

## LICENSING SUB-COMMITTEE

A record of proceedings of the Licensing Sub-Committee held at Bodicote House, Bodicote, Banbury on 13 October 2005 at 10.00 pm.

Membership of the Sub-Committee (all Members present) – Councillors Wyse (Chairman), Mrs Milne, Councillor O’Sullivan (for Hearing at Littlebury Hotel, Bicester) and Mrs Stratford (for Hearing at Lampet Arms, Upper Tadmarton).

Officers:	M Dudfield (Solicitor)	}	Advising the Sub-
	S Lodge (Democratic Services Officer)	}	Committee
	J Smith (Electoral and Licensing Services Manager)	}	Representing the
	N Barnes (Senior Licensing Officer)	}	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 – LITTLEBURY HOTEL, KINGS END, BICESTER

Present at hearing:	R Lowther	-	Environmental Protection Manager, Cherwell District Council – Responsible Authority
	Mr M J McKeon	-	Designated Premises Supervisor, Littlebury Hotel, Kings End, Bicester

The Electoral and Licensing Services Manager stated that an application had been received on 4 August 2005 from M J McKeon of Littlebury Hotel, Kings End, Bicester, the Designated Premises Supervisor, 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 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 the P Marsh and Mrs R F McLeod as interested parties;
- (3) that the Head of Environmental Services had no objection to the granting of a licence subject to two conditions.

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

- (1) to extend hours the premises are open to the public Sunday to Thursday from 05:30 to 01:30 and on Friday and Saturday from 05:30 until 02:30. Seasonal variation during the month of December until 02:30 to cater for pre-booked Christmas parties. Non standard timings – Christmas Eve, Boxing Day, Valentines Day, St Patrick's Day, St Georges Day, Easter Friday Saturday Sunday and Monday, May Bank Holiday Saturday Sunday and Monday, Spring Bank Holiday Saturday Sunday and Monday, August Bank Holiday Saturday Sunday and Monday, Halloween. Early opening hours are to cater for early breakfasts and such events as the Silverstone Grand Prix. Residents and their guests have access to the premises at all times and the management will open the doors to others wishing to check into the hotel in the hours between 01:30 and 05:30;
- (2) to extend hours for the supply of alcohol (for consumption on and off the premises) Sunday to Thursday from 08:00 to 01:00 and on Friday and Saturday from 08:00 to 02:00. Seasonal variation during the month of December until 02:00 to cater for pre-booked Christmas parties. Non standard timings – Christmas Eve, Boxing Day, Valentines Day, St Patrick's Day, St Georges Day, Easter Friday Saturday Sunday and Monday, May Bank Holiday Saturday Sunday and Monday, Spring Bank Holiday Saturday Sunday and Monday, August Bank Holiday Saturday Sunday and Monday, Halloween. All the above 10:00 until 02:00. All times proposed for the sale of alcohol are as such to cater for pre-booked private parties, in many instances the supply of alcohol will cease at earlier time. Residents and their guests may drink alcohol at any time;
- (3) to permit performance of plays (indoors and outdoors) Monday to Sunday from 12:00 to 00:00 for the occasional amateur dramatic performance, if outside performance will finish by 23:00;
- (4) to permit exhibition of films (indoors only) Monday to Sunday from 18:00 to 00:00. Occasional videos/DVD's may be shown for Charity Race nights, karaoke and pre-recorded events;
- (5) to permit indoor sporting events Monday to Sunday 12:00 to 00:00. Spectators for occasional pool and darts matches;
- (6) to extend hours for the performance of live music (indoors and outdoors) Sunday to Thursday from 10:00 to 01:00 and on Friday and Saturday from 10:00 to 02:00. Amplified and un-amplified music including steel bands, Irish bands, string quartets. Outdoor music will cease by 23:45. Seasonal variation during the month of December until 02:00 to cater for pre-booked Christmas parties. Non standard timings – Christmas Eve, Boxing Day, Valentines Day, St Patrick's Day, St Georges Day, Easter Friday Saturday Sunday and Monday, May Bank Holiday Saturday Sunday and Monday, Spring Bank Holiday Saturday Sunday and Monday, August Bank Holiday Saturday Sunday and Monday, Halloween. All the above 10:00 until 02:00. New Years Eve until close;
- (7) to extend hours for the playing of recorded music (indoors and outdoors) Sunday to Thursday from 05:30 to 01:30 and on Friday and Saturday from 05:30 to 02:30. CD's incidental to other activities only. Discos and karaoke will cease by 01:00 Sundays to Thursdays and 02:00 Fridays and Saturdays. Seasonal variation during the month of December karaoke and discos until 02:00 and background music until 02:30 to cater for pre-booked Christmas parties. Non standard timings – Christmas Eve, Boxing Day, Valentines Day,

