

CHERWELL DISTRICT COUNCIL

LICENSING SUB COMMITTEE

29 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 three applications and details of representations received from Thames Valley Police, the Head of Environmental Health and a number of interested parties which has resulted in the necessity for hearings.

**2 Wards Affected**

- 2.1 Bodicote, Bloxham and Hook Norton.

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

The Horse and Jockey, Bodicote	} Scheduled to be heard at 10:00
The Red Lion, Bloxham	}

The Bell, Hook Norton	} Scheduled to be heard at 14:00
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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 The Horse and Jockey, Bodicote**

6.1 This application was received on 4 August 2005 from Heritage Pub Company Ltd of Donnington House, Riverside Road, Pride Park, Derby. The current Justices licence is held by Grant and Karen Goddard who operate the premises. Karen Goddard will be the Designated premises supervisor.

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

7.1 General description of the premises:

“Community pub comprising 2 bar areas on the ground floor – providing live entertainment, combined with a food offering throughout the day every day. Premises have an adjacent beer garden where customers may consume alcohol.”

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

7.3 The proposed variation is briefly described as:

- To extend hours the premises are open to the public Sunday to Thursday from 11:00 to 01:30, and Friday and Saturday from 11:00 to 02:30 Non standard timings – an additional 30 minutes after the non standard finish timing for the supply of alcohol
- To extend hours for the supply of alcohol (for consumption on and off the premises) Sunday to Thursday from 11:00 to 01:00 and Friday and Saturday from 11:00 to 02:00. Non standard timings – Easter Monday, Christmas Eve, Christmas Day, Boxing Day and 27 December from 11:00 to 02:00. 31 December 11:00 to 2 January 02:00. If applicable, an additional hour to the standard & and non standard times on the day when British summer time commences. In the event of the transmission of any international sporting event which falls outside the standard hours timing to commence 1 hour before the start of the event and ending 1 hour after the end of the event.
- To allow exhibition of film Sunday to Thursday from 11:00 to 01:00 and Friday and Saturday from 11:00 to 02:00. Films or recorded events including but not restricted to race nights and multi media amusement machines. Non standard timings – Easter Monday, Christmas Eve, Christmas Day, Boxing Day and 27 December from 11:00 to 02:00. 31 December 11:00 to 2 January 02:00. If applicable, an additional hour to the standard & and non standard times on the day when British summer time commences. In the event of the transmission of any international sporting event which falls outside the standard hours timing to commence 1 hour before the start of the event and ending 1 hour after the end of the event.
- To allow indoor sporting events – Darts, pool or other pub games - Sunday to Thursday from 11:00 to 01:00 and Friday and Saturday from 11:00 to 02:00. Non standard timings – Easter Monday, Christmas Eve, Christmas Day, Boxing Day and 27 December from 11:00 to 02:00. 31 December 11:00 to 2 January 02:00. If applicable, an additional hour to the standard & and non standard times on the day when British summer time commences. In the event of the transmission of any international sporting event which falls outside the standard hours timing to commence 1 hour before the start of the event and ending 1 hour after the end of the event.
- To allow live music (indoors only) – live performers playing amplified or un amplified music throughout the premises. Sunday to Thursday from 11:00 to 01:00 and Friday and Saturday from 11:00 to 02:00. Non standard timings – Easter Monday, Christmas Eve, Christmas Day, Boxing Day and 27 December from 11:00 to 02:00. 31 December 11:00 to 2 January 02:00. If applicable, an additional hour to the standard & and non standard times on the day when British summer time commences. In the event of the

transmission of any international sporting event which falls outside the standard hours timing to commence 1 hour before the start of the event and ending 1 hour after the end of the event.

- To allow recorded music (indoors and outdoors) Sunday to Thursday from 11:00 to 01:00 and Friday and Saturday from 11:00 to 02:00. Amplified recorded music throughout the premises and patio. Non standard timings – Easter Monday, Christmas Eve, Christmas Day, Boxing Day and 27 December from 11:00 to 02:00. 31 December 11:00 to 2 January 02:00. If applicable, an additional hour to the standard & and non standard times on the day when British summer time commences. In the event of the transmission of any international sporting event which falls outside the standard hours timing to commence 1 hour before the start of the event and ending 1 hour after the end of the event.
- To allow provision of facilities for making music Sunday to Thursday from 11:00 to 01:00 and Friday and Saturday from 11:00 to 02:00. Juke box situated in main bar. Non standard timings – Easter Monday, Christmas Eve, Christmas Day, Boxing Day and 27 December from 11:00 to 02:00. 31 December 11:00 to 2 January 02:00. If applicable, an additional hour to the standard & and non standard times on the day when British summer time commences. In the event of the transmission of any international sporting event which falls outside the standard hours timing to commence 1 hour before the start of the event and ending 1 hour after the end of the event.

