

CHERWELL DISTRICT COUNCIL

LICENSING SUB COMMITTEE

5 DECEMBER 2005

REPORT OF THE HEAD OF CORPORATE SERVICES

PREMISE LICENCE APPEAL HEARINGS

1 Introduction and Purpose of Report

- 1.1 The purpose of this report is to provide an outline of an application and details of representations received from, The Head of Environmental Health, Thames Valley Police and interested parties which has resulted in the necessity for a hearing.

2 Wards Affected

- 2.1 Bicester Town

3 Effect on Policy

- 3.1 None.

4 Contact Officers

- 4.1 Tina Poke (ext 1503)
Janet Smith (ext. 1534)

5 Background

- 5.1 This report contains details of an application in respect of The Centurion, Leach Road, Bicester that is to be considered by the Committee.
- 5.2 The application is to vary the premises licence issued under the Licensing Act 2003. Details are provided in respect of the existing licence and the proposed variation.
- 5.4 Should any supplementary information be received from those making representations, it will be circulated in advance of the meeting of the Sub-Committee.

6 Application in respect of The Centurion, Bicester

- 6.1 The application to vary was received on 13 October 2005, from React Inns Limited of 4 Clarendon Place, King Street, Maidstone, who own and operate the premises.

7 Details of Variation to Premises Licence under the Licensing Act 2003

- 7.1 Brief description of the nature of the proposed variation:

To provide live and recorded music, karaoke, moving pictures and dancing on stipulated days. To provide the sale of hot food. Extend hours for the sale of alcohol with an extended drinking up time

from 10 to 30 minutes.

7.2 The Existing Premise Licence which will come into force on 24 November 2005 allows sale of alcohol for consumption on and off the premises.

7.3 The proposed variation is briefly described as:

- 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
- 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.

8 Promotion of the Four Licensing Objectives

8.1 The applicant has stated the following in respect of promoting the four licensing objectives "The risk assessment with the variations sought have been assessed and no additional steps are felt necessary to promote all the licensing objectives"

8.2 ***The Prevention of Public Nuisance and Crime & Disorder***

8.3 All representations received have stated concerns in relation to potential issues in respect of public nuisance and increased risk of crime and disorder being caused by the grant of additional permissions to the premises. The applicant has not stated any additional measures to promote these licensing objectives.

9 Representations Received and Relevant Licensing Objectives

9.1 The Head of Environmental Services has no objections to the grant of the licence subject to the following conditions which will implement additional measures to control public nuisance from noise

related issues.

PN12 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.

9.2 The response from Environmental Services is attached as [Annex 1](#)

9.3 Thames Valley Police have no objections to the grant of the 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.

9.4 The representation from Thames Valley Police is attached as [Annex 2](#).

9.5 There are 20 interested parties who have submitted representations; these are attached as [Annex 3](#).

10 Relevant sections of the Guidance and Licensing Authority Policy issued under the Licensing Act 2003

10.1 The relevant sections of the Guidance and Licensing Authority Policy issued under the Licensing Act 2003, which are applicable to the representations for all the cases are as follows:

Guidance:

Sections 7.38 – 7.46 Page 85 Conditions relating to the prevention of public nuisance

Annex G Page 164

Sections 7.20 - 7.30 Page 80 Conditions relating to the prevention of crime & disorder

Annex D Page 148

Cherwell District Council Statement of Licensing Policy:

Page 14	LH 3 - 8	Sections 5.3 – 5.7	Licensing Hours
Page 22	LA5	Section 7.3.9	Addressing local concerns
Page 22	LA6	Section 7.3.10	General Management and control

10.2 Members have been issued with copies of the Guidance, the Statement of Licensing Policy and the Council's pool of conditions and are asked to bring them with them to the meeting.

11 Options

11.1 There is no recommendation. In considering the representations received and what is appropriate for the promotion of the licensing objectives, the options open to the Sub-Committee are, in broad terms:

- 1) approve the application for the variation as submitted
- 2) reject the application for the variation in whole or part
- 3) place conditions on the variation to the premises licence and/or require changes to the details of the variations sought.