

**CHERWELL DISTRICT COUNCIL**

**LICENSING SUB COMMITTEE**

**28 JULY 2005**

**REPORT OF THE HEAD OF CORPORATE SERVICES**

**APPEAL HEARING – Easington, 135 Bloxham Road, Banbury**

**1 Introduction and Purpose of Report**

- 1.1 The purpose of this report is to provide an outline of the above application and details of two representations received from interested parties which have resulted in the necessity for a hearing.

**2 Wards Affected**

- 2.1 Banbury Easington

**3 Effect on Policy**

- 3.1 None.

**4 Contact Officers**

- 4.1 Tina Poke (ext 1503);  
Janet Smith (1534).

**5 Background**

- 5.1 This report contains details of an application that was received on 3 June 2005 from Mitchells and Butlers Leisure Retail Ltd of 27 Fleet Street, Birmingham who own and operate the premises.
- 5.2 The application falls into two parts. Firstly, the conversion of the existing licence to a Premises Licence and secondly to consider varying the new Premises Licence. The following paragraphs provide details 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.

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

- 6.1 General description of the premises:  
“A managed business  
A Local Community pub”

- 6.2 Current permissions are a full Justices on and off licence, permission for the sale of hot food and drink during all the hours permitted for the sale of alcohol and 30 minutes thereafter and permission for the playing of recorded music 24 hours a day.
- 6.3 The proposed variation is briefly described as:
- To extend hours for the sale of alcohol, hot drink and/or food (indoors and outdoors)
  - To permit include playing of films as regulated entertainment (indoors)
  - All to operate Monday – Sunday 10:00 to 00:00

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

- 7.1 The applicant has indicated, as a general approach to satisfying the licensing objectives, that the Easington is part of and operated by Mitchell's & Butlers Group (MAB). MAB own and operate over 2000 separate manage businesses within the United Kingdom. Managers are employed by the company and operate under the direction and procedures of the company. There is a corporate approach to risk management which ensures a consistent approach to the management of risk in each of their businesses through a range of policies, procedures and roles. This approach is fundamental to the operating principles and is integrated into the way the business is run.
- The applicant states that the variation application does not represent a fundamental change in the way in which the premises are already trading; That the risks and benefits associated with the additional hours applied for have been carefully considered and where additional steps are necessary these have been indicated; and that staff will continue to be trained to the standards required by the relevant legislation and to company policy.
- The voluntary closure policy for the operation is 30 minutes after the approved closure time for the supply of alcohol.

### **7.2 *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 that the following additional measures will be taken in order to promote the licensing objective relating to prevention of public nuisance:

- The style and nature of the operation will not differ significantly from the existing trading operation during the extended hours. The grant of the additional hours will of itself promote the licensing objectives in allowing customers to emerge from premises at a more gradual rate.
- Reasonable steps will be taken to recognise the rights of local residents and to encourage customers to leave the premise quietly.
- Managers are required to liaise with local neighbours as part of their duties and resolve any reasonable concerns in accordance with the Role in the Community Guidelines produced by the company.

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

- 8.1 The Head of Environmental Services has no objections to the grant of the licence subject to a condition stating that the garden areas shall not be used after 23:00. This has been accepted by the applicant.
- 8.2 There are two interested parties who have submitted representations.
- The representation from Mr J Kerby of 147 Bloxham Road, Banbury is attached as Annex 1.
  - The representation from Mr A Hearn of 141 Bloxham Road, Banbury is attached as Annex 2.

8.3 Should any supplementary information be received from those making representations it will be circulated in advance of the meeting of the Sub-Committee.

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

9.1 The relevant sections of the Guidance and Licensing Authority Policy issued under the Licensing Act 2003, which are applicable to the representations are as follows:

### **Guidance:**

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 17	Section 6.1	Access to premises by children	CH4
Page 18	Section 6.2	Prevention of alcohol by minors	CH5
Page 22	Section 7.3.9	Addressing local concerns	LA5
Page 22	Section 7.3.10	General Management and control	LA6

9.2 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.

## **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.