

CHERWELL DISTRICT COUNCIL

LICENSING SUB COMMITTEE

27 April 2007

REPORT OF THE HEAD OF CENTRAL SERVICES

PREMISES 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, and 8 interested parties which have resulted in the necessity for a hearing.

2 Wards Affected

- 2.1 Banbury Grimsbury & Castle

3 Effect on Policy

- 3.1 None.

4 Contact Officers

- 4.1 Tina Poke (ext 1503)
Natasha Barnes (ext. 1599)

5 Background

- 5.1 This report contains details of an application in respect of Cassiopeia, 47 Broad Street, Banbury 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.
- 5.3 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 Cassiopeia, 47 Broad Street, Banbury

- 6.1 The application to vary was received on 2 March 2007, from Ashley Brown of 12 Laws Croft Brackley NN13 6HJ who operates 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:

Additional hours for provision of regulated entertainment and for the sale and supply of alcohol

7.2 The **Existing** Premises Licence which came into force on 18 April 2006 allows

1. Sale (by retail) of alcohol Sunday to Wednesday (inclusive) 17:00 to 01:00 hours (morning following) and Thursday to Saturday (inclusive) 17:00 to 02:00 hours (morning following). For consumption **On** the premises.
New Years Eve when not falling on a Thurs, Fri or Sat until 02:00 on 1 January.
Bank Holidays: one additional hour for all licensable activities when not falling on a Thursday, Friday or Saturday, specifically Easter Sunday, Easter Monday, May Day Sunday, May Day Monday, Spring Bank Holiday Sunday, Spring Bank Holiday Monday, Late Summer Bank Holiday Sunday, Late Summer Bank Holiday Monday, Christmas Eve, Boxing Day.
2. Provision of Regulated Entertainment to include Recorded Music and Performances of Dance **Indoors** Sunday to Wednesday (inclusive) 17:00 to 01:00 hours (morning following) and Thursday to Saturday (inclusive) 17:00 to 02:00 hours (morning following).
New Years Eve when not falling on a Thurs, Fri or Sat until 02:00 on 1 January.
Bank Holidays: one additional hour for all licensable activities when not falling on a Thursday, Friday or Saturday, specifically Easter Sunday, Easter Monday, May Day Sunday, May Day Monday, Spring Bank Holiday Sunday, Spring Bank Holiday Monday, Late Summer Bank Holiday Sunday, Late Summer Bank Holiday Monday, Christmas Eve, Boxing Day.
3. Provision of Late Night Refreshment **Indoors** Sunday to Wednesday (inclusive) 23:00 to 01:00 hours (morning following) and Thursday to Saturday (inclusive) 23:00 to 02:00 hours (morning following).
New Years Eve when not falling on a Thurs, Fri or Sat until 02:00 on 1 January.
Bank Holidays: one additional hour for all licensable activities when not falling on a Thursday, Friday or Saturday, specifically Easter Sunday, Easter Monday, May Day Sunday, May Day Monday, Spring Bank Holiday Sunday, Spring Bank Holiday Monday, Late Summer Bank Holiday Sunday, Late Summer Bank Holiday Monday, Christmas Eve, Boxing Day.

7.3 The proposed **variation** is briefly described as:

1. To vary the terminal hour for Sale (by retail) of alcohol, Provision of Regulated Entertainment to include Recorded Music and Performances of Dance and Provision of Late Night Refreshment
 - From 01:00 (morning following) to 02:00 (morning following) on Wednesday
 - From 02:00 (morning following) to 04:00 (morning following) on Thursday to Saturday (inclusive)

8 Promotion of the Four Licensing Objectives

8.1 The applicant has stated the following in respect of promoting the four licensing objectives

The Premises Licence Holder will continue to ensure that attainment of the Licensing Objectives forms an integral part of the Management Policies.

8.2 ***The Prevention of Crime & Disorder***

8.3 Some representations received have stated concerns in relation to potential issues in respect of increased risk of crime and disorder being caused by the grant of additional permissions to the premises. The applicant has stated the following in respect of promoting this licensing objective.

The measures detailed in the operating schedule attached to the existing premises licence are considered adequate and no further measures are suggested.

The original operating schedule attached to the existing premises licence is detailed as follows;

- The management will introduce and monitor “house Rules”, a copy of which accompany this application.

