

LICENSING SUB-COMMITTEE

A record of proceedings of the Licensing Sub-Committee held at Bodicote House, Bodicote, Banbury on 6 October 2005 at 10.00 am.

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

Officers:	M Dudfield (Solicitor)	}	Advising the Sub-
	S Lodge (Democratic Services Officer)	}	Committee
	Mrs T Poke (Central Services Manager)	}	Representing the
	Mrs J Smith (Electoral and Licensing Services Manager)	}	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 – CHANDLERS ARMS, EPWELL

Present at hearing:	R Lowther	-	Environmental Protection Manager, Cherwell District Council – Responsible Authority
	A Charman	}	Thames Valley Police –
	PC K Small	}	Responsible Authority
	P Foster	-	Hook Norton Brewery
	G Hammond	-	Licensee of Chandlers Arms, Epwell
	D Penketh (Representing Mrs B Burton)	}	Interested parties making representations
	Mr C Iddon	}	

The Central Services Manager stated that an application had been received on 21 July 2005 from Hook Norton Brewery Company Ltd who operated and owned the Chandlers Arms, Epwell, 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 Head of Environmental Services and Thames Valley Police as responsible authorities;
- (3) representations received from Lady A Pollard, Mrs B Burton which contained a petition signed by 18 residents and Mr C R Iddon.

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

- (1) to increase hours for supply of alcohol to start at 10:00 Monday to Sunday finishing at 02:00;
- (2) to increase hours premises are open to the public to start at 08:00 Monday to Sunday closing at 02:30;
- (3) to include exhibition of film Monday to Sunday, starting at 20:00 finishing at 00:00;
- (4) to include indoor sporting events Monday to Thursday, starting at 20:00 finishing at 23:30;
- (5) To include provision of live music on Monday to Thursday from 20:00 until 23:30, Friday from 19:30 to 23:30, Saturday and Sunday from 14:00 to 23:30 (both indoors and outdoors);
- (6) to include playing of recorded music Monday to Sunday from 08:00 until 02:00;
- (7) to include performance of, provision for dancing and facilities for dancing Monday to Sunday from 12:00 until 00:00;
- (8) include provision of facilities for making music Monday to Sunday to start at 20:00 finishing at 00:00;
- (9) include provision of late night refreshment Monday to Sunday to start at 23:00 finishing at 02:00;
- (10) include longer opening hours for bank holiday and other pre-booked events;
- (11) include earlier opening hours for televised sporting events;
- (12) accompanied children to be allowed on the premises.

Mr P Foster of Hook Norton Brewery stated that like the majority of Hook Norton Brewery properties the Chandlers Arms, Epwell was in a rural location and the licensee Mr Hammond wished to take advantage of extending the current hours of operation. The licensee did not propose to sell alcohol until 02:00 every day of the week but on special occasions such as 21st and 40th birthdays when the Chandlers Arms would remain open beyond midnight.

Mr Foster indicated that he was prepared to accept the three recommendations suggested by the Head of Environmental Services and the two conditions recommended by the Police.

He stated that he was aware of complaints from local residents, but stated that for the public house to remain viable in a small village it was necessary to attract customers from outside the community. It was proposed that no-one would be

admitted to the public house after 23:00, unless by prior arrangement, such as the skittles team returning after an away fixture.

In respect of the Police reference to the Pubwatch scheme the licensee proposed to join the scheme in Brailes, Warwickshire as the Chandlers Arms had a greater association with this area.

He acknowledged that problems had arisen at the Chandlers Arms particularly when the landlord was on holiday. As a result a meeting between the brewery and local residents had been held to resolve problems and it was the wish of the brewery to live in harmony with local residents.

PC Small, of Thames Valley Police, stated that he did not wish to add anything to his original representations, which in view of the concerns expressed wished to include two conditions as follows:-

- (1) CD12 the license holder or Designated Premises Supervisor shall become actively involved in the Pubwatch scheme and a representative shall attend Pubwatch meetings; and
- (2) PN24 the Designated Premises Supervisor or a nominated representative shall receive and respond to complaints throughout the duration of all noisy events.

Mr R Lowther, on behalf of the Head of Environmental Services stated that he had no objection to the application subject to the following three conditions being agreed:-

- (1) PN4 all live and recorded music to cease in the garden by 22:00 (PN4 Pool of Conditions);
- (2) PN12 all external doors/windows must be closed after 22:00, other than for access and egress in all rooms when events involving amplified music or speech are taking place; and
- (3) PN17 the garden area (outside drinking area) must not be used by customers after the hours of 23:00.

