

## LICENSING SUB-COMMITTEE

A record of proceedings of the Licensing Sub-Committee held at Bodicote House, Bodicote, Banbury on 5 December 2005 at 6.30 pm.

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

Officers:	M Dudfield (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 hearing was undertaken in accordance with the agreed Licensing Hearings Procedure.

### 3. APPEAL HEARING – THE CENTURION, LEACH ROAD, BICESTER

Present at hearing:	R Lowther	-	Environmental Protection Manager, Cherwell District Council – Responsible Authority
	Mr A Charman	-	Thames Valley Police – Responsible Authority
	M Sheridan React Inns Ltd	-	The Licensees of the Centurion
	Mrs E Edwards	}	Interested parties making representations
	Mrs R Ramsden	}	
	Mr R Styles	}	
	Mr D Beasley	}	
	Mr F Hill	}	
	Mrs S Barnes	}	

The Central Services Manager stated that an application had been received on 13 October 2005 from React Inns Limited who operated The Centurion, Leach Road, Bicester, for a variation of the Premises Licence issued 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; and
- (3) representations received from Mr and Mrs Townsend, Mr Gleed, Mr and Mrs Flower, Mr and Mrs Moyse, Mr Rudge, Mr and Mrs Watkin, Mrs Edwards, Mrs Lardner, Mrs Tiffany, Mrs Ramsden, Mr and Mrs Styles, Mr and Mrs Beasley, Mr and Mrs Allen and Mrs Allen Senior, Mrs Rook, Lieutenant Colonel and Mrs Griffiths, Mr and Mrs Hartness , Mr and Mrs Stillgoe, Mr Hawtin, Mr Hill, Mr and Mrs Barnes.

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

- Provision for Live Music, Recorded Music, Karaoke and Facilities for making music and dancing (all activities indoors) Sunday to Thursday 12:00 to 00:00, Friday and Saturday 12:00 to 01:00
- Provision of Late Night Refreshment Friday and Saturday 23:00 to 00:30
- Films - exhibition of moving pictures(not live TV) everyday 12:00 to 00:00
- Supply of Alcohol – (on and off the premises) Sunday to Thursday 11:00 to 00:00, Friday and Saturday 11:00 to 02:00 (variation from 23:00 on all days)
- Seasonal variation and non-standard timings apply to all of the above as follows: **New Years Eve and New Years Day** – the period between the standard finish time of the authorised period starting on New Years Eve and the standard start time on New Years Day. **Bank Holidays and other similar special occasions** - To extend until 02:00 the following day the standard finishing time for the authorised periods starting on Burn's Night, Valentine's Day, St David's Day, St Patrick's Day, Good Friday, Easter Saturday, Easter Sunday, St George's Day, Christmas Eve, Boxing Day and the Saturday and Sunday immediately preceding each Bank Holiday that falls on a Monday. **Summer Time** – to extend by one hour the standard finish time for any authorised period ending between 00:59 and 04:00 on the day on which a period of Summer time starts.
- Non Standard timing to apply on every day of the year in respect of the **sale of alcohol by retail only** – to authorise, without time restriction, the sale of alcohol by retail: A) to any person staying at the premises, for consumption either on or off the premises; B) to any guest of a person staying at the premises, for consumption on the premises and C) to persons employed on the premises for the purposes of the business carried on there, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises, for consumption on the premises.
- Extend hours premises are open to the public - Sunday to Thursday 11:00 to 00:30, Friday and Saturday 11:00 to 02:30. Seasonal variations will apply on New Years Eve and Day. The period between the standard finish time of the authorised period starting on New Years Eve and the standard start time on New Years Day. If later than the standard finish times listed above. 30 minutes after any seasonal finish times authorised of any licensable activities.

Mr Sheridan, on behalf of React Inns, stated that the company had taken over the licence of The Centurion, Leach Road, Bicester on 1 March 2005 and the current manager had operated from this premises since that time. During this time the company had undertaken improvements to The Centurion and had sought to involve the community in the activities of the public house. During this period no complaints had been received either from the District Council's Environmental Services or the police.

He now wished to increase the hours for the supply of alcohol to 11.00 to 00.00 Sunday to Thursday and 11.00 to 02.00 Friday to Saturday which would allow him to take advantage of the new licensing laws.

