

LICENSING SUB-COMMITTEE

A record of proceedings of the Licensing Sub-Committee held at Bodicote House, Bodicote, Banbury on 25 July 2007 at 2.00 pm.

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

Officers:	M Dudfield (Solicitor)	}	Advising the Sub-
	S Lodge (Democratic Services Officer)	}	Committee
	Mr J Parkinson (Interim Head of Urban and Rural Services)	}	Representing the Licensing Authority

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 – JUBILEE PARK HALL, BARLEY CLOSE, BRICKLE LANE, BLOXHAM

Present at the hearing:	D Bailey	-	Chairman, Jubilee Park Management Committee
	Mrs S Golby	-	Interested party making representation

The Interim Head of Urban and Rural Services stated that an application had been received on 4 May 2007 from D Bailey, Chairman of Jubilee Park Management Committee for a variation to the premises licence in respect of Jubilee Park Hall 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 from P Dunkley, Mrs S and Dr J Golby, Miss A Sidhu and K McCauley;
- (3) the existing premises licence which came into force on 24 November 2005 allowed for:-
 1. Sale (by retail) of alcohol Monday to Sunday (inclusive) 12:00 to 23:00. Christmas Eve, Boxing Day, Valentines Day, St Patrick's Day, St Georges Day, Easter Weekend, May Bank Holiday, Spring Bank Holiday, August Bank Holiday, Halloween, New Years Eve, Other Pre-booked Special and Sporting

Events Police and Council will be advised a minimum of 10 days prior to using. In all cases for consumption on the premises.

2. Provision of Regulated Entertainment to include Plays, Indoor Sporting Events, Live Music, Recorded Music, Performances of Dance and Anything of a similar description to Live Music, Recorded Music or Performances of Dance Monday to Sunday (inclusive) 11:00 to 23:00. Christmas Eve, Boxing Day, Valentines Day, St Patrick's Day, St Georges Day, Easter Weekend, May Bank Holiday, Spring Bank Holiday, August Bank Holiday, Halloween, New Years Eve, Other Pre-booked Special and Sporting Events Police and Council will be advised a minimum of 10 days prior to using. In all cases for provision indoors.
 3. Provision of Entertainment Facilities to include Making Music, Dancing and Anything of a similar description to Making Music or Dancing Monday to Sunday (inclusive) 11:00 to 23:00. Christmas Eve, Boxing Day, Valentines Day, St Patrick's Day, St Georges Day, Easter Weekend, May Bank Holiday, Spring Bank Holiday, August Bank Holiday, Halloween, New Years Eve, Other Pre-booked Special and Sporting Events Police and Council will be advised a minimum of 10 days prior to using. In all cases for provision indoors.
- (4) the proposed variation was as follows:-
1. To vary the hours for Sale (by retail) of alcohol, Provision of Regulated Entertainment to include Plays, Indoor Sporting Events, Live Music, Recorded Music, Performances of Dance and Anything of a similar description to Live Music, Recorded Music or Performances of Dance and Provision of Entertainment Facilities to include Making Music, Dancing and Anything of a similar description to Making Music or Dancing.
 - 1 From 11:00 to 12:00 (Noon) Monday to Sunday (inclusive)
 - 2 From 23:00 to 00:00 (midnight) Monday to Sunday (inclusive)
 2. To vary the terminal hour for Sale (by retail) of alcohol, Provision of Regulated Entertainment to include Plays, Indoor Sporting Events, Live Music, Recorded Music, Performances of Dance and Anything of a similar description to Live Music, Recorded Music or Performances of Dance and Provision of Entertainment Facilities to include Making Music, Dancing and Anything of a similar description to Making Music or Dancing.
 - 1 To 02:00 (morning following) on New Years Eve.
 3. To add Provision of Late Night Refreshment
 - 1 From 23:00 to 00:00 (midnight) Monday to Sunday (inclusive)
 - 2 To 02:00 (morning following) on New Years Eve.

In all cases Sale (by retail) of alcohol will be for consumption on the premises and all other Licensable Activities will be for provision indoors.

Mr D Bailey, on behalf of Jubilee Park Management Committee stated that the variation was to extend the finishing time from 23.00 to midnight Monday to Sunday and to 02.00 on New Years Eve and to add the sale of beverages 23.00 to 00.00 Monday to Sunday.

Mr Bailey stated that the Hall was operated by Bloxham Parish Council through a Trust. He had been a member of the Trust for 18 years of which he had been Chairman for 14 years and was not aware of any incident in that time and the Council's Environmental Services had no record of any complaints. He stated that the Trust needed to maximise

bookings and to become self sufficient. A number of applications had been received of potential customers who wished to hire the Hall for events finishing later than 23.00 and he wished therefore to increase the opening time to 00.00.

In response to questions from members of the Committee and the interested parties, Mr Bailey indicated that:-

- (1) it was clearly stated in the booking form that when entering and leaving the property noise should be kept to a minimum;
- (2) contacts for the hall were clearly indicated;
- (3) since January 2007, no party functions had taken place on Mondays to Thursdays. Five such events had taken place on Friday and Saturday, two of which were covered by a temporary event notice;
- (4) a no smoking policy in the hall had existed for 6 years and there would therefore be no changes as a result of the recently introduced tobacco legislation;
- (5) much of the noise and nuisance emanated from the adjoining playing field; and
- (6) he wished to see a good relationship with neighbours and would resolve any matters which were drawn to his attention.

Mrs Golby on behalf of the interested parties:-

- (1) expressed concern of the level of noise when people left the Hall, particularly during the summer when windows were left open; and
- (2) considered that extending the hours by 1 hour would only exacerbate the problem.

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 application be granted as follows:-

Sale of alcohol on Fridays to Mondays - 11.00 to midnight;
Regulated entertainments Fridays and Saturdays – 11.00 to midnight;
New Years Eve up to 02.00 on the following morning;
Late night refreshments Fridays and Saturdays – 23.00 to midnight.

Subject to the following conditions:-

In the event that the Premises Licence Holder obtains a Temporary Event Notice for a function which terminates later than 23.00, notification of that event shall be given to the occupiers of 1 to 4 Barley Close, the two properties at Barley Croft and No 3 Waters Court.

Reasons – this is a modest extension to the existing licence and the use of the premises suggest that the majority of the exercise of the additional hour will be on Fridays and Saturdays. The Sub Committee has therefore granted the application on that basis. Should the Premises Licence Holder wish to have an extended function on other days this can be dealt with by way of a Temporary Event Notice. The Sub Committee has

added a condition requiring notification to be given to the 7 properties affected as no local notice of an event covered by a Temporary Event Notice is currently required by the legislation.

Some of the issues raised by objectors relate to activities which are not covered by the premises licence eg use of park and the car park.

The Sub Committee suggests that where concerns do arise regarding the use of the premises initial contact is made with the Management Committee. If this does not resolve the issues then contact should be made with the Environmental Services or the Police depending on the nature of the issue. Should a real problem continue then the licence can be reviewed by the Sub Committee.

4. **END OF MEETING**

The proceedings ended at 15.05 pm.