St Patrick's Day, St Georges Day, Easter Friday Saturday Sunday and Monday, May Bank Holiday Saturday Sunday and Monday, Spring Bank Holiday Saturday Sunday and Monday, August Bank Holiday Saturday Sunday and Monday, Halloween. All the above 05:30 until 02:30. Discos and karaoke will cease by 01:00 Sundays to Thursdays and 02:00 Fridays and Saturdays. New Years Eve until close;

- (8) to extend hours for the performance of dance (indoors and outdoors) Sunday to Thursday from 10:00 to 01:00 and on Friday and Saturday from 10:00 to 02:00. Dancing to live music, karaoke and discos mostly at pre-booked special events. Seasonal variation during the month of December until 02:00 to cater for pre-booked Christmas parties. Non standard timings – Christmas Eve, Boxing Day, Valentines Day, St Patrick's Day, St Georges Day, Easter Friday Saturday Sunday and Monday, May Bank Holiday Saturday Sunday and Monday, Spring Bank Holiday Saturday Sunday and Monday, August Bank Holiday Saturday Sunday and Monday, Halloween. All the above 10:00 until 02:00. New Years Eve until close;
- (9) to permit anything of a similar description to live music, recorded music and performance of dance (indoors and outdoors) Sunday to Thursday from 10:00 to 01:00 and on Friday and Saturday from 10:00 to 02:00. Seasonal variation during the month of December until 02:00 to cater for pre-booked Christmas parties. Non standard timings – Christmas Eve, Boxing Day, Valentines Day, St Patrick's Day, St Georges Day, Easter Friday Saturday Sunday and Monday, May Bank Holiday Saturday Sunday and Monday, Spring Bank Holiday Saturday Sunday and Monday, August Bank Holiday Saturday Sunday and Monday, Halloween. All the above 10:00 until 02:00. New Years Eve until close;
- (10) to extend hours for the provision of facilities for making music (indoors only) Sunday to Thursday from 10:00 to 01:00 and on Friday and Saturday from 10:00 to 02:00. Seasonal variation during the month of December until 02:00 to cater for pre-booked Christmas parties. Non standard timings – Christmas Eve, Boxing Day, Valentines Day, St Patrick's Day, St Georges Day, Easter Friday Saturday Sunday and Monday, May Bank Holiday Saturday Sunday and Monday, Spring Bank Holiday Saturday Sunday and Monday, August Bank Holiday Saturday Sunday and Monday, Halloween. All the above 10:00 until 02:00. New Years Eve until close;
- (11) to extend hours for the provision of facilities for dancing (indoors and outdoors) Sunday to Thursday from 10:00 to 01:00 and on Friday and Saturday from 10:00 to 02:00. Dance floor provided, and tables and chairs cleared, where necessary, for people to dance at special events and disco provided by third party. Seasonal variation during the month of December until 02:00 to cater for pre-booked Christmas parties. Non standard timings – Christmas Eve, Boxing Day, Valentines Day, St Patrick's Day, St Georges Day, Easter Friday Saturday Sunday and Monday, May Bank Holiday Saturday Sunday and Monday, Spring Bank Holiday Saturday Sunday and Monday, August Bank Holiday Saturday Sunday and Monday, Halloween. All the above 10:00 until 02:00. New Years Eve until close;
- (12) to permit provision of facilities for entertainment of a similar description to provision of facilities for making music and dancing (indoors and outdoors) Sunday to Thursday from 10:00 to 01:00 and on Friday and Saturday from 10:00 to 02:00. Seasonal variation during the month of December until 02:00 to cater for pre-booked Christmas parties. Non standard timings – Christmas

Eve, Boxing Day, Valentines Day, St Patrick's Day, St Georges Day, Easter Friday Saturday Sunday and Monday, May Bank Holiday Saturday Sunday and Monday, Spring Bank Holiday Saturday Sunday and Monday, August Bank Holiday Saturday Sunday and Monday, Halloween. All the above 10:00 until 02:00. New Years Eve until close; and

- (13) to permit late night refreshment (indoors only) Sunday to Thursday 23:00 to 01:30 and Friday and Saturday 23:00 to 02:30. Mostly hot beverages will be sold after 23:00, occasionally a hot buffet may be laid on e.g. New Years Eve. Seasonal variation during the month of December until 02:00 to cater for pre-booked Christmas parties. Non standard timings – Christmas Eve, Boxing Day, Valentines Day, St Patrick's Day, St Georges Day, Easter Friday Saturday Sunday and Monday, May Bank Holiday Saturday Sunday and Monday, Spring Bank Holiday Saturday Sunday and Monday, August Bank Holiday Saturday Sunday and Monday, Halloween. Other pre-booked special events up to 12 in total. The pre-booked special events would be notified to the Police and Council 10 days prior to the events. All the above until 02:30. New Years Eve until close.