Mr C Iddon and Mr D Penketh (representing Mrs Burton) as interested parties addressed the Sub-Committee. They expressed concerns in relation to the level of noise emanating from customers leaving the Chandlers Arms at closing time. They indicated that the licensee did not operate within the hours of his current license and were not confident that he would adhere to the variation of opening hours if these were granted.

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 in the existing license be granted as follows:-

- (i) the hours for the supply of alcohol from 10:00 to 23:00 Sunday to Thursday and 10:00 to 1:00 Friday and Saturday with an additional 30 minutes allowed for closure of the Licensed Premises;
- (ii) to include the exhibition of film from 20:00 to 23:00 Sunday to Thursday and 20:00 to 00:00 Friday and Saturday;

- (iii) to include indoor sporting events 20:00 to 23:00 Sunday to Thursday and 20:00 to 23:30 Friday and Saturday;
- (iv) to include provision of live music 20:00 to 23:00 Monday to Thursday, 19:30 to 23:30 Friday, 14:00 to 23:30 Saturday, and 14:00 to 23:00 on Sunday;
- (v) to the provision of playing of recorded music 08:00 until 23:00 Sunday to Thursday and 8:00 to 01:00 Friday and Saturday;
- (vi) to include the performance of provision for dancing and facilities for dancing 12:00 to 23:00 Sunday to Thursday and 12:00 to 01:00 Friday and Saturday;
- (vii) to include provision of facilities for making music 20:00 to 23:00 Sunday to Thursday and 20:00 to 00:00 Friday and Saturday;
- (viii) to include late night refreshment Friday and Saturday 23:00 to 01:00;
- (ix) longer opening hours for bank holidays, but not other pre-booked events, until 01:00; and
- (x) to include earlier opening hours for televised sporting events commencing half an hour before the start of the event and ending half an hour after the end of the event.

The application is subject to the following conditions:

- (1) all live and recorded music to cease in the garden by 22:00 (PN4 Pool of Conditions);
- (2) all external doors/windows must be kept closed after 22:00, other than for access and egress, in all rooms when events involving amplified music or speech are taking place (PN12 Pool of Conditions);
- (3) the garden area (outside drinking area) must not be used by customers after the hours of 23:00 (PN17 Pool of Conditions);
- (4) the license holder or designated Premises Supervisor shall become actively involved in the Pubwatch scheme and a representative shall attend Pubwatch meetings (CD12 Pool of Conditions);
- (5) the Designated Premises Supervisor or nominated representative shall receive and respond to complaints throughout the duration of all noisy events (PN24 Pool of Conditions);
- (6) no admission or re-admission on Fridays and Saturdays after 23:00 except by prior arrangement;
- (7) a telephone number for complaints to be circulated to the whole of the village;
- (8) prior written notification to be given to neighbouring properties when special events to be held.

REASONS – the premises are in a small residential village and the Sub-Committee has considered the reasonable requirements of the business and those of local residents. The Sub-Committee has restricted opening during the “normal working week” and allowed longer periods on Fridays and Saturdays. The Sub-Committee

believes that this balances the requirements of both sides. The applicant is able to apply for TENs for one off occasions and this should meet the requirements to cater for special events. On bank holidays the Sub-Committee has granted the same hours as Fridays and Saturdays. Pre-booked events outside the permitted hours will have to be dealt with using TENs. The Head of Environmental Services and Police conditions have been agreed and the Sub-Committee has added the admission and re-admission condition offered at the hearing. Provision has also been made for a telephone number to be available to residents for complaints to be made and for prior written notice to be given of special events.

4. **APPEAL HEARING – ROYAL BRITISH REGION CLUB, HIGH STREET, DEDDINGTON**

Present at hearing:	R Lowther	-	Environmental Protection Manager, Cherwell District Council – Responsible Authority
	PC K Small	}	Thames Valley Police –
	A Charman	}	Responsible Authority
	H Morris	-	Secretary of the Club (applicant)
	R Rose	-	Solicitor for the applicant
	Three other Members of the Committee		
	Mr D Dryland	}	Interested parties making representations
	Mr J Knights	}	
	Mr & Mrs P Soddy	}	

The Central Services Manager stated that an application had been received on 28 July 2005 from Mr H Morris in his capacity as Club Secretary of Deddington Royal British Legion Club for a variation to 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 the Police and the Head of Environmental Services who had no objections subject to conditions; and
- (3) representations received from Ms D Dryland, Mr J & Mrs I Knights and Mr & Mrs P Soddy as interested parties.

