

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 four applications and details of representations received from the Head of Environmental Health and a number of interested parties which has resulted in the necessity for hearings.

2 Wards Affected

- 2.1 Otmoor, Kidlington North, The Astons & Heyfords & Kidlington South

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

The Swan Inn, Islip	} Scheduled to be heard at 10:00
The Black Horse, Kidlington	}
The White Lion, Steeple Aston	} Scheduled to be heard at 14:00
Kidlington Green Social Club, Kidlington	}

Each case is detailed individually.

- 5.2 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 the case of Kidlington Green Social Club the application is for the conversion and variation of a Club Certificate. In each case details are provided in respect of the existing licence and the variations.
- 5.3 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.

- 5.4 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 Swan, Islip

- 6.1 This application was received on 27 July 2005 from Greene King Retailing Limited of Abbot House, Bury St Edmunds who own the premises. The current Justices licence is held by Stirling and Angela Hotson who operate the premises.

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

- 7.1 General description of the premises:
"One bar, patio area, garden."
- 7.2 Current permissions are a full Justices on and off licence and provision of live and recorded music.
- 7.3 The proposed variation is briefly described as:
- To extend hours the premises are open to the public Monday to Sunday from 10:00 to 00:00
 - To extend hours for the supply of alcohol Monday to Sunday from 10:00 to 23:30
 - To allow performance of live music (indoors and outdoors) Friday from 19:00 until 23:30, Saturday and Sunday from 12:00 until 23:30.
 - To allow recorded music Friday and Saturday from 19:00 until 23:30
 - To allow provision of facilities for dancing Friday from 19:00 to 23:30, Saturday and Sunday 12:00 until 23:30
 - Seasonal variations for the performance of live and recorded music and provision of facilities for dancing on Christmas Eve, Christmas Day, Boxing Day, New Years Day, Good Friday, Easter Saturday/Sunday/Monday and all other Bank Holidays 12:00 until 23:30. New Years Eve 12:00 until 01:30.

8 Promotion of the Four Licensing Objectives

- 8.1 The applicant has indicated, as a general approach to satisfying the licensing objectives, that there will be good management and staff controls including effective training to ensure awareness of licensing objectives, with particular attention to control of under age drinking, drunkenness both on and off the premises, use of drugs, both violent and antisocial behaviour, noise nuisance and the protection of children from harm.

8.2 *The Prevention of public nuisance*

Some 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. Zero tolerance to drunken or riotous behaviour. Regular visits to all parts of the premises inside and out. All exits are monitored. Management and staff voluntarily follow best practice e.g. control of noise from pubs and clubs. Out of hours deliveries are also monitored. Smoke extractors maintained regularly. The Management manage the staff and customers leaving the premises. There is management liaison between the taxi firms to ensure no noise pollution. A person is employed to collect any litter left outside the premises by the patrons. The ventilation is maintained to prevent nuisance of odour.

8.3 *The prevention of crime and disorder*

Some representations received are in relation to possible crime and disorder 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 crime and disorder:

"Responsible management of the premises. Ongoing staff training including identification of anti

social or unusual behaviour. External checks of car park and beer garden. Adopting best practices. Zero tolerance policy. Adhering to the Portman Group on drinks strategy. Use of proof of age scheme. Internal and external lighting checked regularly.”

8.4 ***The protection of children from harm***

Some representations received are in relation to the possibility of harm being caused to children by the grant of the variation to the premises. The applicant has stated the following regarding measures to promote the licensing objective relating to the protection of children from harm: “Children only allowed on the premises until 21:30 with exception of seasonable events and special occasions. Provision of sufficient staff to protect children from harm, with training on appropriated behaviour. Children have to be accompanied by a responsible person who has attained the age of 18. Notices displayed in the bar area. No children allowed at the bar servery. Proof of age scheme in use at these premises.”

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.

1. All regulated entertainment (live a music and the performance of dance) to cease in the garden area by 22:00 hours
2. The garden area must not be used after 23:00 hours

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

9.2 There are 15 interested parties who have submitted representations.

- The representations from interested parties are attached as Annex 2.

10 The Black Horse, Kidlington

10.1 This application was received on 1 August 2005 from Greene King Retailing Limited of Abbot House, Bury St Edmunds who own and operate the premises.

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

11.1 General description of the premises:

“One bar operation on a main road site with small car park and garden with decked drinking terrace to the rear.”

11.2 Current permissions are a full Justices on and off licence and a Public Entertainment Licence.

11.3 The proposed variation is briefly described as:

- To increase hours premises are open to the public to start at 11:00 Monday to Sunday closing at 23:40 Sunday to Thursday and closing at 00:40 on Friday and Saturday
- To increase hours for supply of alcohol to start at 11:00 Monday to Sunday finishing at 23:00 Sunday to Thursday and at 00:00 Friday and Saturday
- Provision of Late Night Refreshment on Friday and Saturday from 23:00 until 00:00.
- Seasonal variation in respect of hours open to public, supply of alcohol, later night refreshment and provision of entertainment, including performance of live music and playing of recorded music and dancing for an additional hour on Christmas Eve, Christmas Day, Boxing Day, New Years Day, Spring & August Bank Holidays, Good Friday, Easter Saturday, Easter Sunday & Easter Monday. Proceeding & Preceding day before a bank holiday. St George’s Day & St Patrick’s Day. Any other publicly declared holiday, one extra hour.

