on Monday to Wednesday shall be 11:00 – 23:00, Thursdays 11.00 – 00.00, Friday and Saturday 11.00 – 01.00 and Sunday 12.00 – 22.30
- (2) closure shall be 30 minutes later in each case.
- (3) performance of live music shall be Monday to Thursday 11:00 to 23:00, Friday and Saturday 11:00 to 01:30, and Sunday 12:00 to 22:30.
- (4) subject to conditions as agreed with Police as follows:-
 - (i) a Premises Daily Register shall be kept at the premise. This register will be maintained and kept for a minimum of 12 months. This register should record the person in a position of responsibility for the premise. The Premises Daily Register shall record all calls made to the premises where there is a complaint made by a resident or neighbour of noise, nuisance or anti social behaviour by persons attending or leaving the premises. This shall record the details of the caller, the time and date of the call and the time and date of the incident relating to the call and any actions taken to deal with the call. The Premises Daily Register will be readily available for inspection by an Authorised Person throughout the trading hours of the premises.
 - (ii) 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.
 - (iii) the Designated Premises Supervisor or a nominated representative shall receive and respond to complaints throughout the duration of all noisy events.

REASONS – the Sub-Committee has considered the objections received in the context of the variations applied for. On Thursdays the Sub-Committee has limited the approval to afford a degree of protection to local residents who work a normal working week. The supply of alcohol has been allowed to 00:00 to reflect the usage of the premises but the playing of live music has been restricted to 23:00. Otherwise the variations requested have been agreed as the Sub-Committee sees no overriding reason not to grant the application.

5. **END OF PROCEEDINGS**

The proceeding were adjourned at 11.30 am, were resumed at 2.00 pm and ended at 2.35 pm.