

CHERWELL DISTRICT COUNCIL
LICENSING SUB COMMITTEE

2

8 SEPTEMBER 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 and a number of interested parties which has resulted in the necessity for hearings.

2 Wards Affected

- 2.1 Bloxham, Otmoor and Kirtlington, Cropredy 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 four applications that are to be considered by the Committee. The applications are in respect of the following premises:

Wroxton College, Wroxton, Banbury	}	
Red Lion, High Street, Islip	}	Scheduled to be heard at 10:00
Red Lion Inn, 8 Red lion Street, Cropredy	}	

The Joiners Arms, Old Bridge Road, Bloxham Scheduled to be heard at 14:00

- 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. Wroxton College, Wroxton, Banbury

6.1 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.

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

6.3 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 buttery 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.

6.4 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”.

6.5 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.

6.6 Promotion of the Four Licensing Objectives

6.7 The applicant has stated the following as a general approach to satisfying the licensing objectives:

“Only instructed personnel operating bar facilities”.

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 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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6.10 **Representations Received and Relevant Licensing Objectives**

6.11 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 1
- The representation from Mr and Mrs Nivison of 7 Wroxton House, Church Street, Wroxton is attached as Annex 2
- The representation from Ms Waters of The Old Coach House, Church Street, Wroxton is attached as Annex 3

7. **The Red Lion, High Street, Islip**

7.1 This application was received on 18 July 2005 from Punch Taverns Plc of Jubilee House, Second Avenue, Burton Upon Trent, Staffordshire, who own the premises. The existing Justices licence is held by Darren and Katherine Ward of Red Lion, High Street, Islip, who jointly operate 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

“Traditional Cotswold stone public house, set in the centre of the village. Has a car park and enclosed beer garden. There is a central bar servery which services the two trading rooms. There is a separate building adjacent which has a bar servery and is used as a function/games room.

7.4 Current permissions are a full Justices on licence for the sale of alcohol for consumption either in or off the premises and for the provision of recorded music.

7.5 The proposed variation is briefly described as follows and applies to the Sale of Alcohol, Provision of Recorded Music and Live Music which will be limited to two entertainers.

- An additional hour every Thursday Friday and Saturday to 00:00
- A further additional hour into the morning following every Friday (01:00), Saturday (01:00), Sunday (23:30) and Monday (00:00) for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.
- A further additional hour into the following morning following every Thursday

(01:00), Friday (01:00), Saturday (01:00) and Sunday (23:30) and Monday(00:00) for the Easter Bank Holiday weekend

- A further additional hour every Christmas Eve and Boxing Day
- To reflect existing New Year's Eve/Day hours
- Drinking up time: an additional 10 minutes, to allow 30 minutes drinking up time after the last permitted sale of alcohol

7.6 **Promotion of the Four Licensing Objectives**

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

"Following an assessment of the premises and its surrounding area the following is proposed: 30 minute drinking up time will allow appropriate dispersal, use of lavatories etc. In order to further the licensing objectives the licensee reserves the right to move fire appliances, AWP machines, cigarette machines and or any other similar objects temporarily in a fixed location which may impact on the ability of individuals on the premises to use exits or escape routes without impediment. We have parking facilities. Announcements are made for quiet departure.

7.8 ***The prevention of crime and disorder***

7.9 Some of the representations received are in relation to the possible risk of an increase in crime and disorder as a result of increased hours of operation at the premises. The applicant has stated the following regarding measures to promote the licensing objective relating to prevention of crime and disorder:

"Illumination is provided to the exterior areas of the pub.
All interior trading areas are visible to staff from behind the bar servery.
The toilets are checked regularly.
Customer behaviour is monitored especially during busy periods.
There is always two staff on duty at any one time.
We have a drugs prevention policy and staff are aware of it."

7.10 ***The prevention of public nuisance***

7.11 All of the representations received are in relation to the possible public nuisance being cause 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:

"All entrance doors have internal lobbies which reduce noise emission.
Detached property which reduces noise nuisance to neighbours.
A noise survey is carried out regularly especially when music is provided.
The fabric of the building retains sound.
Signs are displayed advising customers regarding noise, nuisance and safety.
When required, staff organise taxis to transport customers home.
All customers are requested to leave quietly."