12 Promotion of the Four Licensing Objectives

- 12.1 The applicant has indicated, as a general approach to satisfying the licensing objectives –
“Additional training for all house managers on dealing with illegal activities and aggressive customers
To Join Pub Watch (if scheme exists)
Sensible drinking policy and training in place – restriction on discounting and promotions, sale to under 18 and drunks
Additional training on communicating with customers when service is refused for no proof of ID
Additional training on communicating with customers when service is refused for drunkenness

12.2 *The Prevention of public nuisance*

The representation received is 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:

“A minimum of 1 male and 1 female door staff shall be present at any entertainment event. All doors and windows to the front and side of the premises are to remain closed. Noise attenuation measures. To join pubwatch (if scheme exists). No external drinking after 23:00. Please leave quietly signs. Delivery and collection time not to be changed. Regulated entertainment (excluding recorded music) to end at 23:00. Sensible drinking policy and training in place. Additional training on communicating with customers when service is refused for drunkenness. No external regulated entertainment. External background music to be turned off at 22:00. All windows and external doors to be kept shut during live performance save for customer access and egress.”

13 Representations Received and Relevant Licensing Objectives

- 13.1 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. All external 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.

The response from the Environmental Services Department is attached as [Annex 3](#).

- 13.2 There is one interested party who has submitted a representation.

The representation from Nick Wyatt of 13 Banbury Road, Kidlington is attached as [Annex 4](#).

14 White Lion, Steeple Aston

- 14.1 This application was received on 2 August 2005 from Greene King Retailing Limited of Abbot House, Bury St Edmunds who own and operate the premises.

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

- 15.1 General description of the premises:
“One bar, patio area, garden.”
- 15.2 Current permissions are a full Justices licence for sale and consumption of alcohol on and off the premises and recorded music.
- 15.3 The proposed variation is briefly described as:
- To extend hours the premises are open to the public Monday to Saturday from 11:00 to 00:30 and on Sunday from 12:00 until 00:30

- To extend hours for the supply of alcohol Monday to Saturday from 11:00 to 00:00 and on Sunday from 12:00 to 00:00.
- Seasonal variation in respect of performance of live music (incl. karaoke) and playing of recorded music (incl. disco) on Christmas Eve, Christmas Day Boxing Day, New Years Day, Good Friday, Easter Saturday, Sunday and Monday and all other Bank Holiday weekends from 19:00 to 00:00. New Years Eve from 19:00 until 01:00.
- Seasonal variation in respect of hours for supply of alcohol on Christmas Eve, Christmas Day Boxing Day, New Years Day, Good Friday, Easter Saturday, Sunday and Monday and all other Bank Holiday weekends from 11:00 to 00:00

16 Promotion of the Four Licensing Objectives

- 16.1 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 that 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.

16.2 *The Prevention of public nuisance*

The representation received concerns 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 opening hours. Adoption of best practises e.g. control of noise from pubs and clubs, National Alcohol Harm Reduction Strategy Toolkit and other voluntary code 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 lighting installed. Collection and management of litter and effective ventilation systems to prevent nuisance from odour.”

16.3 *The protection of children from harm*

The representation received states concerns relating to the protection of children from harm caused by allegations of underage drinking. The applicant has stated the following regarding measures to promote the licensing objectives relating to the protection of children from harm: “Provision of sufficient staff to secure the protection of children from harm with appropriate training. Adoption of best practice guide (Public Places Charter). Children aged under 13 only on the premises between 11:00 and 21:00. Children must be accompanied by adults, which will be controlled by the supervisor at the time. Proof of age scheme and or photo-id driving licences.”

17 Representations Received and Relevant Licensing Objectives

- 17.1 There is one interested party who has submitted a representation.

The representation from Paul and Jan Hotson of Kempford Cottage Southside Steeple Aston is attached as [Annex 5](#).

18 Kidlington Green Social Club, Green Road, Kidlington

- 18.1 This application was received on 27 July 2005 from Kidlington Green Social Club and Institute

Limited (Kidlington) of 1 Green Road, Kidlington who operate the premises as a registered club.

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

- 19.1 General description of the premises:
“Registered members club with 3 bars”
- 19.2 Current permissions are a full Justices licence for supply and consumption of alcohol both on and off the premises for members and guests.
- 19.3 The proposed variation is briefly described as:
To extend the hours for the sale or supply of alcohol and to permit regulated entertainment (plays, films, indoor sporting events, live and recorded music, performance of dance, provision of facilities for making music and for dancing) all to operate Sunday to Thursday 10:00 until 23:00 and on Friday and Saturday 10:00 until 00:30, and for additional hour on 12 occasions per annum. To remove any restrictions placed on the certificate by virtue of schedule 8, paragraph 18(5) Licensing Act 2003.

20 Promotion of the Four Licensing Objectives

- 20.1 The applicant has indicated, as a general approach to satisfying the licensing objectives, that the Club’s existing procedures are sufficient.
- 20.2 ***The Prevention of public nuisance***
The representation received is in relation to possible public nuisance being caused by the grant of additional hours to the premises. The applicant has not stated any measures to promote the licensing objective relating to prevention of public nuisance.

21 Representations Received and Relevant Licensing Objectives

- 21.1 There is one interested party who has submitted a representation.

The representation from Ysanne Smart of 3 Green Road, Kidlington is attached as [Annex 6](#).

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

- 22.1 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 7.20 – 7.30	Page 80	Conditions relating to the prevention of crime and disorder
Annex D	Page 148	
Sections 7.38 – 7.46	Page 85	Conditions relating to the prevention of public nuisance
Annex G	Page 164	
Sections 12.1 – 12.20	Page 118	Conditions relating to the Sale and Supply of Alcohol to Children
Annex H	Page 166	

Cherwell District Council Statement of Licensing Policy:

Page 14	Sections 5.3 – 5.7	Licensing Hours	LH 3 - 8
Page 18	Section 6.2	Prevention of alcohol consumption by minors	CH 5
Page 22	Section 7.3.9	Addressing local concerns	LA5
Page 22	Section 7.3.10	General Management and control	LA6

22.2 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.

23 Options

23.1 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.