

CHERWELL DISTRICT COUNCIL

LICENSING SUB COMMITTEE

25 AUGUST 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 the four applications and details of representations received from The Head of Environmental Health, Thames Valley Police Authority and a number of interested parties which has resulted in the necessity for hearings.

2 Wards Affected

- 2.1 Banbury Easington, Banbury Hardwick, Bicester West and Wroxton.

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 six applications that are to be considered by the Committee. The applications are in respect of the following premises:

The Star, Bucknell Road, Bicester	(Scheduled to be heard at 10:00
Wroxton College, Wroxton	(
The Barley Mow, Warwick Road, Banbury	

The Horse & Jockey, West Bar Street, Banbury	(Scheduled to be heard at 14:00
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- 5.2 Each case is detailed individually.
- 5.3 The applications fall into two parts. Firstly, the conversion of an existing licence to a Premises Licence and secondly to consider varying the new Premises Licence. In each case details are provided in respect of the existing licence and the variations.
- 5.4 On conversion the premises licence must be subject to conditions that reproduce the effect of any conditions on existing licences and any restrictions imposed by legislation.
- 5.5 Should any supplementary information be received from those making representations in

any case, it will be circulated in advance of the meeting of the Sub-Committee.

6 The Star, Bucknell Road, Bicester

6.1 This application was received on 6 July 2005 from Greene King Retailing Limited of Abbot House, Bury St Edmunds who own the premises. The existing Justices licence is held by Christopher Townsend of The Star, Bucknell Road, Bicester, who will operate the premises.

6.2 Outline of Application and Details of Variation to Premises Licence under the Licensing Act 2003

6.3 General Description of the premises:
"One Bar, Patio Area and Garden"

6.4 Current permissions are a full Justices on licence for sale of alcohol for consumption either on or off the premises and for the provision of live and recorded music and dance by way of a Public Entertainments Licence.

6.5 The proposed variation is briefly described as:

- To extend hours the premises are open to the public Sunday to Thursday to 00:00 and to 02:00 on Saturday & Sunday
- Seasonal variation in respect of opening hours on Christmas Eve, Christmas Day, Boxing Day, New Years Day, Spring & August Bank Holiday, Good Friday, Easter Saturday, Sunday & Monday and any other bank holidays apply standard Friday/Saturday hours 10:00 to 02:00. Option to extend hours to 02.30 for the week leading up to Christmas.
- All major sporting events – timings as dictated by event. Charitable events – eg. 24 hour marathon. Applies to opening times and the supply of alcohol.
- To extend hours for the supply of alcohol Sunday to Thursday to 23:30 and to 01:30 on Saturday & Sunday
- Seasonal variation in respect of the supply of alcohol Christmas Eve, Christmas Day, Boxing Day, New Years Day, Spring & August Bank Holiday, Good Friday, Easter Saturday, Sunday & Monday and any other bank holidays apply standard Friday/Saturday hours 10:00 to 01:30. Option to extend hours to 02.00 for the week leading up to Christmas.
- To allow the performance of live music and karaoke indoors until 23.30 everyday, however live music outdoors will cease by 18:00
- To allow the provision of recorded music, disco to 23:30 Sunday to Thursday and 01:30 on Friday & Saturday

6.6 Promotion of the Four Licensing Objectives

6.7 The applicant has indicated, as a general approach to satisfying the licensing objectives, that there will be strong management controls and effective training of all staff so they are aware of the licensing objectives and in particular ensure:

- No underage drinking
- No drunkenness on the premises
- No drunkenness in public
- No use of drugs
- No violent and antisocial behaviour
- Protection of children from harm

6.8 ***The prevention of public nuisance***

6.9 The representations received are in relation to possible public nuisance being caused by the grant of additional hours to the premises. The applicant has stated the following regarding measures to promote the licensing objective relating to prevention of public nuisance:

“Responsible management at all times. Training and supervision to prevent incidents of public nuisance. Regular visits to all parts of the premises including the exterior and deliveries etc., outside of opening hours. Adoption of best practices e.g. Control of Noise from Pubs and Clubs, National Alcohol Harm Reduction Strategy Toolkit and other voluntary codes of practice including the BBPA and Portman Group point of sale promotions. Management of people including staff and traffic arriving and leaving the premises. Liaison with public and private transport providers. External lighting and security lights installed. Collection and management of litter and effective ventilation systems to prevent nuisance from odour.

6.10 **Representations Received and Relevant Licensing Objectives**

6.11 The Head of Environmental Services has no objections to the grant of the licence subject to the following condition which will implement additional measures to control public nuisance from noise related issues.

1. The use of recorded music in the garden area to cease by 18:00 hours.

6.12 The response from the Environmental Services is attached as Annex 1.

6.13 There two interested parties who have submitted representations.

- The representation from Mr J Brewerton of 36 Bucknell Road, Bicester is attached as Annex 2.
- The representation from Robert Bucknell of 40 Bucknell Road, Bicester is attached as Annex 3.

7 **Wroxton College, Wroxton, Banbury**

7.1 This application was received on 19 July 2005, from Dr Nicholas Baldwin of Leverton House, Dark Lane, Wroxton who is the current licensee of the premises.

