

CHERWELL DISTRICT COUNCIL

LICENSING SUB COMMITTEE

28 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 two 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 The Astons & Heyfords & Banbury Grimsbury & Castle

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

Middle Aston House, Middle Aston
Bonito's Wine Bar, White Lion Walk, Banbury

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 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 Middle Aston House, Middle Aston

6.1 This application was received on 29 July 2005 from Middle Aston House, the company who operate the premises. The current Justices licence is held by Middle Aston House Limited.

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

7.1 General description of the premises:

“Middle Aston House training and development centre is made up of several individual buildings. It has 57 double bedrooms and is set within 25 acres of woodland. The main house is a three storey detached building with the kitchen, bar, coffee lounge, reception and dining rooms on the ground floor, conference and syndicate rooms on the upper floor, the other buildings comprise of bedrooms, offices and extra conference rooms.”

7.2 Current permissions are a Justices licence for the sale by retail of alcohol for consumption on the premises.

7.3 The proposed variation is briefly described as:

- To extend hours the premises are open to the public Monday to Sunday from 10:30 to 02:00 with seasonal variations several times throughout the year when Middle Aston House will be closed
- To extend hours for the supply of alcohol Monday to Sunday from 10:30 to 02:00
- To allow performance of live music (indoors and outdoors) Monday to Sunday from 10:30 until 02:00 for occasional small groups or individuals to play indoors, usually at private functions. Sometimes a request is made to play music outdoors, for example a harpist playing for a bride at a wedding line up.
- To allow recorded music Monday to Sunday from 10:30 until 02:00. Amplified music, for example, a disco, usually played at private functions.
- To allow provision of facilities for dancing Monday to Sunday from 10:30 to 02:00. Generally, dancing will take place at private functions for example weddings, Christmas parties and end of course parties, but not exclusively.

8 Promotion of the Four Licensing Objectives

8.1 The applicant has indicated, as a general approach to satisfying the licensing objectives that the conditions set by the Licensing Act will be promoted.

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:

“Noise is kept to an acceptable level.”

8.3 *The prevention of crime and disorder*

One representation received refers 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:

“Throughout the night staff make regular patrols around the site.”

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 and recorded music) 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 12 interested parties who have submitted representations.
- The representations from interested parties are attached as Annex 2.

10 Bonitos Wine Bar, 6/7 White Lion Walk, Banbury

- 10.1 This application was received on 4 August 2005 from Leroy Mark McKenzie of Bonitos Wine Bar, 6/7 White Lion Walk, Banbury. Leroy McKenzie will be the Designated Premises Supervisor and he currently holds the Justices licence and the public entertainment licence in respect of 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:
"A town centre bar within a shopping precinct. Spacious interior with modern décor. Raised eating area (which double as dance area) patio area on private land. Specialises in wines and spirits as opposed to lagers and bitters, targeted clientele 25 years of age plus professional. Very food orientated during the week, becoming calm, relaxed drinking place on the weekend, occasionally offering specialist entertainment. No pool tables, games or TV's."
- 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 Monday to Sunday from 11:00 to 02:30.
 - To increase hours for supply of alcohol Monday to Sunday from 11:00 to 02:00
 - Provision of Late Night Refreshment (indoors only) Monday to Sunday from 22:00 until 02:00. Provision of hot/soft snack/drinks particularly towards the end of the night.
 - To extend performance of live music (indoors and outdoors) Monday to Sunday from 18:00 until 02:00 for small bands, occasionally with acoustic/amplified music/voice. Sometimes this may be done outside in conjunction with other traders of the walk to promote business. Non standard timings – occasionally during the day to promote trade in the area.
 - To extend recorded music (both indoors and outdoors) Monday to Sunday from 11:00 to 02:00. Background music/DJ. Exterior music on low volume to stop at 00:00.
 - To extend provision for performance of dance (both indoors and outdoors) Monday to Sunday from 11:00 to 00:00. Occasional performance eg charity events
 - To extend provision of facilities for making music (indoors only) Monday to Sunday from 11:00 to 02:00. Small bands occasionally with amplified/acoustic music. Non standard timings – occasionally during the day to promote trade in the area.
 - To extend provision of facilities for dancing (indoors only) Monday to Sunday from 11:00 to 02:00. Spontaneous dancing with live/record music. Dance area provided.

12 Promotion of the Four Licensing Objectives

12.1 The applicant has indicated, as a general approach to satisfying the licensing objectives – “The type of regulated entertainment provided reinstates the normal bars entertainments that were previously unregulated. No new steps have been identified by risk assessment in relation to the four licensing objectives except as below. I have considered the terms of the local licensing policy in preparing this application. All staff have been briefed and trained in regards to health and safety, fire procedures, underage, drugs etc.”

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:

“Entertainment and drink sales will cease 30 minutes before closing time

Constant monitoring of noise levels

Patio area constantly monitored

Zero tolerance with nay form of crime ie drugs, violence etc.

Litter clearance”

13 Representations Received and Relevant Licensing Objectives

13.1 There were no representations from Responsible Authorities.

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

The representation from A. Scott Andrews of Banbury Charities of 36 West Bar, Banbury is attached as Annex 3.

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

14.1 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

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

Page 22 Section 7.3.10 General Management and control LA6

14.2 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.

15 Options

15.1 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.