

**CHERWELL DISTRICT COUNCIL**

**LICENSING SUB COMMITTEE**

**6 OCTOBER 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 the Head of Environmental Health, Thames Valley Police and a number of interested parties which has resulted in the necessity for hearings.

**2 Wards Affected**

- 2.1 Hook Norton, Sibford and Deddington.

**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 Visitor Centre, Hook Norton Brewery	}	Scheduled to be heard at 10:00
The Chandlers Arms, Epwell	}	

Royal British Legion, Deddington	}	Scheduled to be heard at 01:30
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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/Club Licence and secondly to consider varying the new Premises/Club 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 Visitor Centre, Hook Norton Brewery, Hook Norton**

6.1 This application was received on 21 July 2005 from Hook Norton Brewery Co Ltd of The Brewery, Hook Norton, Banbury, Oxon who are the holders of the current Justices licence and who operate the premises.

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

7.1 General description of the premises:

“The Brewery Visitor centre and shop, attached to Hook Norton Brewery Co., catering for tourists and organised trips to the brewery and on occasions private functions. Major sales are off sales. One pay bar for use by visitors and one shop counter used strictly for off sales.”

7.2 Current permissions are a full Justices on and off licence.

7.3 The proposed variation is briefly described as:

- To increase hours for supply of alcohol by 2 hours to start at 09:00 Monday to Sunday finishing at 23:00
- To increase hours premises are open to the public to start at 09:00 Monday to Sunday finishing at 23:30
- To include exhibition of film Monday to Sunday, starting at 09:00 finishing at 22:30
- To include provision of live music on Monday to Sunday from 12:00 until 22:00
- To include provision of recorded music on Monday to Sunday from 09:00 until 23:00
- To include provision for dancing and facilities for dancing Monday to Sunday from 12:00 until 22:30
- Accompanied children to be allowed on the premises

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

8.1 The applicant has stated the following as a general approach to satisfying the licensing objectives; “Proposed Designated Premises Supervisor has a BIIAB National Certificate for Licensees. Staff are trained in Licensing Law and Health & Safety. Nationally recognised proof of age cards and other photographic ID card will be requested as verification of proof of age.”

### **8.2 *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 regarding measures to promote the licensing objective relating to prevention of public nuisance:

“Taxis collect and set down at a point where there is no residential property. External lighting gives enough illumination of exits/entrances and points of access/egress to the premises. Bottle bins not emptied after 23:00. There has been no history of complaints concerning the music played in the premises.”

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

9.1 There is one interested party who has submitted representations. The representation is attached as Annex 1.

9.2 None of the Responsible Authorities have made representations.

## **10 The Chandlers Arms, Epwell**

10.1 This application was received on 21 July 2005 from Hook Norton Brewery Co Ltd of The Brewery, Hook Norton who operate and own 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 public house situated on the outskirts of the village of Epwell, providing food and drink to the local community and passing trade. One bar operation with a small room to the side. Darts and dominoes team. Car parking facilities. Garden to the rear of the property.”

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

11.3 The proposed variation is briefly described as:

- To increase hours for supply of alcohol to start at 10:00 Monday to Sunday finishing at 02:00
- To increase hours premises are open to the public to start at 08:00 Monday to Sunday closing at 02:30
- To include exhibition of film Monday to Sunday, starting at 20:00 finishing at 00:00
- To include indoor sporting events Monday to Thursday, starting at 20:00 finishing at 23:30
- To include provision of live music on Monday to Thursday from 20:00 until 23:30, Friday from 19:30 to 23:30, Saturday and Sunday from 14:00 to 23:30 (both indoors and outdoors)
- To include playing of recorded music Monday to Sunday from 08:00 until 02:00
- To include performance of, provision for dancing and facilities for dancing Monday to Sunday from 12:00 until 00:00
- Include provision of facilities for making music Monday to Sunday to start at 20:00 finishing at 00:00
- Include provision of late night refreshment Monday to Sunday to start at 23:00 finishing at 02:00
- Include longer opening hours for bank holiday and other pre-booked events
- Include earlier opening hours for televised sporting events
- Accompanied children to be allowed on the premises

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

12.1 The applicant has stated the following as a general approach to satisfying the licensing objectives; “Proposed Designated Premises Supervisor has a BIIAB National Certificate for Licensees. Staff are trained in Licensing Law and Health & Safety. Adoption of best practice guidance e.g. Point of Sale Promotions BBPA. Nationally recognised proof of age cards and other photographic ID card will be requested as verification of proof of age. Designated Premises Supervisor has been in the trade for over 2 years.”

### **12.2 *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 regarding measures to promote the licensing objective relating to prevention of public nuisance:

“Signage in place advising customers to leave premises quietly. Taxis collect and set down at a point where there is no residential property. External lighting gives enough illumination of

exits/entrances and points of access/egress to the premises. Bottle bins not emptied after 23:00. Customers will be asked to stop using the garden by 23:00. There has been no history of complaints concerning the music played in the premises.”

### **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.
- 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.

The response from the Environmental Services Department is attached as Annex 2.

- 13.2 Thames Valley Police has no objections to the grant of the licence subject to the following conditions which will implement additional measures to prevent crime and disorder and public nuisance.
- The licence holder of designated premises supervisor shall become actively involved in the pubwatch scheme and a representative shall attend pubwatch meetings. In areas where there is no pubwatch scheme DPS should give consideration to establishing such a scheme.
  - The DPS 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 3.

- 13.3 There are nine interested parties who have submitted representations, including a petition signed by residents. The representations are attached as Annex 4.

### **14 Deddington Royal British Legion Club**

- 14.1 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.

### **15 Outline of Application and Details of Variation to Club Premises Certificate under the Licensing Act 2003**

- 15.1 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”.

- 15.2 Current permission is 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.

- 15.3 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.

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

16.1 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”.

### **16.2 *The prevention of public nuisance***

16.3 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”.

### **16.4 *The prevention of crime and disorder***

16.5 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”.

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

17.1 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.

17.2 The response from Environmental Services is attached as Annex 5.

17.3 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.

CD15 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.

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

17.5 There are three interested parties who have submitted representations. 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 7.38 – 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.