

CHERWELL DISTRICT COUNCIL

LICENSING SUB COMMITTEE

7 JUNE 2005

REPORT OF THE HEAD OF CORPORATE SERVICES

APPEAL HEARING – THE ANGEL, 102 SHEEP STREET, BICESTER

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 representation received from the Council's Head of Environmental Services, which has resulted in the necessity for a hearing.

2 Wards Affected

- 2.1 Bicester Town.

3 Effect on Policy

- 3.1 None.

4 Contact Officers

- 4.1 Clive Baynes (ext 1581);
Tina Poke (1503).

5 Background

- 5.1 An application to vary the existing licence in respect of The Angel, 102 Sheep Street, Bicester, has been received from Punch Taverns PLC, Jubilee House, Second Avenue, Burton Upon Trent, Staffordshire. The following paragraphs provide details of the existing licence and the variations requested.

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

- 6.1 The existing licence states the following limitations on the hours during which they are permitted to conduct licensable activities, including the sale of alcohol:

10:30 to 23:00 Monday to Saturday (incl)
12:00 to 22:30 Sunday

With the following exceptions:

12:00 to 15:00 and 19:00 to 22:30 Christmas Day
10:30 to 00:00 New Year's Eve
00:00 to 23:00 New Year's Day

The application is for the following variations to their existing licence permissions, to include the performance of live music, the playing of recorded music and karaoke:-

- an additional hour every Wednesday and Thursday making closing time midnight;
- an additional 3 hours every Friday and Saturday making closing time 2 am;
- an additional 1.5 hours on Sundays making closing time mid-night;
- a further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend;
- a further additional hour in to the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend;
- a further additional hour every Christmas Eve;
- a further additional hour every Boxing Day;
- to reflect existing New Year's Eve/Day hours;
- drinking up time: an additional 10 minutes to allow 30 minutes drinking up time, after the last permitted sale of alcohol.

7 Promotion of the Four Licensing Objectives

- 7.1 The applicants have indicated that, as a general approach to satisfying the licensing objectives, an assessment has been undertaken to include the premises and surrounding area. As a result of this exercise they have suggested that by allowing a 30 minute drinking up time, this will enable appropriate dispersal and use of lavatories.
- 7.2 The licensee (Punch Taverns) also reserves the right to move the fire appliances, AWP and cigarette machines and or any other similar objects temporarily in a fixed location which may impact on the ability of individuals on the premises to use exits or escape routes without impediment.

Prevention of crime and disorder

- 7.3 The premises have CCTV.
External lighting is supplied to cover all external aspects of the building, including the car park.
The retailer is an active member of the local Pub Watch initiative.
Most customers are local within walking distance.

Public Safety

- 7.4 Retailer is Fire, Health and Safety trained, Health and Hygiene, Food and Hygiene.
The outlet has fire fighting equipment.
Door controls are in place for various occasions as required.

The Prevention of public nuisance

- 7.5 The outlet has lockable/closed windows.
The retailer ensures managed customer departure to minimise any disturbance.
Noise survey undertaken to ensure minimum disturbance.
No adjoining local residents.
The fabric of the building retains sound as it is of Cotswold Stone construction.
Volume control in place for the juke box.

The protection of children from harm

- 7.6 No unaccompanied children are allowed on the premises.
Gaming and tobacco vending machines are away from child access and clearly visible from the servery areas.

8 Representations Received and Relevant Licensing Objectives

- 8.1 A detailed representation has been received from the Head of Environmental Services following consultation with responsible authorities. A copy of this consultation response is enclosed as Annex 1 to the report. The focus of the representation is to ensure that the licensing objectives in respect of prevention of crime and disorder and the prevention of public nuisance can be achieved by the inclusion of additional conditions, taken from the Council's published pool of conditions.
- 8.1 If these conditions were accepted and implemented by the applicant, the Head of Environmental Services would have no objection to the licence being granted.