## **8 Promotion of the Four Licensing Objectives**

8.1 The applicant has indicated, as a general approach to satisfying the licensing objectives, that the licensing objective have been carefully considered in the light of the proposed variation taking account of the premises and their location. The proposed variation will not alter the style and operation of the premises. The proposed variation will promote the licensing objectives in accordance with the Section 182 Guidance. The premises will operate in accordance with all relevant legislation. Details of any additional measures considered necessary to promote the licensing objectives are contained under the relevant objective below.”

### **8.2 *The Prevention of public nuisance***

8.3 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:

“The public nuisance objective has been considered in the light of the proposed variation. The proposed variation will not alter the style and operation of the premises and will not have an adverse effect on the public nuisance objective. The proposed variation will promote the public nuisance objective in accordance with the section 182 guidance. The premises will operate in accordance with all relevant legislation which promotes the public nuisance objective including but not limited to the Environmental Protection Act 1990 and the Noise Act 1996. The premises will liaise and co-operate with the Responsible Authorities. Any drinks promotions will not adversely affect the promotion of responsible drinking. Customers will be encouraged to leave the premises in a quiet and orderly manner. Staff will be trained to observe the measures necessary to promote the public nuisance objective. The premises will be adequately ventilated to prevent nuisance. Arrangements will be made for the storage and disposal of refuse which do not cause a nuisance. Any noise from the licensable activities provided will be monitored in order to prevent nuisance.”

#### 8.4 ***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:

“The crime and disorder objective has been considered in the light of the proposed variation. The proposed variation will not alter the style and operation of the premises and will not have an adverse effect on the crime and disorder objective. The proposed variation will promote the crime and disorder objective in accordance with the Section 182 guidance. The premise will continue to operate in accordance with all relevant legislation which promotes the crime and disorder objective. The premises will liaise and co-operate with the police and participate in any Pub Watch or other equivalent scheme. A proof of age policy will operate in relation to relevant licensable activities. A zero tolerance towards illegal drugs will operate at all times. Any drinks promotions will not adversely affect the promotion of responsible drinking. Customers will be encouraged to leave the premises in a quiet and orderly manner. Staff will be trained to observe the measures necessary to promote the crime and disorder objective.”

### **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 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.
2. All regulated entertainment (recorded music) to cease in the garden/patio area by 22:00 hours
3. No entertainment involving sound amplification equipment shall be used in the garden area.
4. The garden area must not be used after 23:00 hours

The applicant has agreed to these conditions. The response from the Environmental Services Department is attached as [Annex 1](#).

9.2 Thames Valley Police have no objections to the grant of the licence subject to the following conditions which will implement additional measure to control public nuisance.

1. A Premises Daily Register shall be kept at the premise. This register will be maintained and kept for a minimum of 12 months. This register should record the person in a position of responsibility for the premise. The Premises Daily Register shall record all calls made to the premises where there is a complaint made by a resident or neighbour of noise, nuisance or anti social behaviour by persons attending or leaving the premises. This shall record the details of the caller, the time and date of the call and the time and date of the incident relating to the call and any actions taken to deal with the call. The Premises Daily Register will be readily available for inspection by an Authorised Person throughout the trading hours of the premises.
2. On occasions that you make use of additional hours to cover special occasions, Thames Valley Police shall be given no less than ten working days written notification of the special occasion or event. This shall be in a set format detailing;
  - The nature of the event and brief details of how the event will be run if not covered by the general Operating Schedule.

- The date, the commencement and conclusion time of the event.
  - Expected numbers attending.
  - The name of the premises and the name of the Designated Premises Supervisor for the duration of the event.
  - The number of occasions used and the total number of occasions permitted at the premise each year, e.g. occasion 7 of 15 permitted.
3. 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.
  4. The Designated Premises Supervisor or a nominated representative shall receive and respond to complaints throughout the duration of all noisy events.

