

CHERWELL DISTRICT COUNCIL

LICENSING SUB COMMITTEE

12 MARCH 2008

REPORT OF THE HEAD OF URBAN & RURAL SERVICES

PREMISES LICENCE APPEAL HEARINGS

1 Introduction and Purpose of Report

- 1.1 An application for a premises licence has received representation from Thames Valley Police. As a consequence it is necessary for a hearing before the Licensing Sub-Committee to determine the application. This report provides details of both the application and the objections that Thames Valley Police are making.

2 Wards Affected

- 2.1 Bicester Town

3 Effect on Policy

- 3.1 None.

4 Contact Officers

- 4.1 John Parkinson (ext 1514)
Natasha Barnes (ext. 1599)

5 Background

- 5.1 This report contains details of an application in respect of Shakils, 94 Sheep Street, Bicester that is to be determined by the Committee.
- 5.2 The application is for a premises licence to be granted under the Licensing Act 2003. Details of the proposed application are set out in 7.1 and 7.2 of this report.
- 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 Shakils, 94 Sheep Street, Bicester

- 6.1 The application for grant of premises licence was first received on 17 January 2008, from Mr D Ali of 187 Merganser Drive, Bicester, Oxfordshire, OX26 6UG who operates the premises.

7 Details of Application for a Premises Licence to be granted under the Licensing Act 2003

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

Application for grant of Premises Licence under the Licensing Act 2003 for Provision of Regulated Entertainment, Late Night Refreshment and Supply of Alcohol on every day of the week.

7.2 The proposed application is described as:

1. To licence the premises for provision of Regulated Entertainment to include Recorded Music, Performances of Dance and Anything of a Similar Description to Recorded Music or Performance of Dance (To Take Place **Indoors** Only)
 - From 11:00 to 00:00 (Midnight) Sunday to Thursday (inclusive)
 - From 11:00 to 01:00 (morning following) Friday to Saturday (inclusive)
2. To licence the premises for provision of Late Night Refreshment (To Take Place **Indoors** Only)
 - From 11:00 to 00:00 (Midnight) Sunday to Thursday (inclusive)
 - From 11:00 to 01:00 (morning following) Friday to Saturday (inclusive)
3. To licence the premises for provision of Supply of Alcohol (For Consumption **ON** The Premises Only)
 - From 11:00 to 00:00 (Midnight) Sunday to Thursday (inclusive)
 - From 11:00 to 01:00 (morning following) Friday to Saturday (inclusive)
4. To open the premises to the public
 - From 11:00 to 00:30 (morning following) Sunday to Thursday (inclusive)
 - From 11:00 to 01:30 (morning following) Friday to Saturday (inclusive)

8 Promotion of the Four Licensing Objectives

8.1 The applicant has stated the following in respect of promoting the four licensing objectives

All staff shall be suitably trained for their job function in the operating standards for the premise. The training shall be ongoing and under constant review.

All Personal Licence Holders supervising the sale of alcohol shall hold a nationally recognised licensing qualification.

8.2 The Prevention of Crime & Disorder

8.3 Representations received have stated concerns in relation to potential issues in respect of increased risk of crime and disorder being caused by the grant of permissions to the premises. The applicant has stated the following in respect of promoting this licensing objective.

Alcoholic drinks shall not be advertised, promoted or supplied in such a way that is intended or likely to encourage persons to consume alcohol to an excessive extent.

9 Representations Received and Relevant Licensing Objectives

9.1 The Thames Valley Police Licensing Officer objects to the granting of a Premises Licence.

9.2 The response from the Thames Valley Police Licensing Officer is attached as Annex 1

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 this case are as follows:

Guidance:

Pages 72 - 73	Sections 10.11 – 10.18	Imposed Conditions, Proportionality, Duplication with other statutory provisions
Page 73	Sections 10.19 – 10.21	Hours of Trading
Pages 16 - 19	Sections 2.1 – 2.18	Crime and Disorder
Pages 117 - 121	Annex D	Part 1. Conditions relating to the prevention of crime & disorder

Cherwell District Council Statement of Licensing Policy:

Page 13	Policies GN20-GN21	Section 4.1	Pool of Conditions
Page 15	Policies LH1 – LH7	Sections 5.1 – 5.6	Licensing Hours
Page 22	Policy LA5	Section 7.3.9	Addressing Local Concerns
Page 22	Policy LA6	Section 7.3.10	Management and Control
Page 26	Policy PP1	Sections 7.5.1 – 7.5.2	Pubs, Restaurants, Hotels, Guest Houses

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 grant of a premises licence as submitted
- 2) reject the application for the grant of premises licence in whole or part
- 3) place conditions on the grant of premises licence and/or require changes to the details of the permissions sought.