Relevant sections of the Guidance and Licensing Authority Policy issued under the Licensing Act 2003, which are applicable to the representations.

CCTV

Guidance

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions should not just consider a requirement to have CCTV on the premises, but also the precise siting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time. The police should provide individuals conducting risk assessments when preparing operating schedules with advice on the use of CCTV to prevent crime.

Policy

The Authority seeks to further the licensing objective of prevention of crime and disorder through greater use of CCTV in licensed premises, as appropriate to the scale and type of licensable activities proposed. CCTV is in wide use in public areas and has been successful in bearing down on crime and disorder. CCTV has also been in use in nightclubs to complement the CCTV system in public areas and to record information for use in dealing with incidents in clubs.

Policy OS 10: Operating schedule – CCTV
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For appropriate premises, the Authority requires the use of CCTV equipment to capture images of appropriate quality, location and frequency. The Authority expects applicants for licences for such premises to demonstrate in their operating schedules that the installation and operational procedures for the equipment at the premises comply with Thames Valley Police's "Standard Minimum Closed Circuit Television Requirements".

Noise and vibration

Guidance

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by a simple requirement to keep doors and windows at the premises closed, or to use noise limiters on amplification equipment used at the premises;
- prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly;
- the use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas are restricted; and
- the placing of refuse – such as bottles – into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.

Policy

Powers also exist for the Police and the Council to deal with noise issues that may affect persons living in the vicinity of licensed premises selling alcohol and/or providing regulated entertainment.

However, it will normally be appropriate for applicants for Premises Licences and Club Premises Certificates to suggest measures which are adequate to deal with the potential for nuisance and/or anti-social behaviour having regard to all the circumstances of the application.

As noise could emanate not only from the playing of music but also from air handling equipment the patrons themselves may wish to consider undertaking sound tests to ensure that the level of noise leakage from the premises remains acceptable.

Night-time trading can increase noise and disturbance for local residents and result in damage to property in the vicinity of licensed premises. The Authority may consider that there are benefits to be achieved in minimising public nuisance by curtailing hours of operation, generally or on specific occasions, if representations are made to that effect.

The Authority advises applicants to give special consideration to noise control measures if proposing to provide regulated entertainment or to sell alcohol for consumption on the premises beyond midnight.

Different approaches to prevention of public nuisance will apply to a premises licence application for regulated entertainment, given the nature of the activities, and special circumstances that can arise in relation to those activities, for example

- (a) longer hours of operation;
- (b) noise pollution issues;
- (c) public nuisance caused by people queuing to obtain admission; and
- (d) general safety for the public in a crowded and often dimly lit environment.

Policy LA 3: Premises Licence – Regulated Entertainment (General)

The Authority requires the applicant to address sources of noise leakage in practical ways such as:

- (a) providing adequate mechanical ventilation so that doors and windows can be kept closed;
- (b) ensuring that the mechanical ventilation is adequately sound-proofed;
- (c) installing a sound limiting device to prevent sound exceeding an appropriately defined level;
- (d) installing sound proofing measures to contain sound and vibration;
- (e) other organisational measures to ensure that potential sound leakage is contained, particularly from special events;
- (f) having a queue management policy.

These measures may be employed singly or in combination.

Applicants should ensure that they carefully consider Approved Document F (Ventilation) in the Building Regulations 2000 when deciding on the level and type of activity proposed in the premises.

Noxious smells**Guidance**

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- noxious smells from licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.

Light pollution**Guidance**

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that: • flashing or particularly bright lights on or outside licensed premises do not cause a nuisance to nearby properties. Any such condition needs to be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.