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

- Extend authorised hours for the supply of alcohol 10:30 to 23:30 Monday to Thursday, 10:30 to 01:00 Friday and Saturday, 10:30 to 00:00 on Sunday. These extended hours also apply to the following:

- Live Music – No more than three live musicians playing a variety of music with appropriate sound limited amplification. Live music not performed at all times when the club premises are open.
 - Recorded Music – A variety of recorded music with or without a DJ. Domestic CD player for low level background music. Main sound system not used at all times when club is open.
 - Provision of Facilities for making Music – Occasional karaoke performances.
 - Provision of facilities for Dancing – Dancing to live or recorded music on the dance floor in the ground floor room. Dancing will not take place at all times when the club premises are open.
- Non standard timings will apply to all of the above as follows:
 - December 24 10:30 – 01:00
 - December 25 10:30 – 01:00
 - December 26 10:30 – 01:00
 - December 31 10:30 through to 01.00 on 2 January
 - Seasonal Variation for the supply of alcohol in respect of TV coverage of major sporting events and other events in which UK representation is involved. 30 minutes before and 30 minutes after and on other special occasions at times decided by the club committee not less than 2 weeks prior to the special occasion.

Mr Rose, legal representative for the applicant, stated that the conditions suggested by the Police and Head of Environmental Services were generally acceptable to the applicants and reflected the conditions which had been agreed when the club registration certificate had been renewed in February 2004.

He stated, however, the following two conditions which had been imposed by the Magistrates Court should in fact relate to music events only. These being:

- (1) Entry to and egress from premises shall be through the main door accessed by the alley way from the High Street. The baffle door and main door should not open simultaneously except for access or egress by members; and
- (2) All windows shall be kept closed at all times.

The club had existed in Deddington for 80 years. The request of the club for additional hours for the supply of alcohol was very modest and no different to the variations requested by other licensed premises in the village. The request for music and dancing reflected social activities in the past and there was no intention to operate in any other way from that which currently took place.

PC Small of Thames Valley Police stated that since the issue of the club registration certificate in February 2004 conditions imposed had reduced the level of complaints received considerably. The Police had no objections therefore to the granting of the variation subject to further conditions. These being:-

- (1) CD15 on occasions that the applicants make use of additional hours to cover special occasions, Thames Valley Police shall be given wherever possible 14 days written notification of the special occasion or events. This shall 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 scheme;

- the date, the commencement and conclusion time of the event;
 - expected numbers attending;
 - name of the premises and the name of the person nominated for the duration of the event;
 - the number of occasions used and the total number of occasions permitted at the premises each year, eg, 7 of 15 permitted.
- (2) The nominated representative shall receive and respond to complaints throughout the duration of all noisy events.

Following clarification with the applicant it was ascertained that the supply of alcohol in respect of TV coverage related to “live major sporting events”.

R Lowther outlined the problems which had been encountered with the club over a number of years but stated that he had no objection to the variation subject to conditions, which were based upon conditions imposed by the Magistrates Court when the club registration certificate had been renewed in February 2004. Following clarification Mr Lowther stated that he wished the following conditions to be imposed:

- (1) the nominated/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;
- (2) PN6 a noise limiting device shall be installed, fitted and maintained in such a manner as to control all sources of amplified music or speech at the premises;
- (3) PN9 the windows at the front and rear elevations of the main hall shall be fitted with secondary glazing in order to improve the sound attenuation of the premises;
- (4) the sound trap lobby serving the main entrance to the premises, located at the top of the alley to the left side of the hall shall be operated in such a manner that the internal and external doors are not opened simultaneously. Both doors must be fitted with self-closing devices which must be adjusted to ensure that they operate quickly without the doors themselves generating additional noise;
- (5) PN12A all windows must be closed other than for access and egress, in all rooms when events involving amplified music or speech are taking place;
- (6) PN12B the external doors opening directly onto High Street must be kept closed, other than for emergency access and egress, when events involving amplified musical speech are taking place;
- (7) PN16 prominent, clear notices shall be displayed at all exists requesting customers to respect the needs of local residents and leave the premises and the area quietly;
- (8) PN21 disposal of waste bottles into external receptacles where the noise will be audible to neighbouring properties must not occur between 23:00 and 08:00;
- (9) the delivery and movement of crates, boxes and barrels within the premises where noise produced will materially interfere with the enjoyment of the

neighbouring properties, but must not occur before 08:00 and after 18:00;

- (10) notwithstanding the above conditions events involving the use of amplified music or speech shall cease at 12:00 midnight or before and no more than 4 events involving amplified musical speech shall take place in any 4 week period;
- (11) PN29 the premises shall have a written dispersal procedure designed to make the 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.

Mr Knights, Mr Soddy and Mrs Dryland, who were interested parties, made representation in respect of:

- (1) amplified noise emanating from the British Legion;
- (2) disturbance caused by people leaving the premises and deliveries to the premises;
- (3) problems encountered with the management of the club over a number of years.
- (4) parking on the main road by Members of the Club.