7.12 **Representations Received and Relevant Licensing Objectives**

7.13 There are 9 interested parties who have submitted representations.

- The representation from Richard and Barbara Harding Jones of Church

- House, The Walk, Islip is attached as Annex 4.
- The representation from Maurice Kershaw of Scarletts, Middle Street, Islip is attached as Annex 5.
- The representation from Frank and Valerie Edwards of Abbotsbury, Middle Street, Islip is attached as Annex 6.
- The representation from Michael Wilkinson, Clerk of Islip Parish Council of 8 Mill Street, Islip is attached as Annex 7.
- The representation from I. M. Jacob of Greystones, Middle Street, Islip is attached as Annex 8.
- The representation from Jane Skinner of The Old Rectory, The Walk, Islip is attached as Annex 9.
- The representation from Jonathan Kingdon of The Elms, The Walk, Islip is attached as Annex 10.
- The representation from Afra O'Shea of The Elms, The Walk, Islip is attached as Annex 11.
- The representation from Richard and Megan Washington of Kings Head House, Kings Head Lane, Islip is attached as Annex 12.

8. Red Lion Inn, 8 Red Lion Street, Cropredy

8.1 This application was received on 14 July 2005 from Adam Morris and Karen Ohm of Red Lion Inn, 8 Red Lion Street, Cropredy, who own and operate the premises.

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

8.3 General Description of the premises

"A public house situated in the village of Cropredy, providing food and drink to the local community, passing canal trade, business people and tourists. One bar operation, with two separate dining area's and a family/eating room. Garden area to the rear of the property. Darts team. Car parking facilities. Private living accommodation on the first floor.

8.4 Current permissions are a full Justices on licence for the sale of alcohol for consumption on and off the premises.

8.5 The proposed variation is briefly described as:

- Extend hours open to the public 10:00 to 00:30 Sunday to Thursday and 10:00 to 01:00 Friday and Saturday.
- Extend hours allowed for the supply of alcohol 10.00 to 00.30 Sunday to Thursday and 10:00 to 00:30 Friday and Saturday.
- Provision of facilities for Dancing 12:00 to 00:00, Facilities for making music 12:00 to 00:00, Live Music 12:00 to 00:00 and Recorded Music 10:00 to 00:00, 7 days per week.
- Non Standard Timings will apply on Christmas Eve, Boxing Day, Valentines Day, St. Patrick's Day, St. Georges Day, Easter Friday, Saturday, Sunday and Monday, May, Spring and August Bank Holidays, Friday to Monday, Halloween, New Years Eve. As follows: Open and Supply of Alcohol 08:00 to 01:00; Dance 12:00 to 00:00 except NYE until close; Recorded Music 10:00 to 01:00 except NYE until close and discos will ceased at 00:00: Live Music 17:00 to 00:00 except NYE until 01:00

- Non Standard timings will also apply to other pre booked special events up to 20 in total for which 10 notice will be provided prior to the event.
- Other major/relevant sporting events eg: Olympics, Rugby and Football Championship matches earlier start times to enable customers to view events.

8.6 **Promotion of the Four Licensing Objectives**

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

“Proposed Designated Premises Supervisor is a member of the BII – a recognised qualification in the hotel and catering industry, as well as having a national certificate for licensees. Also used to be a Safety Director for a construction company. Staff are trained in Licensing Law and Health and Safety. Nationally recognised proof of age cards and other photographic ID cards will be requested as verification of proof of age. There will be a personal licence holder on site at all times when the premises are open”.

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

8.9 The representation from Environmental Health and a majority of the interested parties relate to potential issues arising in respect of 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:

“Signage in place advising customers to leave premises quietly, all patrons are requested to leave the premises quietly to reinforce this point. External lighting gives enough illumination of exists/entrances and points of access/aggress to the premises. Music inside the pub is turned down after 11.00pm. Litter clearance is carried out daily. Neighbours are verbally consulted about any extensions or functions. To our knowledge there has been no history of formal complaints concerning the music played on the premises”.

8.10 ***Public Safety***

8.11 One of the representations received makes reference to public safety issues, because of concerns regarding access for emergency vehicles, as parking is an issue in this part of the village. The applicant has stated the following regarding measures to promote this licensing objective:

“Health and Safety and Fire Risk Assessments carried out. On evenings where special events are to take place sufficient/extra staff will be employed to ensure safety of customers. Emergency lighting is installed, escape routes are evident. First Aid can be provided. Staff numbers are varied to suit seasonal business patterns”.

