

REPORT OF THE HEAD OF CORPORATE SERVICES

APPEAL HEARING – G's, Deans Court, Market Square, 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 representations received from the Council's Head of Environmental Services, Thames Valley Police and an interested party which have 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);
Janet Smith (1534).

5 Background

- 5.1 This report contains details of an application that was received on 13 May 2005 from George Samuel Smith of 23 Henley Avenue, 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:
Town centre bar and night-club providing disco and karaoke music, with occasional live performances in the evening and at other times provision for disco dancing, the live music and dancing taking place only between 20:00 and 02:00 hours. Daytime trade is that of a café bar with the benefit of a children's certificate. Opening times from 11:00 (12:00 on Sunday) until

24:00 hours Sunday – Wednesday, 01:00 Thursday and 02:00 Friday and Saturday, with 20 minute drinking up time after the end of permitted hours for the sale of liquor.

6.2 Current licensable activities authorised by existing licences:

- Provision of regulated entertainment: live music and recorded music
- Provision of entertainments facilities for: dancing
- Provision of late night refreshment
- Sale by retail of alcohol: for consumption on and off the premises.

Appendix A of the current public entertainment licence is attached as Annex 1 to this report.

6.3 Current hours of operation authorised by existing licences:

12.00 – 24.00 Sunday
 11.00 – 24.00 Monday – Wednesday
 11.00 – 01.00 Thursday
 11.00 – 02.00 Friday – Saturday

6.4 Current restrictions on admittance to the premises are as follows:

- No person, under the age of 21 years shall be admitted to, or allowed to remain within the premises after 20:00 on Fridays and Saturdays
- No person shall be admitted or readmitted to the premises after 24:00 on a Thursday, Friday, Saturday or Sunday.

6.5 The proposed variation is briefly described as:

1. Persons to be admitted over the age of 18 years upon production of evidence of age and identity in the form only of passport or diving licence.
2. Hours for licensable activities to be extended on Mondays, Tuesdays and Wednesdays to 02:00 and on Thursdays, Fridays, and Saturdays to 04:00 and on Sundays to 01:00 except when the Sunday is followed by a Bank Holiday Monday when the extension shall be to 04:00.
3. Last admission to be 1 hour before licensable activity ceases.
4. Provision of dancing entertainment.

6.6 The following variations to the operating schedule would be varied if the application were successful:

Live music:	Indoors To be provided by no more than three musicians On Sunday nights continue to 04.00 hours when followed by Bank Holiday Monday						
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Start	21:00	21:00	21:00	21:00	21:00	21:00	21:00
Finish	02:00*	02:00*	02:00*	04:00*	04:00*	04:00*	01:00*
*the following morning							
Recorded music:	Indoors Background music during day and on ground floor at other times with disco music on first floor from 21.00 On Sunday nights continue to 04.00 hours when followed by Bank Holiday Monday						
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Start	11:00	11:00	11:00	11:00	11:00	11:00	12:00
Finish	02:00*	02:00*	02:00*	04:00*	04:00*	04:00*	01:00*
*the following morning							

Performance of dance:	Indoors Pole dancing and table dancing by solo performers To continue to 04.00 hours when followed by Bank Holiday Monday						
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Start							21:00
Finish							01:00*
*the following morning							
Provision of facilities for dancing:	Indoors Disco dancing on first floor when no other form of entertainment is taking place On Sunday nights continue to 04.00 hours when followed by Bank Holiday Monday						
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Start	21:00	21:00	21:00	21:00	21:00	21:00	21:00
Finish	02:00*	02:00*	02:00*	04:00*	04:00*	04:00*	01:00*
*the following morning							
Late night refreshment:	Indoors Substantial meals available on demand at all times when the premises are open to the public, and not just late night entertainment On Sunday nights continue to 04.00 hours when followed by Bank Holiday Monday						
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Start	23:00	23:00	23:00	23:00	23:00	23:00	23:00
Finish	02:00*	02:00*	02:00*	04:00*	04:00*	04:00*	01:00*
*the following morning							
Supply of alcohol:	On the premises and Off the premises Extend to 04.00 hours when Sunday is followed by Bank Holiday Monday						
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Start	11:00	11:00	11:00	11:00	11:00	11:00	12:00
Finish	02:00*	02:00*	02:00*	04:00*	04:00*	04:00*	01:00*
*the following morning							
Hours of opening:	30 minutes before and after i.e. 10.30 or 4.30 Premises to be open to 04.30 hours on morning of Bank Holiday Mondays						
Current conditions the applicant believes could be removed as a consequence of the proposed variations: Limitation on admission after 24.00 hours on certain evenings Restriction on admission of persons under 21							

7 Promotion of the Four Licensing Objectives

7.1 The applicant has indicated that, as a general approach to satisfying the licensing objectives, regular discussion and consultation with Thames Valley Police Beat Officer to be continued along with the conditions imposed by Cherwell District Council (Public Entertainment) Regulations 1997 for category A premises.