7.2 **Outline of Application and Details of Variation to Premises Licence under the Licensing Act 2003**

7.3 General description of the premises:

“Two storey detached building incorporating lecture hall, dining room and kitchen with bedrooms on upper floor for college residents. Main use; daily educational and meals for students in residence. Bar in buttry is opened on average one evening per week for residents and occasionally for functions such as wedding receptions 2 – 8 times per annum. Lecture hall and dining room occasionally used for dancing, with music/band and entertainment.

Current permissions are a Justices on licence with conditions. The condition states: “Liquor shall not be supplied or sold on the premises otherwise than to persons residing there or their private friends bona fide entertained by them at their own expense and for consumption by such a person or his private friends so entertained by him on the premises or to persons attending bona fide functions held on the premises and arranged not less than

14 days beforehand by or with the agreement of the College Director”.

7.4 The proposed variation is briefly described as:

- To extend hours the premises are open Sunday to Thursday from 12:00 to 00:30 and 12:00 to 02:00 on Friday and Saturday.
- To extend hours for the supply of alcohol from Sunday to Thursday from 12:00 to 00:00 and 12:00 to 01:30 on Friday and Saturday
- Non standard timings (10:00 to 02:00) for US Independence Day, US Thanksgiving and other pre-booked special events up to 15 in total. All other major sporting and political events may require an earlier start time to enable customer to view events. The pre-booked special and sporting events will be notified to the Police and Licensing Authorities 10 days prior to the event.
- To allow the provision of live music for wedding receptions and similar functions (max of 10 per year on varying days) from 19:00 to 00:00.
- To allow the provision of recorded music for student activities and weddings (max of 20 per year on varying days) from 19:00 to 01:30.
- To allow the provision of plays in the form of medieval banquets throughout the year on varying days, from 19:00 to 23:00. Up to 10 events per year.

7.5 **Promotion of the Four Licensing Objectives**

7.6 The applicant has stated the following as a general approach to satisfying the licensing objectives;

“Only instructed personnel operating bar facilities”.

7.7 ***The Prevention of Public Nuisance***

7.8 The representations received are in relation to possible public nuisance being caused by the grant of additional hours to the premises. The applicant has indicated that as an approach to satisfying this objective, that he will apply the following from the pool of conditions

PN2	The premises shall be arranged to minimise the risk of noise nuisance to nearby properties.
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7.9 **Representations Received and Relevant Licensing Objectives**

7.10 There are three interested parties who have submitted representations.

- The representation from Mrs K Cuffley of Ivy Cottage, Church Walk, Wroxton is attached as Annex 4.
- The representation from Mr & Mrs Nivison of 7 Wroxton House, Church Street, Wroxton is attached as Annex 5.
- The representation from Ms Waters of The Old Coach House, Church Street, Wroxton is attached as Annex 6.

8 **The Barley Mow, Warwick Road, Banbury**

8.1 This application was received on 6 July 2005, from Mitchell’s and Butlers Leisure Retail Ltd of 27 Fleet Street, Birmingham, who own the premises. The premises will be operated by Anthony Jenkinson who is the current Justices licensee.

8.2 **Outline of Application and Details of Variation to Premises Licence under the**

Licensing Act 2003

8.3 General description of the premises:

“This is a managed business and is a local community pub. Two ground floor trading areas and external drinking area to front and side of premises. (Where exterior area noted, this is used for off supply).

8.4 Current permissions are a Justices on licence for sale of alcohol for consumption either on or off the premises and for the provision of late night refreshments and recorded music.

8.5 The proposed variation is briefly described as follows and applies to Supply of Alcohol, Late Night refreshment, Indoor Sporting Events, Films,

- To extend hours from Monday to Sunday, 10:00 to 00:00
- On the following days additional hours will apply, not including drinking up time:
1 January 1 hour, Valentines Night 1 hour, Burns Night 1 hour, 1 March (St Davids) 1 hour, 17 March (St Patricks) 1 hour, Good Friday, Easter Saturday, Easter Sunday & Easter Monday 1 hour, May Day Bank Holiday 1 hour, Friday, Saturday & Sunday prior 1 hour, 2 May Bank Holiday 1 hour, Friday, Saturday & Sunday prior 1 hour, August Bank Holiday 1 hour, Friday, Saturday & Sunday prior 1 hour, Halloween 1 hour, Christmas Eve 2 hours, Boxing Day 1 hour, 27 December 1 hour, 28 December 1 hour, 30 December 1 hour.
- In the event of the transmission of any recognised international event which falls outside the current permitted hours on the premises licence to permit the activity commencing one hour before the start of the event and ending one hour after the end of the event. Details of which to be notified in writing to the police 14 days beforehand. The event will not proceed if the police serve, 7 days prior to the event, written notice upon the Designated Premises Supervisor.
- To extend hours premises are open to the public to 00.30.