8.12 **Representations Received and Relevant Licensing Objectives**

8.13 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 and recorded music) to cease in the garden by 22:00 hours.
2. the garden area not to be used after 23:00 hours

8.14 The response from Environmental Services is attached as [Annex 13](#)

8.15 There are sixteen interested parties who have submitted representations.

- The representation from Mr A Highfield of 2 Red Lion Street, Cropredy is attached as [Annex 14](#)
- The representation from Mr and Mrs Girdlestone of Wharf House, Cropredy is attached as [Annex 15](#)
- The representation from Judith Beer of 2 Riverside Cottages, Cropredy is attached as [Annex 16](#)
- The representation from T. A Austin of The Old Post House, 9 Chapel Row, Cropredy is attached as [Annex 17](#)
- The representation from Mrs Pip Dealtry of 5 Chapel Row, Cropredy is attached as [Annex 18](#)
- The representation from Mrs Anne Boyle of Roundbottom House, Cropredy is attached as [Annex 19](#)
- The representation from Paul Morley, Chairman of Cropredy Parish Council is attached as [Annex 20](#)
- The representation from Mr and Mrs P J Haynes of Wayside Cottage, Red Lion Street, Cropredy is attached as [Annex 21](#)
- The representation from Mr and Mrs C Jennings of Calverton House, 2 Red Lion Street, Cropredy is attached as [Annex 22](#)
- The representation from Roger and Elizabeth Watkiss of Tudor Cottage, 3 Red Lion Street, Cropredy is attached as [Annex 23](#)
- The representation from Mel Robbins of 11 Red Lion Street, Cropredy is attached as [Annex 24](#)
- The representation from Mr and Mrs J Privett of The Retreat, New Place, Cropredy is attached as [Annex 25](#)
- The representation from John Atkins of Ibsen's Cottage, 1 New Place, Cropredy is attached as [Annex 26](#)
- The representation from Josephine Kershaw of April Cottage, Red Lion Street, Cropredy is attached as [Annex 27](#)
- The representation from Sharon Gilkes and Paul Saunders of Butterfly Cottage, 6 Red Lion Street, Cropredy is attached as [Annex 28](#)
- The representation from Mary Cooke of Kalenders, 7 Red Lion Street, Cropredy is attached as [Annex 29](#)

9. The Joiners Arms, Old Bridge Road, Bloxham, Banbury

9.1 The application was received on 20 July 2005, from Thomas Aldous and Mark Page who hold the current Justices licence.

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

9.3 General description of the premises:

"A public House on 2 floors. The first floor consisting of a staff flat of two rooms and two other staff bedroom / office. Ground floor is a bar and restaurant. On this floor there is a kitchen, store rooms and toilets.

9.4 Current permissions are a full Justices' on licence and supper hours' certificate.

9.5 The proposed variation is briefly described as:

- To extend hours of opening and hours allowed for the supply of alcohol from 11:00 to 00:00 Sunday to Thursday and 01:00 Friday and Saturday.
- New Years Eve extended to 01:00
- Extend Late Night Refreshment hours from 11:00 to 00:00 Sunday to Thursday and 01:00 on Friday and Saturday. The provision of hot drinks and snacks particularly in wind down period.
- Recorded Music, with or without a DJ for normal business or as part of a function. Sunday to Thursday until 00:00 and to 01:00 on Friday and Saturday
- At the end of permitted hours for the sale of alcohol to remain open for 30 minutes for 'wind down' period.

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;

"As existing"

9.8 ***The Prevention of Public Nuisance***

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

"All windows will be kept closed after 23:00 hours"

9.11 **Representation Received and Relevant Licensing Objectives**

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

- The representation from Chris and Rebecca Roberts of Woodbine Cottage, Old Bridge Road, Bloxham is attached as Annex 30

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

9.14 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

Sections 7.38 Page 85
Annex G Page 164

Public Safety

Section 7.31 Page 83
Annex E Page 157

9.15 **Cherwell District Council Statement of Licensing Policy**

Page 14	Sections 5.3 – 5.7	Licensing Hours	LH 3 – 8
Page 22	Section 7.3.9	Addressing local concerns	LA5

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.

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.