

CHERWELL DISTRICT COUNCIL**LICENSING SUB COMMITTEE****14 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 two applications and details of representations received from the Head of Environmental Health, Thames Valley Police Authority and a number of interested parties which has resulted in the necessity for hearings.

2 Wards Affected

- 2.1 Deddington and Banbury Easington.

3 Effects 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:

Banbury Trades and Labour Club, 32 West Bar Street, Banbury
Deddington Royal British Legion Club, High Street, Deddington
Scheduled to be heard at 18:00 hours.

- 5.2 The applications fall into two parts. Firstly, the conversion of the existing club certificates to club premises certificates and secondly to consider varying the new club premises certificates. In each case details are provided in respect of the existing certificates and the variations.
- 5.3 On conversion the club premises licence must be subject to conditions that reproduce the effect of any conditions on existing certificates or 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 Banbury Trades & Labour Club & Institute Ltd

6.1 This application was received on 1 August 2005, from Mr Maurice Yates in his capacity as Club Secretary of Banbury Trades & Labour Club & Institute, 32 West Bar Street, Banbury.

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

6.3 General description of the premises:

“Detached building near to Town Centre comprising of two floors and unused cellar.
Ground Floor: Two entrance halls, 2 offices, cellar, bar, bottle store, bar, kitchen, lounge, concert room, games room, ladies and gents toilets.
First Floor: 3 bedroom flat for Steward, function room and offices.

6.4 Current permissions are for a club registration certificate permitting the supply and sale of alcohol to members and bone fide guests in accordance with the provisions of the Licensing Act 1964, along with a Certificate of Suitability which permits public entertainment from 11:00 to 00:00.

6.5 The proposed variation is briefly described as:

- To extend authorised hours for the supply of alcohol from 10:30 to 00:00 Monday to Thursday, 10:30 to 01:00 Friday, 10:30 to 02:00 Saturday and 11:00 to 00:00 on Sunday.
- Addition of regulated entertainment for club members and guests to qualifying club activities. Plays, Films, Indoor Sporting Events, Boxing or Wrestling Entertainment, Live Music, Recorded Music, Performance of Dance, Provision of facilities for making music, Provision of facilities for dancing. The application suggests that the above activities will take place with the above times stated for the supply of alcohol, although the applicants will be asked to confirm this as part of their presentation for the hearing.
- Non standard timings for the supply of alcohol as follows:
 - Christmas Day 11:00 to 14:00
 - Boxing Day 10:30 to 01:00
 - New Years Eve 10:30 to 02:00
 - New Years Day 10:30 to 01:00
 - Bank Holidays 10:30 to 01:00

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;

“Door persons at both entrances to club to check membership. Club Management, Steward and bar staff are informed of the Licensing Act 2003 and statutory requirement to comply with all relevant provisions of the Act. Committee to look again at club rules to update and check in line with new licensing objectives”.

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 stated the following additional measures will be taken in order to promote the licensing objective to prevention of public nuisance:

“The dispersal procedure for members/guests leaving the premises includes signage at the exits reminding them to leave quietly in respect of local residents. There are no windows (only fire exit doors) in the concert room, function room or bar’s, therefore all music/noise is kept within the confine of the rooms. All reasonable steps are taken to avoid disturbance to neighbouring properties. Rooms are sound proofed. Club committee are considering the installation of sound limiters to the concert and function rooms, subject to survey”.

6.10 Representations Received and Relevant Licensing Objectives

6.11 The Head of Environmental Services has no objections to the grant of the licence subject to the following condition which will implement additional measure to control public nuisance from noise related issues.

- All external doors must be kept closed, other than for access and egress, in all rooms when events involving amplified music or speech are taking place.

6.12 The response from Environmental Services is attached as Annex 1.

6.13 There is one interested party who has submitted a representation:

- The representation from David Cox and Emma Bishop of 30 West Bar Street, Banbury is attached as Annex 2.

7 Deddington Royal British Legion Club

7.1 The application was received on 28 July 2005 from Mr Hugh Morris in his capacity of Club Secretary of Deddington Royal British Legion Club, High Street, Deddington.

