

CHERWELL DISTRICT COUNCIL

LICENSING SUB COMMITTEE

13 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 four 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 Sibford and Bicester Town.

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:

Littlebury Hotel, Bicester
The Lampet Arms, Tadmarton

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 Littlebury Hotel, Kings End, Bicester

- 6.1 This application was received on 4 August 2005 from Michael Jerome McKeon of Littlebury Hotel, Kings End, Bicester. The Justices On licence is currently held by Rose Mary McKeon of Littlebury Hotel who will be the Designated Premises Supervisor. The current Public Entertainment licence is held by Michael Jerome McKeon.

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

- 7.1 General description of the premises:

“A detached 3 story hotel with 36 letting rooms. The ground floor comprises a bar, a restaurant with its own dispense point and a further public restaurant. The restaurants are hired out for private functions including wedding receptions, receptions following funerals and conferences. Dancing takes place at some of these functions. Drink and food are served throughout the premises to the more mature end of the market. The remainder of the ground floor consists of kitchen toilets and a lockable cloakroom. There are large gardens and ample car parking facilities situated to the rear of the premises.”

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

- 7.3 The proposed variation is briefly described as:

- To extend hours the premises are open to the public Sunday to Thursday from 05:30 to 01:30 and on Friday and Saturday from 05:30 until 02:30. Seasonal variation during the month of December until 02:30 to cater for pre-booked Christmas parties. Non standard timings – Christmas Eve, Boxing Day, Valentines Day, St Patrick’s Day, St Georges Day, Easter Friday Saturday Sunday and Monday, May Bank Holiday Saturday Sunday and Monday, Spring Bank Holiday Saturday Sunday and Monday, August Bank Holiday Saturday Sunday and Monday, Halloween. Early opening hours are to cater for early breakfasts and such events as the Silverstone Grand Prix. Residents and their guests have access to the premises at all times and the management will open the doors to others wishing to check into the hotel in the hours between 01:30 and 05:30.
- To extend hours for the supply of alcohol (for consumption on and off the premises) Sunday to Thursday from 08:00 to 01:00 and on Friday and Saturday from 08:00 to 02:00. Seasonal variation during the month of December until 02:00 to cater for pre-booked Christmas parties. Non standard timings – Christmas Eve, Boxing Day, Valentines Day, St Patrick’s Day, St Georges Day, Easter Friday Saturday Sunday and Monday, May Bank Holiday Saturday Sunday and Monday, Spring Bank Holiday Saturday Sunday and Monday, August Bank Holiday Saturday Sunday and Monday, Halloween. All the above 10:00 until 02:00. All times proposed for the sale of alcohol are as such to cater for pre-booked private parties, in many instances the supply of alcohol will cease at earlier time. Residents and their guests may drink alcohol at any time.
- To permit performance of plays (indoors and outdoors) Monday to Sunday from 12:00 to 00:00 for the occasional amateur dramatic performance, if outside performance will finish by 23:00.
- To permit exhibition of films (indoors only) Monday to Sunday from 18:00 to 00:00. Occasional videos/DVD’s may be shown for Charity Race nights, karaoke and pre-recorded events.
- To permit indoor sporting events Monday to Sunday 12:00 to 00:00. Spectators for occasional pool and darts matches.