The response from Thames Valley Police is attached as Annex 2.

9.3 There are 10 interested parties who have submitted representations.

- The representations from interested parties are attached as Annex 3.

## **10 The Red Lion, Bloxham**

10.1 This application was received on 5 August 2005 from Fullers, Smith & Turner plc of Griffin Brewery, Chiswick Lane, London W4 2QB who own and operate the premises. The holder of the current justice's licence is James Brian Doyle who will also be the designated premises supervisor.

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

11.1 General description of the premises:

"Traditional Fullers owned and operated public house situated on a main road from Banbury to Chipping Norton. Trades via two bars."

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

11.3 The proposed variation is briefly described as:

- To increase hours premises are open to the public to start at 10:00 Monday to Sunday closing at 01:30 Monday to Saturday and closing at 00:30 on Sunday. Non standard timing – 24 hours a day on New Years Eve and an extra hour on the day when British summertime commences.
- To increase hours for supply of alcohol (for consumption on and off the premises) to start at 10:00 Monday to Sunday finishing at 01:00 Monday to Saturday and at 00:30 Sunday. Non standard timings – Christmas Eve 10:00 to 02:00
- To allow exhibition of film (indoors only) Monday to Saturday from 12:00 to 01:00 and Sunday from 12:00 to 23:00. To permit the occasional showing of films and dvd's. Non standard timings –Christmas Eve from 10:00 to 02:00.
- To allow indoor sporting events Monday to Saturday from 12:00 to 01:00 and Sunday from 12:00 to 23:00. The playing of traditional indoor pub games that may attract an audience bringing it within the authority of the Licensing Act 2003. Non standard timings –Christmas Eve from 10:00 to 02:00.
- To allow performance of live music (indoors and outdoors) Monday to Saturday from 12:00 to 01:00 and Sunday from 12:00 to 23:00. Premises previously relied on the two in a bar rule and wish to continue to provide live music consisting of duos and much larger bands. Non standard timings –Christmas Eve from 10:00 to 02:00.

- To allow provision of facilities for making music (indoors only) Monday to Saturday from 12:00 to 01:00 and Sunday from 12:00 to 23:00. To permit music to be made at the premises by employees and customers. Non standard timings –Christmas Eve from 10:00 to 02:00.
- Provision of Late Night Refreshment on Monday to Saturday from 23:30 until 01:00 and from 23:00 on a Sunday to 00:00. Non standard timings Christmas Eve 10:00 to 02:00

## **12 Promotion of the Four Licensing Objectives**

12.1 The applicant has indicated, as a general approach to satisfying the licensing objectives – “We will continue to train our staff to the standards required by relevant legislation. Fullers operate traditional high quality public houses selling award winning cask ale, good wine and excellent food. There is no intention to deviate from this during the extended hours of operation. The additional hours will themselves promote the licensing objectives particularly in relation to crime and disorder and public nuisance as stated in paragraph 3.29 of the guidance by allowing customers to emerge from the premises at a more gradual rate.”

### **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: “We have carefully considered the risks and benefits associated with the extra hours and other variations sought and do not believe that any additional measures are necessary to promote this objective.”

## **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 regulated entertainment (live music) to cease outdoors by 22:00 hours
2. The outside area not to be used after 23:00 hours

The response from the Environmental Services Department is attached as Annex 4. These conditions have been agreed by the applicant.

13.2 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 5.

## **14 The Bell Inn, Hook Norton**

14.1 This application was received on 4 August 2005 from Punch Taverns plc of Jubilee House, Second Avenue, Burton upon Trent, Staffordshire. The current justices licence is held by Derek William Matthews of 2 Alpine Cottages, The Butts, Hook Norton who will also be the Designated Premises Supervisor.

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

### 15.1 General description of the premises:

"The Bell Inn, Hook Norton is a basic local with lounge bar area split into front bar and rear bar. The pub is found in the centre of Hook Norton village. There is also a pool room on the first floor over the rear bar area. The pub fronts onto the High Street through the centre of the village, with a beer garden area to the rear of the property. There is a minimal food offer."