Mr M McKeon, as Designated Premises Supervisor, stated that the Littlebury Hotel, Bicester, had operated as a family business since 1959. He stated that the hotel catered for mature age groups including family gatherings and weddings and 18<sup>th</sup> and 21<sup>st</sup> birthdays were not held at the hotel.

Noise was kept to a minimum at the end of the evening and all customers were encouraged to use the car park at the rear of the hotel. He considered that the music from the hotel was kept to a reasonable level and a responsible person was always on the premises 24 hours a day to deal with any problems that might arise. The hours requested for licensing activities would not operate all the time as stated but would allow for greater flexibility in the operation of the business. He stated that there was always someone resident at the Hotel to deal with any problems that arose.

R Lowther, on behalf of the Environmental Services Officer stated that he had no objection to the granting of the variation of the licence subject to:-

- (1) all regulated entertainment (plays, live music, recorded music, performance of dance, provision of facilities for dancing) to cease outside by 22:00; and
- (2) the outdoor area shall not be used after 23:00.

Mr McKeon stated that he had no objection to the proposed first condition, but as the garden was the route to the rear car park he requested that this outdoor area be used after 23:00.

Mr Lowther stated that following further consideration of the application he was prepared to agree to the use of the outdoor area after 23:00 provided:-

- (1) the applicants notify all residents of a contact number for the receipt of any complaints in respect of the operation of the premises; and
- (2) that a premises register be maintained recording all complaints received in respect of the operation of the premises, the complainant, the recipient and the action taken.

There was no attendance from the interested parties and the Sub-Committee therefore took into account the two letters of representation which related to excessive noise caused by music from outside and within the Littlebury Hotel and the disturbance caused by customers assembling and departing from the premises at events. The interested parties considered the increase in licensable activities would only exacerbate these problems.

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 be granted subject to the following conditions:-

- (1) regulated entertainment outdoors will cease at 22:00;
- (2) applicants to notify all residents within 50 metres of a contact number for the receipt of any complaints in respect of the operation of the premises; and
- (3) a premises register be maintained, recording all complaints received in respect of the operation of the premises, the complainant, the recipient and the action taken.

REASON – the Sub-Committee has considered the concerns of the residents in relation to the operation of the premises and believe there is insufficient reason not to grant this application for the hours requested. The Sub-Committee has made this subject to conditions regarding regulated entertainment in the external area and the maintenance of proper records regarding complaints so that these can be used when considering any review. Neighbours are to be notified of a contact number.

#### 4. **APPEAL HEARING – THE LAMPET ARMS, UPPER TADMARTON**

Present at hearing:	R Lowther	-	Environmental Protection Manager, Cherwell District Council – Responsible Authority
	Mr F and Mrs P Francis	-	Licensees of the Lampet Arms, Upper Tadmarton
	Mr R Rose	-	Solicitor for the Applicant
	Mr D Nation	}	Interested parties making representations
	Mr M Buckingham	}	
	Ms C Buckingham	}	
	(representing Mrs B Buckingham	}	
	Mr M and Mrs R Buckingham	}	
	Mr S Blundell	}	
	Mr M Howe (representing Mrs Howe	}	

The Electoral and Licensing Services Manager stated that an application had been received on 3 August 2005 from Mr M and Mrs P Francis of the Lampet Arms, Upper Tadmarton who were the current licensees and operators of the Lampet Arms, Upper Tadmarton, 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 from the Head of Environmental Services as the responsible authority, representations received from Mr D Nation, Mr M and Mrs B Buckingham, Mr M and Mrs R Buckingham, Mr S Blundell and Mrs C Howe as interested parties.

The application set out the request of variations to the premises licence which were summarised as follows:-

- (1) to extend hours the premises are open everyday from 11:00 to 00:30, with addition to non standard hours on new years day 00:00 to 01:30;
- (2) to extend hours for the supply of alcohol everyday from 11:00 to 00:00, with addition non standard hours on new years day 00:00 to 01:00; and
- (3) provision for Live Music, Recorded Music and Facilities for Dancing (indoors) everyday from 11:00 to 00:00.

Mr Rose, solicitor for the licensees stated that Mr and Mrs Francis had been licensees for the Lampet Arms for approximately 12 months. Their application for extended supply of alcohol was made until 00.00 every day including weekends and was very modest when compared with that applied for by other licensees of public houses in the District.

Mr and Mrs Francis did not intend to change the character of the Lampet Arms and wished for a good relationship with the neighbours. The Lampet Arms would not be open until 00.30 every night, but the proposed variation in the licensed premises was to give the licensees the facility to use such hours if they wished to do so.

