

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 12 interested parties which have resulted in the necessity for a hearing.

2 Wards Affected

- 2.1 Bicester South

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 The Nightingale, Peregrine Way, Langford Village, Bicester 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 Nightingale, Peregrine Way, Langford Village, Bicester

- 6.1 The application to vary was first received on 27 June 2007, from Craig Walker of The Nightingale, Peregrine Way, Langford Village, Bicester who operates 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:
- Add films, anything of a similar description to live music, recorded music or performance of dance and making music to the licensable activities.

- Extend permitted hours for all licensable activities and opening hours
- Amend and remove conditions which will otherwise contradict the variation

7.2 The proposed application is described as:

1. To add the following regulated activities to the Premises Licence:
 - Films;
 - Anything of a Similar Description to Live Music, Recorded Music or Performance of Dance;
 - Making Music.
2. To extend the permitted hours for all Licensable Activities:
 - From 10:00 to 00:00 (midnight) Sunday to Thursday (inclusive)
 - From 10:00 to 01:00 (morning following) Friday to Saturday (inclusive)
3. To extend the opening hours of the premises to thirty minutes after the finish time of all licensable activities to allow a winding down period:
 - From 10:00 to 00:30 (midnight) Sunday to Thursday (inclusive)
 - From 10:00 to 01:30 (morning following) Friday to Saturday (inclusive)
4. Edit Annex 1 – Mandatory Condition Nos 4(a) and 4(b) to read:
 - “...during first thirty minutes after...”
5. Remove Annex 1 – Mandatory Conditions No 5 which will otherwise contradict the varied hours.

8 Promotion of the Four Licensing Objectives

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

Good Management during extended hours and licensable activities ensuring compliance with the Licensing Act as at present.

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.

Liaison with Local Police and Licensing Authority.

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.

Customers requested to leave premises in an orderly manner. Signs on premises requesting customers to leave in an orderly manner.

9 Representations Received and Relevant Licensing Objectives

9.3 There are 12 interested parties who have submitted representations;

- The representation from Mr Atwal of Willowbank, Peregrine Way, Langford Village, Bicester is attached as [Annex 1](#).
- The representation from Mrs K A Denyer of 1A Merlin Way, Bicester is attached as [Annex 2](#).
- The representation from Mr & Mrs L Parker of Virdis, Peregrine Way, Langford Village, Bicester is attached as [Annex 3](#).
- The representation from Mr & Mrs D W Walker of Halcyon, Peregrine Way, Langford Village, Bicester is attached as [Annex 4](#).
- The representation from J K Edwards of 16 Hawksmead, Bicester is attached as [Annex 5](#).
- The representation from Mr & Mrs P Biggin of 2 Merlin Way, Langford Village, Bicester is attached as [Annex 6](#).
- The representation from Mrs S Savin of 3 Merlin Way, Bicester is attached as [Annex 7](#).
- The representation from Mr Michelle Whittaker of 43 Partridge Chase, Bicester is attached as [Annex 8](#).
- The representation from Neil Payne of Cra Croi, Peregrine Way, Langford Village, Bicester is attached as [Annex 9](#).
- The representation from Mr & Mrs Warburton of 3A Merlin Way, Bicester is attached as [Annex 10](#).
- The representation from Marilyn Leeks of 2 Swallow Close, Langford Village, Bicester is attached as [Annex 11](#).
- The representation from Andrew Cody of 45 Partridge Chase, Langford Village, Bicester is attached as [Annex 12](#).

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	Policies LA3 – LA4	Sections 7.3.1 – 7.3.8	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

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.