### 15.2 Current permissions are a full Justices licence for sale by retail of alcohol for consumption 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 Wednesday from 11:00 to 23:30, Thursday to Saturday 11:00 to 01:30 and Sunday 12:00 23:00. Non standard timings – A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend. A further additional hour into the morning following the Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday Weekend. A further additional hour every Christmas Eve. A further additional hour every Boxing Day. To reflect existing New Years Eve/Day hours.
- To extend hours for the supply of alcohol (for consumption on and off the premises) Monday to Wednesday from 11:00 to 23:00, Thursday to Saturday 11:00 to 01:00 and Sunday 12:00 22:30. Non standard timings – A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend. A further additional hour into the morning following the Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday Weekend. A further additional hour every Christmas Eve. A further additional hour every Boxing Day. To reflect existing New Years Eve/Day hours.
- To extend hours for the performance of live music (indoors only) Monday to Wednesday from 11:00 to 23:00, Thursday to Saturday 11:00 to 01:00 and Sunday 12:00 22:30. To enable up to 2 entertainers to perform as currently allowed. Non standard timings – A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend. A further additional hour into the morning following the Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday Weekend. A further additional hour every Christmas Eve. A further additional hour every Boxing Day. To reflect existing New Years Eve/Day hours.
- To extend hours for the playing of recorded music (indoors only) Monday to Wednesday from 11:00 to 23:00, Thursday to Saturday 11:00 to 01:00 and Sunday 12:00 22:30. To match sale of liquor at section M (supply of alcohol). Amplified recorded music ancillary to sale of alcohol. Non standard timings – A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend. A further additional hour into the morning following the Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday Weekend. A further additional hour every Christmas Eve. A further additional hour every Boxing Day. To reflect existing New Years Eve/Day hours.
- To extend hours for the provision of facilities for dancing (indoors only) Monday to Wednesday from 11:00 to 23:00, Thursday to Saturday 11:00 to 01:00 and Sunday 12:00 22:30. To enable dancing to live music of a maximum 2 entertainers, recorded music and karaoke in a area specifically set apart for that activity.. Non standard

timings – A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend. A further additional hour into the morning following the Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday Weekend. A further additional hour every Christmas Eve. A further additional hour every Boxing Day. To reflect existing New Years Eve/Day hours.

- To permit provision of facilities for entertainment of a similar description to provision of facilities for making music and dancing (indoors only) Monday to Wednesday from 11:00 to 23:00 and on Thursday, Friday and Saturday from 11:00 to 01:00 and Sunday 12:00 to 22:30. Performance of karaoke. Non standard timings – A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend. A further additional hour into the morning following the Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday Weekend. A further additional hour every Christmas Eve. A further additional hour every Boxing Day. To reflect existing New Years Eve/Day hours.

## **16 Promotion of the Four Licensing Objectives**

- 16.1 The applicant has indicated, as a general approach to satisfying the licensing objectives, that 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 the 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.

### **16.2 *The Prevention of public nuisance***

The 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 measures to promote the licensing objective relating to prevention of public nuisance:

The outlet has lockable/closed windows. The retailer ensures managed customer departure to minimise any disturbance. Noise survey undertaken to ensure minimum disturbance. The fabric of the building retains sound as is Hornton stone construction.

## **17 Representations Received and Relevant Licensing Objectives**

- 17.1 Thames Valley Police have no objections to the grant of the licence subject to the following conditions which will implement additional measure to control public nuisance.
- 1 A Premises Daily Register shall be kept at the premise. This register will be maintained and kept for a minimum of 12 months. This register should record the person in a position of responsibility for the premise. The Premises Daily Register shall record all calls made to the premises where there is a complaint made by a resident or neighbour of noise, nuisance or anti social behaviour by persons attending or leaving the premises. This shall record the details of the caller, the time and date of the call and the time and date of the incident relating to the call and any actions taken to deal with the call. The Premises Daily Register will be readily available for inspection by an Authorised Person throughout the trading hours of the premises.
  - 2 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.
  - 3 The Designated Premises Supervisor or a nominated representative shall receive and respond to complaints throughout the duration of all noisy events.



The response from Thames Valley Police is attached as Annex 6.

- 17.2 There are six interested parties who have submitted representations. 5 representations oppose the grant of extended hours and one supports the application.

The representations are attached as Annex 7.

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

- 18.1 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

- 18.2 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.

## **19 Options**

- 19.1 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.