- To extend hours for the performance of live music (indoors and outdoors) Sunday to Thursday from 10:00 to 01:00 and on Friday and Saturday from 10:00 to 02:00. Amplified and un-amplified music including steel bands, Irish bands, string quartets. Outdoor music will cease by 23:45. Seasonal variation during the month of December until 02:00 to cater for pre-booked Christmas parties. Non standard timings – Christmas Eve, Boxing Day, Valentines Day, St Patrick’s Day, St Georges Day, Easter Friday Saturday Sunday and Monday, May Bank Holiday Saturday Sunday and Monday, Spring Bank Holiday Saturday Sunday and Monday, August Bank Holiday Saturday Sunday and Monday, Halloween. All the above 10:00 until 02:00. New Years Eve until close.
- To extend hours for the playing of recorded music (indoors and outdoors) Sunday to Thursday from 05:30 to 01:30 and on Friday and Saturday from 05:30 to 02:30. CD’s incidental to other activities only. Discos and karaoke will cease by 01:00 Sundays to Thursdays and 02:00 Fridays and Saturdays. Seasonal variation during the month of December karaoke and discos until 02:00 and background music until 02:30 to cater for pre-booked Christmas parties. Non standard timings – Christmas Eve, Boxing Day, Valentines Day, St Patrick’s Day, St Georges Day, Easter Friday Saturday Sunday and Monday, May Bank Holiday Saturday Sunday and Monday, Spring Bank Holiday Saturday Sunday and Monday, August Bank Holiday Saturday Sunday and Monday, Halloween. All the above 05:30 until 02:30. Discos and karaoke will cease by 01:00 Sundays to Thursdays and 02:00 Fridays and Saturdays. New Years Eve until close.
- To extend hours for the performance of dance (indoors and outdoors) Sunday to Thursday from 10:00 to 01:00 and on Friday and Saturday from 10:00 to 02:00. Dancing to live music, karaoke and discos mostly at pre-booked special events. Seasonal variation during the month of December until 02:00 to cater for pre-booked Christmas parties. Non standard timings – Christmas Eve, Boxing Day, Valentines Day, St Patrick’s Day, St Georges Day, Easter Friday Saturday Sunday and Monday, May Bank Holiday Saturday Sunday and Monday, Spring Bank Holiday Saturday Sunday and Monday, August Bank Holiday Saturday Sunday and Monday, Halloween. All the above 10:00 until 02:00. New Years Eve until close.
- To permit anything of a similar description to live music, recorded music and performance of dance (indoors and outdoors) Sunday to Thursday from 10:00 to 01:00 and on Friday and Saturday from 10:00 to 02:00. Seasonal variation during the month of December until 02:00 to cater for pre-booked Christmas parties. Non standard timings – Christmas Eve, Boxing Day, Valentines Day, St Patrick’s Day, St Georges Day, Easter Friday Saturday Sunday and Monday, May Bank Holiday Saturday Sunday and Monday, Spring Bank Holiday Saturday Sunday and Monday, August Bank Holiday Saturday Sunday and Monday, Halloween. All the above 10:00 until 02:00. New Years Eve until close.
- To extend hours for the provision of facilities for making music (indoors only) Sunday to Thursday from 10:00 to 01:00 and on Friday and Saturday from 10:00 to 02:00. Seasonal variation during the month of December until 02:00 to cater for pre-booked Christmas parties. Non standard timings – Christmas Eve, Boxing Day, Valentines Day, St Patrick’s Day, St Georges Day, Easter Friday Saturday Sunday and Monday, May Bank Holiday Saturday Sunday and Monday, Spring Bank Holiday Saturday Sunday and Monday, August Bank Holiday Saturday Sunday and Monday, Halloween. All the above 10:00 until 02:00. New Years Eve until close.
- To extend hours for the provision of facilities for dancing (indoors and outdoors) Sunday to Thursday from 10:00 to 01:00 and on Friday and Saturday from 10:00 to 02:00. Dance floor provided, and tables and chairs cleared, where necessary, for people to dance at special events and disco provided by third party. Seasonal variation during the month of December until 02:00 to cater for pre-booked Christmas parties. Non standard timings – Christmas Eve, Boxing Day, Valentines Day, St Patrick’s Day, St Georges Day, Easter Friday Saturday Sunday and Monday, May Bank Holiday Saturday Sunday and Monday, Spring Bank Holiday Saturday Sunday and Monday, August Bank Holiday Saturday Sunday and Monday, Halloween. All the

above 10:00 until 02:00. New Years Eve until close.