The provision of music and dancing was also modest and only three discos, ten single music performance and three live bands (three performances) had been held during the previous 12 months. In order to reduce the noise on occasions when musical events were held the licensees proposed to install a further set of doors, and would request customers to leave the premises quietly. Noise would also be reduced by any live bands providing their own sound limiters.

Interested parties then asked various questions to the applicants which indicated their concerns relating to (1) problems experienced through noise and anti-social behaviour when customers left the premises and where the licensee appeared to have no control; (2) the playing of loud music which it was claimed went on longer than the current licence allowed; and (3) the limited response of the licensees to complaints from neighbours.

Mr R Lowther, for the Head of Environmental Services stated that in his report he had suggested approval of the variations to the premises licence subject to all external doors/windows being kept closed, other than for access and egress in all rooms when events involving amplified music or speech were taking place. In view of the concerns now expressed by interested parties he suggested that the following further conditions be applied:-

- (1) the provision of a set of doors to be installed between the front doors and the existing swing doors (previously suggested by the applicant);
- (2) a noise limiting device to be installed and calibrated to the satisfaction of the Head of Environmental Services;
- (3) to provide a contact telephone number for the Lampet Arms for all neighbouring properties in the event of problems experienced and a log of all complaints received being kept and
- (4) to prepare a written dispersal policy to the approval of the local authority.

At this point the hearing was adjourned to allow discussion between Mr Lowther, the licensees and their solicitor with regard to the additional conditions now suggested by Mr Lowther.

At the resumption of the hearing the Sub-Committee were informed that the licensees had agreed to the above conditions and that a sound limiting device would be installed and no events involving amplified music or speech would take place until such equipment was installed.

Mr D Nation, Ms C Buckingham, Mr S Blundell and Mr M Howe, who were or represented interested parties, made representations in respect of (1) parking on the main road outside the Lampet Arms which resulted in potential road safety problems; (2) noise disturbance at night from cars and customers leaving the public house; (3) anti-social behaviour from customers leaving the public house which was considered to be a result of inadequate management; (4) amplified music emanating from the premises and noise and disturbance from the garden area. The interested parties did not wish to see an increase in hours the premises were open or an extension to the hours for the supply of alcohol or the provision of live and recorded music.

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

**RESOLVED** that the variation of the existing licensee be granted as follows:-

- (1) for the supply of alcohol from 11.00 to 23.30 Sunday to Thursday and 11.00 to 00.00 Friday and Saturday with an additional 30 minutes allowed for closure of the licensed premises;
- (2) live music, recorded music and facilities for dancing indoors (indoors) 11.00 to 23.00 Sunday to Thursday and 11.00 to 00.00 Friday and Saturday

subject to the following conditions:-

- (i) all exit doors/windows to 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;
- (ii) the above condition is varied in respect of the front door in that a set of double doors are to be installed between the front door and the existing self closing swing doors and it is these double doors that must be kept closed under the above condition;
- (iii) a noise limiting device to be installed permanently in these premises;

- (iv) no events involving amplified music and speech to take place until the works required in both these two conditions are completed to the reasonable satisfaction of the Head of Environmental Services;
- (v) the applicant to notify residents within 100 metres of the premises of a telephone number to which complaints regarding the operation of the premises can be made;
- (vi) applicants to maintain a premises register recording all complaints received in relation to the operation of the premises including details of the complaint, the recipient, and the action taken;
- (vii) the applicant to prepare a written dispersal policy for the reasonable approval for the Head of Environmental Services prior to the 24 November 2005;
- (viii) the garden area not to be used for any purpose after 23.00 hours;
- (ix) in respect of regulated entertainment involving live music or amplified recorded music, there shall be no more than two such events in any one week (Saturday to Sunday).

REASONS – there is a delicate balance to be maintained between the reasonable requirements of the applicant and the reasonable requirements and concerns of the local residents. The Sub-Committee has taken into account disturbance caused by customers leaving the premises, but does not believe that the issues put forward regarding lawful parking and road safety are appropriate considerations. The Sub-Committee has set hours which it believes are reasonable given the conditions that it is attaching to the approval. At this stage the Sub-Committee believes that the premises should be capable of being operated without unreasonably disturbing local residents. Should this not be the case, the situation can be reviewed. An obvious consideration at that review will be the number of complaints recorded in the premises register and the action taken to deal with those complaints. The conditions imposed are those substantially agreed between the applicant and the Head of Environmental Services. The Sub-Committee has added a further condition restricting use of the garden area and limiting the number of events involving live or amplified music. This condition meets the concerns of the residents and accords to the applicants stated intentions.

## 5. **END OF PROCEEDINGS**

The proceedings ended at 1.45 pm.