7.2 Outline of Application and Details of Variation to Club Premises Certificate under the Licensing Act 2003

7.3 General description of the premises:

“The premises are situated in High Street, Deddington and consist of ground floor bar and seating area with small stage and dance floor. There are stairs up to a snooker room with snooker table on the first floor. Toilet accommodation is provided for ladies and gentlemen. There is a bottle store, beer cellar and preparation and washing up room. Access is gained via the main entrance via an uncovered passageway adjacent to the building. There is a fire door giving out onto the public highway”.

7.4 Current permission is for a club registration certificate permitting the supply and sale of alcohol to members and bona fide guests in accordance with the provisions of the Licensing Act 1964.

7.5 The proposed variation is briefly described as follows:

- Extend authorised hours for the supply of alcohol 10:30 to 23:30 Monday to Thursday, 10:30 to 01:00, 10:30 to 01:00 Friday and Saturday, 10:30 to 00:00 on Sunday. These extended hours also apply to the following:
 - Live Music – No more than three live musicians playing a variety of music with appropriate sound limited amplification. Live music not performed at all times when the club premises are open.
 - Recorded Music – A variety of recorded music with or without a DJ. Domestic CD player for low level background music. Main sound system not used at all times when club is open.
 - Provision of Facilities for making Music – Occasional karaoke performances.
 - Provision of facilities for Dancing – Dancing to live or recorded music on the dance floor in the ground floor room. Dancing will not take place at all times when the club premises are open.
- Non standard timings will apply to all of the above as follows:
 - December 24 10:30 – 01:00
 - December 25 10:30 – 01:00
 - December 26 10:30 – 01:00
 - December 31 10:30 through to 01.00 on 2 January
- Seasonal Variation for the supply of alcohol in respect of TV coverage of major sporting events and other events in which UK representation is involved. 30 minutes before and 30 minutes after and on other special occasions at times decided by the club committee not less than 2 weeks prior to the special occasion.

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:

“Whenever open the premises are supervised by the stewardess or another responsible adult. Usually one or more committee members are present. The club membership is currently 161 and most members are known to a committee member”.

7.8 ***The prevention of public nuisance***

7.9 A majority of 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 regarding measures to promote this licensing objective:

“The Stewardess and Committee Members are present to ensure good order at all times. The clubs’ sound system has an approved sound limitation device. Members and their guests are encouraged to leave quietly and with consideration for local residents. Notices are posted to that effect”.

7.10 ***The prevention of crime and disorder***

7.11 The representation from Thames Valley Police Authority is also in relation to the licensing objective concerning the prevention of crime and disorder. The applicant has stated the following regarding measures to promote this licensing objective:

“The club is run by an elected Committee who take steps to ensure orderly behaviour at all times. The club is a member of Pub Watch”.

7.12 Representations Received and Relevant Licensing Objectives

7.13 The Head of Environmental Services has submitted a detailed representation setting out a number of conditions which would need to be attached to the licence, in order to implement additional measures to control public nuisance issues. If these are accepted by the applicant, no objections would be raised to the grant of the licence.

7.14 The response from Environmental Services is attached as [Annex 3](#).

7.15 Thames Valley Police have confirmed that they would not object to the grant of the licence subject to a number of conditions to the following conditions being attached to the licence in order to satisfy potential Public Nuisance and Crime and Disorder issues.

PN24	The Designated Premises Supervisor or a nominated representative shall receive and respond to complaints throughout the duration of all noisy events.
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CD15	<p>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;</p> <ul style="list-style-type: none">• 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.
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7.16 The response from Thames Valley Police is attached as [Annex 4](#)

7.17 There are three interested parties who have submitted representations.

- The representation from Deborah Dryland of 11 High Street, Deddington is attached as [Annex 5](#).
- The representation from John and Isabella Knights of Heathfield House, High Street, Deddington is attached as [Annex 6](#).
- The representation from Mr and Mrs P Soddy of Maunds Farmhouse, High Street, Deddington is attached as [Annex 7](#).

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

7.19 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

Page 85 Sections 7.38 public nuisance
Page 164 Annex G

Crime and Disorder

Page 80 Section 7.20
Annex D Page 148

7.20 Cherwell District Council Statement of Licensing Policy

Public Nuisance

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 & Control	LA6

Crime and Disorder

Page 14	Sections 5.1 – 5.7	Licensing Hours	LA 1-8
Page 22	Section 7.3.10	General Management & Control	LA6
Page 35	Sections 8.3 – 8.7	Various	OS10–14

7.21 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.

8 Options

8.1 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.