During discussion it was established the noise limiting device installed at the club was not working and there had been considerable noise disturbance during recent musical/karaoke events. The applicant agreed to resolve this problem prior to the implementation of the new licence to come into effect on 24 November 2005.

The Sub-Committee then retired to consider the application in accordance with Regulation 4(2) (of the Hearing Regulations). Upon the return of the Sub-Committee it was

RESOLVED that the variation in the existing licence be granted as follows:

- (1) the hours for the supply of alcohol from 10:30 to 23:30 Sunday to Thursday and from 10:30 to 01:00 Friday and Saturday;
- (2) non-standard timings to be agreed as requested;
- (3) major sporting events must be live commencing half an hour before the start of the event and ending half an hour after the end of event and on other special occasions at times decided by the Club Committee.

The application is subject to the following conditions:

- (i) on occasions that the applicant makes use of additional hours to cover special occasions, Thames Valley Police should be given wherever possible 14 days written notification, of the special occasion or event and this should be in a set format detailing:

- the nature of the event and the 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 number attending:
 - the name of the premises and the name of the nominated person for the duration of the event:
 - the number of occasions used and the number of occasions permitted in the premises each year, eg, occasion 7 of 15 permitted (CD15 of Pool of Conditions).
- (ii) the Designated Premises Supervisor or nominated representative shall receive and respond to complaints throughout the duration of all noisy events.
- (iii) in so far as not varied by the conditions below the conditions imposed by the Licensing Justices in February 2004 except that in relation to Condition 8 no movement of barrels in the cellar shall be allowed between 00:00 and 07:00 Monday to Friday and 01:00 to 07:00 Saturday and Sunday.
- (iv) the applicant must notify local residents (living within 100 metres of the premises) of a telephone number on which complaints can be made and acted upon.
- (v) the nominated/Duty Manager shall ensure that no nuisance is caused by noise emanating from the premises or by vibration transmitted through the structure of the premises (PN1 Pool of Conditions);
- (vi) a noise limiting device shall be installed, fitted and maintained in such a manner as to control all sources of amplified music or speech at the premises (Pool of Conditions PN6);
- (vii) the windows at the front and rear elevations of the main hall should be fitted with secondary glazing in order to improve the sound attenuation of the premises (PN9 Pool of Policies);
- (viii) the sound trap lobby serving the main entrance to the premises, located at the top of the alley to the left hand side of the hall, shall be operated in such a manner that the internal and external doors are not opened simultaneously. Both doors must be fitted with self closing devices which must be adjusted to ensure they operate quickly without the doors themselves generating additional noise;
- (ix) all windows must be kept closed, other than for access and egress, in all rooms when events involving amplified musical speech are taking place (PN12A Pool of Conditions);
- (x) external doors opening directly onto High Street must be kept closed, other than for emergency access and egress, when events involving amplified music or speech are taking place (PN12B Pool of Conditions);

- (xi) 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 (PN16 Pool of Conditions);
- (xii) disposal of waste bottles into external receptacles where the notice will be audible to neighbouring properties must not occur between 23:00 and 07:00 Mondays to Fridays and 08:00 Saturday and Sunday (PN21 Pool of Conditions)
- (xiii) the delivery and movement of crates, boxes and barrels to and within the premises where noise produced will materially interfere with the enjoyment of neighbouring properties must not occur before 07:00 Mondays to Fridays and 08:00 Saturday and Sunday;
- (xiv) notwithstanding the above conditions events involving the use of amplified music or speech shall cease at 12:00 midnight or before and no more than 4 events involving amplified music or speech shall take place in any four week period;
- (xv) the premises shall have a written dispersal procedure designed to make the maximum contribution immediately before premises close, and directly afterwards, 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 (PN29 Pool of Conditions);
- (xvi) prior written notification to be given to local residents (ie those within 100 metres of the premises) of major sporting events and special occasions.

REASONS – by law the Sub-Committee must deal with this application in accordance with the legislation, the licensing policy and licensing objectives. The application is for a club premises certificate and the nature of the club is not a relevant consideration for the Sub-Committee to take into account. Similarly difficulties experienced by residents in parking (lawfully) and the nature of the road are not matters for the Sub-Committee to consider.

The extension of hours applied for are modest and the Sub-Committee has taken the view that they are acceptable with the conditions that are being imposed. The Sub-Committee has added notification conditions so that nearby residents are made aware of authorised use beyond that in the main part of the licence.

The Sub-Committee believes that many of the previous problems have resulted from lack of proper management. If this is not rectified it is open for the responsible bodies and interested parties to request a review of the licence and the conditions.

5. **END OF PROCEEDINGS**

The proceedings were adjourned at 11.10 am, were resumed at 1.30 pm and ended at 3.10 pm.