7.2 *Prevention of crime and disorder*

- Conditions 4 and 10 of Appendix A of the Public Entertainment Licence issued in respect of the premises relating to Door Staff

- Conditions 5 of Appendix A of the Public Entertainment Licence issued in respect of the premises relating to CCTV.
- Condition 6 of Appendix A of the Public Entertainment Licence issued in respect of the premises relating to nuisance.
- Condition 7 of Appendix A of the Public Entertainment Licence issued in respect of the premises relating to management policy and protocols.
- Door staff to be maintained at the same strength until the proposed later terminal hour.

7.3 **Public Safety**

- Condition 2 of Appendix A of the Public Entertainment Licence issued in respect of the premises relating to the maximum number of persons present on the premises.
- Condition 3 of Appendix A of the Public Entertainment Licence issued in respect of the premises relating to the maximum number of wheelchairs, prams and pushchairs present on the premises.
- Condition 8 of Appendix A of the Public Entertainment Licence issued in respect of the premises relating to bottles or glasses taken from the premises.
- Additional notices to be posted for procedures to be observed in the case of fire.

7.4 **The Prevention of public nuisance**

- Condition 6 of Appendix A of the Public Entertainment Licence issued in respect of the premises relating to nuisance.
- Effective supervision by door supervisors at all times to assist in monitoring patrons leaving the premises.
- No sale of alcoholic liquor for consumption off the premises to be made after 22:30 on Sundays and 23:00 on other days.

7.5 **The protection of children from harm**

- Condition 9 of Appendix A of the Public Entertainment Licence issued in respect of the premises relating to drinks promotions.
- No persons under the age of 18 even if accompanied, to be admitted after 18:00.

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 has also been received from an interested party. These are summarised in turn and details are annexed.
- 8.2 The representation received from the Head of Environmental Services is attached as Annex 2 to the report. The Head of Environmental Services requires certain conditions to be imposed in order to make the variation applied for acceptable. Most of these conditions are drawn from the existing public entertainments licence (see Annex 1), together with condition CD62 from the Council's published pool of conditions. The Head of Environmental Services states that without structural alteration it is not possible for the premises to comply with the minimum standards required to hold performances of table dancing and pole dancing.

- 8.3 The representation received from the Thames Valley Police is attached as Annex 3. The Police object to the variation on grounds based on all four licensing objectives. The principal issues in the representation are:
- 1) the hours of opening and operation – the Police say this would potentially extend the period of crime and disorder and public nuisance to local residents and that ‘a terminal hour of 0200hrs is consistent with other local applications received’;
 - 2) the nature of the pole and table dancing activity – they are unclear whether it will include ‘striptease, nudity or the sexual stimulation of patrons’;
 - 3) the plan does not show a designated area for such performances and the provision of appropriate dressing rooms with direct and restricted access is not covered;
 - 4) the need to clarify when under 18s will be allowed on the premises, not simply in terms of when they are last admitted but also at what time they should vacate the premises.
- 8.4 The third representation is at Annex 4 and is from Mr John Bone of Bardwell Terrace who is an interested party. He objects to the extended hours sought in the variation on the grounds that this will add to the noise pollution and discomfort residents are already forced to endure.
- 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:

Annex D	Page 148	Conditions relating to the prevention of crime and disorder The following paragraphs: General, Door Supervisors, CCTV, Capacity limits, Proof of age cards, Crime prevention notices, drinks promotions and signage.
Annex G	Page 164	Conditions relating to the prevention of public nuisance The following paragraphs: General and hours
Annex H	Page 166	Conditions relating to the protection of children from harm The following paragraphs: Access for children to licensed premises – in general, age restrictions – specific and proof of age cards.

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 35	Section 8.2	Safety (First aid requirements)	OS8
Page 35	Section 8.3	CCTV	OS10

- 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.