

CHERWELL DISTRICT COUNCIL

LICENSING SUB COMMITTEE

4 August 2005

REPORT OF THE HEAD OF CORPORATE SERVICES

APPEAL HEARING – Ashton Club (Bicester) Ltd, 24a Sheep Street, Bicester

1 Introduction and Purpose of Report

- 1.1 The purpose of this report is to provide an outline of the above application and details of a representation received from an interested party 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 (1534).

5 Background

- 5.1 This report contains details of an application that was received on 13 June 2005 from Ashton Club (Bicester) Ltd of 24a Sheep Street, Bicester.
- 5.2 The application falls into two parts. Firstly, the conversion of the existing club certificate to a club premises certificate and secondly to consider varying the new club premises certificate. The following paragraphs provide details of the existing certificate and the variations.
- 5.3 On conversion the club premises licence must be subject to conditions that reproduce the effect of any conditions on existing certificates or licences and any restrictions imposed by legislation.

6 Outline of Application and Details of Variation to Club Premises Certificate under the Licensing Act 2003

- 6.1 General description of the premises:
“Semi detached property in town centre comprising 2 floors and cellar
Ground floor: entrance, bar, ladies, gents and disabled lavatories
1st floor: small function room. Bar and snooker room
Cellar: cask beer and bottle store”

- 6.2 Current permission is for a club registration certificate permitting the supply and sale of alcohol to members and bone fide guests in accordance with the provisions of the Licensing Act 1964.
- 6.3 The proposed variation is briefly described as:
- Increase in authorised hours for the sale of alcohol until 00:00 every day of the week (an additional hour).
 - Addition of regulated entertainment for club members and guests to qualifying club activities. Live music, recorded music and provision of facilities for dancing from 20:00 until 00:00 on Saturdays only.
 - Non standard timings for the sale of alcohol on Christmas Eve, Boxing Day, New Years Eve, New Years Day and Bank holiday weekends until 00:00.
- 6.4 Although the application states that non standard timings would be required for New Years Eve, the current permission includes the condition allowing sale of alcohol from the end of permitted hours to the start of permitted hours on the following day, and, therefore this condition will be an embedded condition on the new certificate.

7 Promotion of the Four Licensing Objectives

- 7.1 The applicant has indicated the club management, steward and bar staff are informed of the licensing Act 2003 objectives and the statutory requirement to comply with all relevant provisions of the Act. All guests are signed in by another member and their conduct whilst on the premises is the responsibility of that member.

7.2 *The Prevention of public nuisance*

The representation received is in relation to alleged and possible public nuisance being caused by the grant of additional hours to the premises. The applicant has stated that the following additional measures will be taken in order to promote the licensing objective relating to prevention of public nuisance:

“Signage is displayed near exits requesting members and guests to respect the needs of local residents by leaving the premises quietly. When live or recorded music is played all doors and windows are closed at 22:30 to avoid disturbance to neighbouring properties.”

8 Representations Received and Relevant Licensing Objectives

- 8.1 No representations have been received from any Responsible Authorities. The Head of the Councils Environmental Services Department has confirmed that she has no references to public nuisance or disorder associated with the premises on record within her Department.
- 8.2 There is one interested party who has submitted a representation:
- The representation from Dr A Shortland of 13 Bath Terrace, Victoria Road, Bicester is attached as [Annex 1](#).
- 8.3 Should any supplementary information be received from those making representations it will be circulated in advance of the meeting of the Sub-Committee.

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

- 9.1 The relevant sections of the Guidance and Licensing Authority Policy issued under the Licensing Act 2003, which are applicable to the representations are as follows:

Guidance:

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

Annex G Page 164

Cherwell District Council Statement of Licensing Policy:

Page 14 Sections 5.3 – 5.7 Licensing Hours LH 3 - 8

Page 22 Section 7.3.10 General Management and control LA6

9.2 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.

10 Options

10.1 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.