

**CHERWELL DISTRICT COUNCIL**

**LICENSING SUB COMMITTEE**

**22 AUGUST 2007**

**REPORT OF THE HEAD OF URBAN & RURAL SERVICES**

**PREMISES 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 Safer Communities and Community Development and 6 interested parties which have resulted in the necessity for a hearing.

**2 Wards Affected**

- 2.1 Banbury Grimsbury & Castle

**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 47B Broad Street (formerly known as The Right Plaice), Banbury that is to be considered by the Committee.
- 5.2 The application is for a premises licence to be granted under the Licensing Act 2003. Details are provided in respect of the proposed application.
- 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 47B Broad Street (formerly known as The Right Plaice), Banbury**

- 6.1 The application for grant of premises licence was first received on 3 July 2007, from Mr R Ahmed of 4 Deacon Way, Banbury, Oxfordshire, OX16 0DS 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 Late Night Refreshment on all days.***

7.2 The proposed application is described as:

1. To Licence the premises for provision of Late Night Refreshment
  - From 11:00 to 03:00 (morning following) Sunday to Wednesday (inclusive)
  - From 11:00 to 05:00 (morning following) Thursday to Saturday (inclusive)
2. To open the premises to the public
  - From 11:00 to 03:00 (morning following) Sunday to Wednesday (inclusive)
  - From 11:00 to 05:00 (morning following) Thursday to Saturday (inclusive)

7.3 It should be noted that the provision of late night refreshment under the Licensing Act 2003 commences at 23:00 and terminates at 05:00. Although in this case the premises have requested the provision to start at 11:00 there is no legal requirement for such a permission to be sought until 23:00.

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

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

**Staff Training**  
**Install CCTV within 6 months**

8.2 ***The Prevention of Crime & Disorder***

8.3 Some 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 additional permissions to the premises. The applicant has stated the following in respect of promoting this licensing objective.

**Use of Drugs Notices**

8.4 ***The Prevention of Public Nuisance***

8.5 Some representations received have stated concerns in relation to potential issues in respect of public nuisance being caused by the grant of additional permissions to the premises. The applicant has stated the following in respect of promoting this licensing objective.

**Litter Clearance**

**Control of Noxious Odours from Cooking**  
**Notices asking Customers to Leave Quietly**

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

9.1 The Head of Safer Communities and Community Development objects to the granting of a Premises Licence for the hours as applied for. Safer Communities and Community Development would however consider midnight on any day as being the latest suitable hour of opening for this premise.

9.2 The response from the Head of Safer Communities and Community Development is attached as Annex 1

9.3 There are 6 interested parties who have submitted representations;

- The representation from Carol Silman of 4 Grove Street, Banbury is attached as Annex 2.
- The representation from Mrs V C Mayo of 48 Amos Court, Broad Street, Banbury is attached as Annex 3.
- The representation from Jacqui Stych on behalf of Britannia Community Action Group of 45 Samuelson Court, Britannia Road, Banbury is attached as Annex 4.
- The representation from Eleanor Courtenay, Luke Drinkwater and Emily Drinkwater of 21 Gatteridge Street, Banbury is attached as Annex 5.
- The representation from Sandra Gilbert of 3 Grove Street, Banbury is attached as Annex 6.
- The representation from Councillor Ann Bonner on behalf of residents living in the vicinity of the premises is attached as Annex 7.
- The List of names and addresses of those persons represented by Councillor Bonner is attached as Annex 8.

## 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
Pages 21 - 23	Sections 2.32 – 2.40	Public Nuisance
Pages 128 - 129	Annex D	Part 4. Conditions relating to the prevention of public nuisance

### Cherwell District Council Statement of Licensing Policy:

Page 14	Policies LH1 – LH7	Sections 5.1 – 5.6	Licensing Hours
Pages 21 -22	Policy LA4	Sections 7.3.1 – 7.3.4 & 7.3.6	General Prevention of Public Nuisance
Page 22	Policy LA5	Section 7.3.9	Addressing Local Concerns
Page 22	Policy LA6	Section 7.3.10	Management and Control
Page 28	Policy PP10	Sections 7.5.18 – 7.5.21	Late Night Refreshment

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.