CHERWELL DISTRICT COUNCIL
ENVIRONMENTAL SERVICES DEPARTMENT
ENVIRONMENTAL PROTECTION LICENSING CONSULTATION RESPONSE
LICENSING ACT 2003: APPLICATION FOR CONVERSION/VARIATION

PREMISES: THE ANGEL PUBLIC HOUSE, 102 SHEEP STREET, BICESTER, OXON OX26 6LP

History:

There are no records held within the Council's Environmental Services Department that indicate that there has been a history of noise nuisance or disorder associated with these premises. The premises themselves front on to Sheep Street with Crumps Butts to the rear. Sheep Street is part of the commercial area of Bicester while Crumps Butts is a quiet residential area. In assessing this application consideration has been given to the potential the licensed activity would have to cause nuisance to the occupants of dwellings in Crumps Butts and the additional conditions required are designed to be preventative.

Recommendation:

In order to meet the licensing objectives of the prevention of public nuisance and the prevention of crime and disorder, the licence in respect of The Angel Public House 102 Sheep Street Bicester Oxon OX26 6LP be granted subject to the following additional conditions, taken from the Council's Pool of Conditions:

CCTV

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions may not just consider a requirement to have CCTV on the premises, but also the precise siting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time

CD38	The CCTV system shall incorporate a recording facility which shall be retained and stored in a suitable and secure manner for a minimum of one calendar month. A system shall be in place to maintain the integrity of the recorded image and a complete audit trail maintained. The system will comply with the Data Protection Act 1998 and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. For premises using a video recording systems, to maintain the quality of the recorded image the cassette tape shall be used on no more than 12 occasions.
CD40	The CCTV system must be notified to the Office of the Information Commissioner, www.informationcommissioner.gov.uk
CD41	The positions of all CCTV cameras shall be clearly shown on the deposited plans and any alteration to the system should only be carried out after consultation with Thames Valley Police and the Licensing Authority.

Reason: In order to be effective as a measure for the prevention of disorder and the detection of crime a CCTV system must be correctly operated and must comply with relevant Data Protection legislation. In their operating schedule the applicants indicate that they have a CCTV system.

Noise and Vibration

PN1	The Designated Premises Supervisor/Duty Manager shall ensure that no nuisance is caused by noise emanating from the premises or by vibration transmitted through the structure of the premises.
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Reason: the Angel Public House is located in Sheep Street Bicester. To the rear of the premises there are dwellings situated in Crumps Butts. This condition sets a performance standard for noise control during licensable activities.

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.
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Reason: This condition describes the means by which compliance with PN 1 will be achieved.

17 PN	The garden must not be used by customers after the hours of 23:00.
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Reason: The use of the garden by patrols after 23:00 hrs could cause nuisance to the occupants of nearby dwellings. 23:00 hrs is widely recognised as being the commencement of the sleeping hours.

PN18	Entertainment is to be held internally only and no music or speakers shall be provided to external areas of the premises.
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Reason: The relaying of entertainment via external speakers to patrons using the outdoor drinking area may cause nuisance to the occupants of nearby dwellings.

PN19	No inflatable play equipment or other external noisy activity shall be used or take place without the agreement of the Licensing Authority with respect to its hours of use and other conditions as may be appropriate.
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Reason: By virtue of layout of the premises the car parking area to the left of the premises lends itself to use as additional space for the siting of inflatable play equipment or noisy activities. The unregulated use of this area may cause nuisance to the occupants of nearby dwellings.

Noxious Smells

PN32	All vents and extraction systems shall be constructed and operated so as to prevent noxious smells from causing a nuisance to nearby properties.
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Reason: To protect nearby dwellings and the wider environment from the odours of cooking food or smoke.

PN35	All interior surfaces of extract ventilation ducting serving kitchens and serveries shall be thoroughly cleaned as frequently as necessary to prevent the accumulation of grease and fat and at least once per year.
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Reason: To ensure compliance with condition PN 32

Light Pollution

PN42	Any artificial lighting on the premises must not cause nuisance due to glare unless it is considered necessary by Thames Valley Police to prevent crime and disorder.
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Reason: To ensure annoyance by light spillage is not caused to the occupants of nearby dwellings.

E Edwards
Head of Environmental Services