- A system of CCTV will cover those internal areas used for public trading and the front entrance of the premises. Images to be retained for 14 days and to be made available to a Police Officer or Officer of the Licensing Authority or any other Responsible Authority.
- To be members of and actively support any local pubwatch scheme.
- There will be no alcohol promotions that encourage illegal, irresponsible or immoderate consumption.
- No person will be allowed to leave the premises with any drink in an open container.
- To employ doorstaff who are registered with the Security Industry Authority, whose responsibilities will include not allowing disorderly conduct on the premises, prevention of admission of persons who are drunk and disorderly, ensuring excluded individuals do not gain entry & if considered necessary adopting a search policy.
- Dancers will be contracted to observe rules produced by the management, a copy enclosed with the application (see below).
- No displays shall be permitted, outside or in the vicinity of the premises, of any descriptions, photographs or other images that indicates that [*striptease, lap dancing, pole-dancing or table-side dancing*] takes place on the premises
- Whilst striptease that [*striptease, lap dancing, pole-dancing or table-side dancing*] are taking place no person under the age of 18 shall be on the licensed premises and a clear notice shall be displayed at the entrance to the premises in a prominent position so it can be easily read by persons entering the premises in the following terms:

“NO PERSON UNDER 18 WILL BE ADMITTED”

- Performers shall be aged not less than 18.
- There shall be no physical contact between dancers whilst performing.
- CCTV shall be installed to cover all areas where dancing will take place in addition to the front entrance and the trading areas. All cameras shall be continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 28 days with the date and time stamping. Tape recordings shall be made available to an Authorised Person of the Licensing Authority or Thames Valley Police together with facilities for viewing. The recordings for the proceeding two events shall be made available immediately on request, and recordings outside this period shall be made available within 24 hours.

8.4 ***The Prevention of Public Nuisance***

8.5 Some representations received have stated concerns in relation to potential issues in respect of public nuisance being caused by the grant of additional permissions to the premises. The applicant has stated the following in respect of promoting this licensing objective.

The measures detailed in the operating schedule attached to the existing premises licence are considered adequate and no further measures are suggested.

- Responsible Management control procedures will be adopted to recognise the rights of local residents and to encourage customers to leave the premises quietly.
- The management will encourage customers to pre-book departure taxis through an in-house system so that the majority of taxis arriving outside the premises are aware of the need not to use vehicle horns and to ensure customers entering and exiting vehicles do so in a quiet manner.
- The management will ensure any lighting provided for exterior signage does not cause a light pollution nuisance to nearby properties.
- All external doors other than those used for emergency exits only shall be fitted with automatic closing devices.
- The handling of beer kegs, bottles or other similar items external to the building, in particular the emptying of glass bottles into refuse containers shall only be permitted between the hours of 09:00 and 21:30 daily.

- To note that the former glazed windows of the main trading area at first floor level facing Broad Street are bricked up and the level of recorded music to be played, whilst louder than background level will only be of sufficient volume to accompany a dancer or dancers, and this style of music is unlikely to cause any noise nuisance from the building associated with disco style/bass beat music.
- The maximum sound pressure level within the premises during entertainment involving the use of amplified music shall be L Aeq 80 dB(A) with no single noise event exceeding L A max 90 dB(A).

9 Representations Received and Relevant Licensing Objectives

9.1 The Head of Safer Communities and Community Development recommends that the application, as submitted, is not granted but recommends the following conditions which will implement additional measures to control public nuisance from noise related issues.

- substitute an earlier terminal hour together with a latest time for admission to the premises
- an electronic sound limiting device being installed at the premises and calibrated in such a way that sound from recorded music played within the premises is not audible at the facades of residential properties in Amos Court and Newland Place
- either break glass panic bolts or audible alarms are fitted to the two fire exit doors giving access to the rear of the premises
- that the sound produced by speakers located within the foyer of the premises is reduced in volume such that it is inaudible at the facades of dwellings in Amos Court

9.2 The response from the Head of Safer Communities and Community Development is attached as [Annex 1](#)

9.3 There are 8 interested parties who have submitted representations;

- The representation from Carol Silman of 4 Grove Street Banbury is attached as [Annex 2](#).
- The representation from Mrs D Rumford of 46 Amos Court Banbury is attached as [Annex 3](#).
- The representation from Mrs V McElligott of 47 Amos Court Banbury is attached as [Annex 4](#).
- The representation from Mrs C DuBarry of 43 Amos Court Banbury is attached as [Annex 5](#).
- The representation from P R Buckley of 17 Newland Place Banbury is attached as [Annex 6](#).
- The representation from Vera C Mayo of 48 Amos Court Banbury is attached as [Annex 7](#).
- The representation from R A Harvey of 5 Newland Place Banbury is attached as [Annex 8](#).
- The representation from Mr & Mrs G Cook of 16 Newland Place Banbury is attached as [Annex 9](#).

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 this case are as follows:

Guidance:

Sections 7.20 – 7.30	Page 80	
Annex D	Page 148	Conditions relating to the prevention of crime & disorder
Sections 7.38 – 7.46	Page 85	
Annex G	Page 164	Conditions relating to the prevention of public nuisance

Cherwell District Council Statement of Licensing Policy:

Page 14	LH 1 - 7	Sections 5.1 – 5.6	Licensing Hours
Page 21	LA3	Section 7.3	General Prevention of Public Nuisance
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.