

CHERWELL DISTRICT COUNCIL

LICENSING SUB COMMITTEE

7 NOVEMBER 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 an application and details of representations received from, The Head of Environmental Health, Thames Valley Police and an interested party which has 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 (ext 1534).

5 Background

- 5.1 This report contains details of an application in respect of the Horse and Jockey, 20 West Bar Street, Banbury that is to be considered by the Committee.
- 5.2 The application is to vary the premises licence issued under the Licensing Act 2003. Details are provided in respect of the existing licence and the proposed variation.
- 5.3 Should any supplementary information be received from those making representations, it will be circulated in advance of the meeting of the Sub-Committee.

6 Application in respect of The Horse and Jockey, Banbury

- 6.1 The application to vary was received on 13 September 2005, from Paul Reis of The Horse and Jockey, who is the current licensee and operator of the premises.

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

- 7.1 Brief description of the nature of the proposed variation:

“To provide for regulated entertainment including live and recorded music (amplified and un amplified) and the provision of entertaining facilities such as karaoke/dancing”.

7.2 The Premise Licence which will come into force on 24 November 2005 allows sale of alcohol and provision of late night refreshment.

7.3 The proposed variation is briefly described as:

- Provision for Live Music, Recorded Music and Facilities for making music and dancing (indoors) everyday from 11:00 to 00:00.

8 Promotion of the Four Licensing Objectives

8.1 The applicant has stated that there are no additional steps required to satisfy the licensing objectives, except that he will adopt conditions CD10 and PN17 from the Councils Pool of Conditions.

8.2 *The Prevention of Public Nuisance*

8.3 The representation received is in relation to possible public nuisance being caused by the grant of additional permissions to the premises. The applicant has stated the following regarding measures to promote the licensing objective relating to prevention of public nuisance:

“No additional steps required except I will adopt condition PN17 in respect of the outside courtyard from the pool of conditions”.

8.4 Condition PN17 reads as follows: The [*garden / patio*] must not be used by customers after the hours of [hh:mm] and [hh:mm]. Mr Reis has not stated the proposed times for the use of the courtyard in his application.

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.

- PN6 A noise limiting device shall be installed, fitted and maintained in such a manner as to control all sources of amplified music or speech at the premises.
- PN7 The noise limiter(s) shall be set so as to maintain the maximum level to the satisfaction of the Licensing Authority at all times when regulated entertainment takes place.
- PN12 All external doors and windows must be kept closed, other than for access and egress, in all rooms when events involving amplified music or speech are taking place.
- PN17 The outdoor drinking area must not be used by customers after the hours of 23:00 and the area must be vacated and all lights in the area extinguished by 23:30 hours.
- PN18 Entertainment is to be held internally only and no music or speakers shall be provided to external areas of the premises.
Regulated entertainment involving the use of amplified sound shall not take place later than 23:00 hours on any day.
Regulated entertainment shall only take place using the ‘house’ equipment and no other equipment whatsoever.

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

9.3 Thames Valley Police have no objections to the grant of the licence subject to the following conditions:-

CD12 The Licence Holder or Designated Premises Supervisor shall become actively involved in the Pubwatch scheme and a representative shall attend Pubwatch meetings.

PN24 The Designated Premises Supervisor or a nominated representative shall receive and respond to complaints throughout the duration of all noisy events.

9.4 The representation from Thames Valley Police is attached as Annex 2.

9.5 There is one interested party who has submitted a representation.

9.6 The representation from David Cox and Emma Bishop of 30 West Bar Street, Banbury is attached as Annex 3.

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

10.1 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 Page 85 Conditions relating to the prevention of public nuisance
– 7.46

Annex G Page 164

Cherwell District Council Statement of Licensing Policy:

Page 22 Section 7.3.9 Addressing local concerns LA5

Page 22 Section 7.3.10 General Management and control LA6

10.2 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.

11 Options

11.1 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.