He also wished to make provision for live music, recorded music, karaoke and facilities for making music and dancing. Although it stated on his variation that he wished to increase to provide for the playing of music until midnight Saturday to Thursday and 01.00 Friday and Saturday he was prepared for music to cease on the premises at 23.00 hours Sunday to Thursday and at midnight Friday and Saturday.

He stated that currently he held a live music event fortnightly, and in response to a question from an interested party stated that musical events would be in the form of discos. Although he had applied for music to be played over a considerable period during the day he would only use these times when there was a demand, such as weddings.

R Lowther on behalf of the Head of Environmental Services stated that in his report he had recommended that no objections to the application be made subject to the following condition:-

PN.12 – 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.

On further reflection he felt that a sound limiting device should be provided and calibrated to the satisfaction of the Head of Environmental Services.

He also referred to concerns that residents of Bicester returning from the Town Centre, late at night, could gain admission to The Centurion and therefore he suggested that a no admission condition after midnight on Fridays and Saturdays should be applied.

He also considered that a telephone number should be made available to local residents to contact the Manager of the Centurion in cases of disturbance and a log should be kept for this purpose.

A Charman, on behalf of Thames Valley Police stated that he had no objection to the variation of the premises licence subject to the following conditions:-

- CD 10 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
- CD12 The Licence Holder or Designated Premises Supervisor shall become actively involved in the Pubwatch scheme and a representative shall attend Pubwatch meetings.

CD28 All members of staff at the premises shall seek “credible photographic proof of age evidence” from any person who appears to be under the age of 18 years and who is seeking access to the premises or is seeking to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence, or Proof of Age card carrying a “PASS” logo.

PN24 The Designated Premises Supervisor or a nominated representative shall receive and respond to complaints throughout the duration of all noisy events.

Mrs E Edwards, Mrs R Ramsden, Mr R Styles, Mr D Beasley, Mr F Hill and Mrs S Barnes who were interested parties made representation in respect of:-

- (1) noise from people dispersing from The Centurion at closing time;
- (2) problems which had occurred at The Centurion some ten years before and
- (3) the additional half hour closure time.

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 licence be granted as follows:-

Live music, recorded music, karaoke and facilities for dance	Saturday to Thursday 12.00 to 23.00 Friday and Saturday 12.00 to 00.00
Supply of alcohol	Saturday to Thursday 12.00 to 00.00 Friday and Saturday 12.00 to 02.00
Late night refreshment	Friday and Saturday 23.00 to 00.30
Films – exhibition of moving pictures (not live TV)	Every day 12.00 to 00.00

Seasonal variations as requested.

Subject to the following conditions:-

- (i) all existing 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);
- (ii) noise limiting devices to be installed to the satisfaction of the Head of Environmental Services (PN6 Pool of Conditions);
- (iii) no admission to the premises should be allowed after 00.00 on Fridays and Saturdays;
- (iv) a Premises Daily Register shall be kept at the premises. 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 (CD10 Pool of Conditions);

- (v) the Licence Holder or Designated Premises Supervisor shall become actively involved in the Pubwatch scheme and a representative shall attend Pubwatch meetings (CD12 Pool of Conditions);
- (vi) All members of staff at the premises shall seek “credible photographic proof of age evidence” from any person who appears to be under the age of 18 years and who is seeking access to the premises or is seeking to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence, or Proof of Age card carrying a “PASS” logo (CD28 Pool of Conditions);
- (vii) The Designated Premises Supervisor or a nominated representative shall receive and respond to complaints throughout the duration of all noisy events and notification shall be given to all residents within 200 metres to which complaints can be registered.

REASONS – a lot of complainants have raised concerns regarding the operation of the premises many years ago. The Sub-Committee has to consider the current situation and how the proposed variations are likely to operate in practice. The current legislation and the Government guidance suggest that licence holders should have flexibility of operation coupled with additional responsibilities in terms of maintaining their operation and meeting authorities licensing objectives. The Sub-Committee believe that, with the conditions that have been imposed, the residents concerns are capable of being addressed with the amendments to the hours now offered by the applicant. Should this prove not to be the case the licence can be reviewed.

#### 4. **END OF MEETING**

The proceedings ended at 7.55 pm.