8.6 **Promotion of the Four Licensing Objectives**

8.7 The applicant has indicated, as a general approach to satisfying the licensing objectives the following: “Barley Mow is part of and operated by Mitchells & Butlers Group (MAB). MAB own and operate over 200 separate managed businesses within the UK. Managers are employed by the company and operate under the direction and procedures of the company. We adopt a corporate approach to risk management across the whole estate. This ensures a consistent approach to the management of risk in each of our businesses through a range of policies, procedures and roles. This approach is fundamental to our operating principles and is integrated into the way we run our businesses.

We have carefully considered the risks and benefits associated with the additional hour(s) applied for and where additional steps are necessary and proportionate to address the licensing objectives have indicated them.

We will continue to train our staff in the standards required by the relevant legislation and as required by company policy.

Our voluntary closure policy for the operation is 30 minutes after the approved closure time for the supply of alcohol.”

8.8 ***The Prevention of Public Nuisance***

8.9 The representations received are in relation to possible public nuisance being caused by the grant of additional hours to the premises. The applicant has stated the following regarding

the measures to promote the licensing objective relating to the prevention of public nuisance:

“The style and nature of the operation will not differ significantly from the existing trading operation during the extended hour(s). Indeed, the grant of the additional hour(s) will of itself promote the licensing objectives as stated in paragraph 3.29 of the guidance, in allowing customers to emerge from premises at a more gradual rate.

Reasonable steps are taken to recognise the rights of local residents and to encourage customers to leave the premises quietly.

Managers are required to liaise with local neighbours as part of their duties and resolve any reasonable concerns in accordance with our Role in the Community Guidelines”.

8.10 Representations Received and Relevant Licensing Objectives

8.11 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.

PN16	Prominent, clear notices shall be displayed at all outside drinking areas requesting customers to respect the needs of local residents and leave the premises and the area quietly.
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PN17	The outside drinking areas must not be used by customers after the hours of 23:00
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PN19	No inflatable play equipment shall be used without the agreement of the Licensing Authority with respect to its hours of use and other conditions as may be appropriate.
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8.12 The response from the Environmental Health is attached as [Annex 7](#).

8.13 There is one interested party who has submitted a representation.

- The representation from Mrs Parnell of 36 Powys Grove, Banbury is attached as [Annex 8](#).

9 Horse and Jockey, 20 West Bar Street, Banbury

9.1 This application was received on 19 July 2005 from Paul Reis of the Horse and Jockey, 20 West Bar Street, Banbury, who is the current licensee who operates the premises.

9.2 Outline of Application and Details of Variation to Premises Licence under the Licensing Act 2003

9.3 General description of the premises:

“Two storey end of terrace building including courtyard to side and rear used as a public house with restaurant facilities. The first floor is used as private accommodation, ground floor as public house including lounge bar, pool area, toilets, kitchen, cellar, storage and a lounge area which is also used for eating. The courtyard is used as a drinking area.”

9.4 Current permissions are a full Justices on licence/restaurant. All alcohol must be consumed on the premises.

9.5 The proposed variation is briefly described as:

- To extend the hours allowed for the supply of alcohol to 00:00 everyday
- To extend the hours allowed for the supply of alcohol for all Bank Holidays to 01:00, except New Years Eve and New Years Day, which will remain as per existing licence.
- Extend hours the premises are open to the public 08:00 to 01:00 everyday. May also open for non licensable events.
- Extend Late Night Refreshment hours from 08:00 to 00:00 everyday, as breakfasts/snacks may be served during non licensing hours, all of which will be consumed on the premises.

9.6 **Promotion of the Four Licensing Objectives**

9.7 The applicant has stated the following as a general approach to satisfying the licensing objectives;

“No additional steps required.”

9.8 ***The Prevention of Crime and Disorder***

9.9 The representation received from Thames Valley Police Authority relates to potential issues arising in respect of prevention of crime and disorder. The applicant has stated the following regarding measures to promote this licensing objective:

“No additional steps required”

9.10 ***The Prevention of Public Nuisance***

9.11 The interested party representation is in relation to possible public nuisance being caused by the additional hours to the premises. The applicant has stated the following regarding measures to promote this licensing objective:

“No additional steps required”.

9.12 **Representations Received and Relevant Licensing Objectives**

9.13 Thames Valley Police has no objections to the grant of the licence subject to the following condition, which will implement additional measures to reduce the risk of crime and disorder issues arising.

- CD10 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.

9.14 The response from Thames Valley Police is attached as Annex 9.

9.15 There is one interested party who has submitted a representation.

- The representation from David Cox and Emma Bishop of 30 West Bar Street, Banbury is attached as Annex 10.

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

Public Nuisance

Page 85	Section 7.38	Concerns relating to the prevention of public nuisance
Page 164	Annex G	

Crime and Disorder

Page 80	Section 7.20	Concerns relating to the prevention of Crime and Disorder
Page 148	Annex D	

10.2 Cherwell District Council Statement of Licensing Policy

Public Nuisance

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

Crime and Disorder

Page 14	Sections 5.1 – 5.7	Licensing Hours	LH 1 – 8
Page 22	Section 7.3.10	General Management	LA 6
Page 35	Sections 8.3 – 8.7	Various	OS 10 – OS 14

10.3 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 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.