

CHERWELL DISTRICT COUNCIL

LICENSING SUB COMMITTEE

21 JULY 2005

REPORT OF THE HEAD OF CORPORATE SERVICES

APPEAL HEARING – Kings Head Fritwell

1 Introduction and Purpose of Report

- 1.1 The purpose of this report is to provide an outline of the above application and details of the representations received from the Council's Head of Environmental Services, Thames Valley Police and four interested parties which have resulted in the necessity for a hearing.

2 Wards Affected

- 2.1 The Astons & Heyfords

3 Effect on Policy

- 3.1 None.

4 Contact Officers

- 4.1 Tina Poke (ext 1503);
Janet Smith (1534).

5 Background

- 5.1 This report contains details of an application that was received on 27 May 2005 from Robin Edwards of 14 Church Way, Iffley, Oxford who owns and operates the premises.
- 5.2 The application falls into two parts. Firstly, the conversion of the existing licence to a Premises Licence and secondly to consider varying the new Premises Licence. The following paragraphs provide details 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.

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

- 6.1 General description of the premises:
Traditional village public house
Attached to one adjoining property
Single bar (seating for 28)
Separate restaurant room (seating for 24)

Traditional English food served in bar and restaurant
Licensed for on and off sales

- 6.2 Current permissions are a full Justices on licence and a supper licence which allows 1 extra hour at the end of each licensed period for diners.
- 6.3 The proposed variation is briefly described as:
1. To extend general licensed times to 00:00 Sunday to Thursday and 02:00 Friday and Saturday.
 2. To extend licensed hours to 02:00 on bank holidays and other notable occasions.
 3. To allow other licensed activities such as live and recorded music, film show and late night food provision.
 4. To allow licensed activities for up to 24 hours on discretionary event days.
 5. Event days will be limited to 30 per year.
 6. Thames Valley Police will be given 5 days notice of any such events.
 7. To remain open 30 minutes after licensed activities to allow a wind down and dispersal period.
 8. It is envisaged that operation on any day beyond midnight will be a rare event. This variation is to allow flexibility for special events.

7 Promotion of the Four Licensing Objectives

- 7.1 The applicant has indicated that, as a general approach to satisfying the licensing objectives, there is a strong management team and a training programme to ensure all staff are briefed on the new licensing objectives, with particular attention to the control of underage drinking, drunkenness both on and off the premise, use of drugs, both violent and antisocial behaviour, noise nuisance and the protection of children from harm.

7.2 *Prevention of crime and disorder*

- Responsible management of the premises.
- On going staff training including identification of anti social or unusual behaviour.
- External checks of the premises.
- Adopting best practices.
- Zero tolerance policy
- Adhering to the Portman Group on drinks strategy.
- Use of proof of age scheme.
- Customers with dangerous items will be asked to leave the premises.
- Internal and external lighting checked regularly
- Police to be noticed of event days at least 5 days prior to the event.

7.3 *Public Safety*

- Risk management assessments carried our regularly.
- Electrics, gas, fire and relevant equipment checked and maintained in working order.
- Fire risk assessment carried out weekly.
- Use of proof of age scheme.
- Follow voluntary codes of practice.
- Management and staff trained in crowd management.

7.4 *The Prevention of public nuisance*

- Responsible management at all times.
- Zero tolerance of drunken or riotous behaviour.
- Regular visits to all parts of the premises inside and out.
- Management and staff voluntarily follow best practice eg control of noise from pubs

and clubs.

- Out of hours deliveries are also monitored.
- A person is employed to collect any litter left outside the premise by the patrons.
- Ventilation systems are maintained to prevent nuisance of odour.
- Police to be notified of event days at least 5 days prior to the event.

7.5 The protection of children from harm

- Provision of sufficient staff to protect children from harm with training on appropriate behaviour.
- Children have to be accompanied by a responsible person who has attained the age of 18.
- Notices displayed in the bar area.
- No children allowed at the bar servery.
- Proof of age scheme in use at the premises.
- No children allowed to play AWP machines unless over 16 and accompanied by a responsible adult.
- No children permitted in the area of the cigarette machines.
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8 Representations Received and Relevant Licensing Objectives

- 8.1 Following consultation with responsible authorities, representations have been received from Thames Valley Police and the Head of Environmental Services. A representation have also been received from four interested parties. These are summarised in turn and details are annexed.
- 8.2 The representation received from the Head of Environmental Services is attached as Annex 1 to the report. The Head of Environmental Services requires certain conditions to be imposed in order to make the variation applied for acceptable. These conditions are drawn from the Council's adopted pool of conditions.
- 8.3 The representation received from the Thames Valley Police is attached as Annex 2. The Police do not object to the variation providing certain conditions are imposed in order to make the variation applied for acceptable. These conditions are drawn from the Council's adopted pool of conditions.
- 8.4 There are four interested parties who have submitted representations.
- The representation from Patrick Finmore of Fritwell House, East Street, Fritwell is attached as Annex 3.
 - The representation from Fritwell Parish Council is attached as Annex 4.
 - The representation from Alan Mills of 69 East Street, Fritwell is attached as Annex 5.
 - The representation from Mr & Mrs JM Gibson Harris of The Limes, 94 East Street, Fritwell is attached as Annex 6.
- 8.5 Should any supplementary information be received from those making representations it will be circulated in advance of the meeting of the Sub-Committee.

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

- 9.1 The relevant sections of the Guidance and Licensing Authority Policy issued under the Licensing Act 2003, which are applicable to the representations are as follows:

Guidance:

Sections 7.20 – 7.30 Page 80 Page 148 Conditions relating to the prevention of crime and disorder

Annex D

Sections 7.31 – 7.37 Page 83 Conditions relating to public safety

Annex E Page 154

Sections 7.38 – 7.46 Page 85 Conditions relating to the prevention of public nuisance

Annex G Page 164

Sections 7.47 – 7.60 Page 87 Conditions relating to the protection of children from harm

Annex H Page 166

Cherwell District Council Statement of Licensing Policy:

Page 14	Sections 5.3 – 5.7	Licensing Hours	LH 3 - 8
Page 17	Section 6.1	Access to premises by children	CH4
Page 18	Section 6.2	Prevention of alcohol by minors	CH5
Page 22	Section 7.3.9	Addressing local concerns	LA5
Page 22	Section 7.3.10	General Management and control	LA6
Page 30	Sections 7.5.29 - 31	Sex related entertainment	PP16
Page 33	Section 8.2	Safety (Log book)	OS2
Page 37	Section 8.7	Drinks promotions	OS14

9.2 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.

10 Options

10.1 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.