- To permit provision of facilities for entertainment of a similar description to provision of facilities for making music and dancing (indoors and outdoors) Sunday to Thursday from 10:00 to 01:00 and on Friday and Saturday from 10:00 to 02:00. Seasonal variation during the month of December until 02:00 to cater for pre-booked Christmas parties. Non standard timings – Christmas Eve, Boxing Day, Valentines Day, St Patrick’s Day, St Georges Day, Easter Friday Saturday Sunday and Monday, May Bank Holiday Saturday Sunday and Monday, Spring Bank Holiday Saturday Sunday and Monday, August Bank Holiday Saturday Sunday and Monday, Halloween. All the above 10:00 until 02:00. New Years Eve until close.

To permit late night refreshment (indoors only) Sunday to Thursday 23:00 to 01:30 and Friday and Saturday 23:00 to 02:30. Mostly hot beverages will be sold after 23:00, occasionally a hot buffet may be laid on e.g. New Years Eve. Seasonal variation during the month of December until 02:00 to cater for pre-booked Christmas parties. Non standard timings – Christmas Eve, Boxing Day, Valentines Day, St Patrick’s Day, St Georges Day, Easter Friday Saturday Sunday and Monday, May Bank Holiday Saturday Sunday and Monday, Spring Bank Holiday Saturday Sunday and Monday, August Bank Holiday Saturday Sunday and Monday, Halloween. Other pre-booked special events up to 12 in total. The pre-booked special events would be notified to the Police and Council 10 days prior to the events. All the above until 02:30. New Years Eve until close.

8 Promotion of the Four Licensing Objectives

8.1 The applicant has indicated, as a general approach to satisfying the licensing objectives, that staff are trained in Licensing Law and Health & Safety. CCTV systems are in place at entrances and exits to the garden and in the premises. Nationally recognised proof of age cards and other photographic ID cards will be requested as verification of proof of age.

8.2 *The Prevention of public nuisance*

The representations received concern 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: “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 vacate the garden by 00:00. There has been no history of complaints concerning music played in the premises.”

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 condition which will implement additional measures to control public nuisance from noise related issues.

1. All regulated entertainment (plays, live music, recorded music, performances of dance, provision of facilities for dancing) to cease outdoors by 22:00 hours
2. The outdoor area not to be used after 23:00 hours

The response from the Environmental Services Department is attached as Annex 1. These conditions have been agreed by the applicant.

9.2 There are two interested parties who have submitted representations.

The representations are attached as Annex 2.

10 The Lampet Arms, Upper Tadmarton, Banbury

10.1 This application was received on 3 August 2005, from Michael Francis and Patricia Phillips of The Lampet Arms, Upper Tadmarton, Banbury, who are the current licensees and operators 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 semi-detached two storey public house. The ground floor has a public bar with servery, kitchen and appropriate toilet accommodation. There is a drinking area in the garden/patio. In the bar are two amusement with prizes machines and juke box. Musical entertainment (either live or recorded) takes place in the bar.”

Current permissions are a full Justices on licence for sale of alcohol for consumption either on or off the premises.

11.2 The proposed variation is briefly described as:

- To extend hours the premises are open everyday from 11:00 to 00:30, with addition to non standard hours on new years day 00:00 to 01:30
- To extend hours for the supply of alcohol everyday from 11:00 to 00:00, with addition non standard hours on new years day 00:00 to 01:00
- Provision for Live Music, Recorded Music and Facilities for Dancing (indoors) everyday from 11:00 to 00:00

11.3 Promotion of the Four Licensing Objectives

11.4 The applicant has stated the following as a general approach to satisfying the licensing objectives;

“The premises are under the supervision of the owners. Trade is mainly of a local nature with the majority of customers being known to the applicants”.

11.5 *The Prevention of Public Nuisance*

11.6 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:

“Customers leave the premises quietly and are encouraged to do so and to have consideration for local residents”.

12 Representations Received and Relevant Licensing Objectives

12.1 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.

PN12 All external door / 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 Environmental Services is attached as Annex 3

- 12.2 There are five interested parties who have submitted representations. These representations are attached as Annex 4.

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

- 13.1 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
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Page 22	Section 7.3.9	Addressing local concerns	LA5
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Page 22	Section 7.3.10	General Management and control	LA6
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- 13.2 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.

14 Options

- 14.1 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.