

**CHERWELL DISTRICT COUNCIL**

**LICENSING SUB COMMITTEE**

**30 JULY 2008**

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

**PREMISES LICENCE APPLICATION 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 interested parties which has 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 Natasha Barnes – Licensing & Vehicle Parks Manager (ext. 1599)  
Claire Bold – Licensing Team Leader (ext. 1791)

**5 Background**

- 5.1 This report contains details of an application in respect of 47 Broad Street, Banbury (Known as St James Nightclub) that is to be determined by the Committee.
- 5.2 The application is for a premises licence to be granted under the Licensing Act 2003. Details of the proposed application are set out in 7.1 of this report.
- 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 47 Broad Street, Banbury (Known as St James Nightclub)**

- 6.1 The application for grant of premises licence was first received on 5 June 2008, from St James Leisure Clubs Limited of Lloyd Berkley Place, Pebble Lane, Aylesbury, Bucks, HP20 2JH who operates the premises.
- 6.2 The applicant allowed an additional 3 days to the required 28 day consultation period and therefore the end of consultation date for the application was midnight 6 July 2008 as advertised by the applicant.

## **7 Details of Application for a Premises Licence to be granted under the Licensing Act 2003**

7.1 The proposed application is described as:

1. To licence the premises for provision of Regulated Entertainment to include Live Music, Recorded Music, Performances of Dance and Anything of a Similar Description to Live Music, Recorded Music or Performance of Dance (To Take Place **Indoors** Only)
  - From 17:00 to 02:30 (morning following) Monday to Wednesday (inclusive)
  - From 17:00 to 04:30 (morning following) Thursday to Saturday (inclusive)
  - From 17:00 to 01:30 (morning following) Sunday
  - One additional hour to the cessation of activities on Christmas Eve, New Years Eve and all Bank Holidays
2. To licence the premises for provision of Provision of Entertainment Facilities to include Making Music, Dancing and Anything of a Similar Description to Making Music, or Dancing (To Take Place **Indoors** Only)
  - From 17:00 to 02:30 (morning following) Monday to Wednesday (inclusive)
  - From 17:00 to 04:30 (morning following) Thursday to Saturday (inclusive)
  - From 17:00 to 01:30 (morning following) Sunday
  - One additional hour to the cessation of activities on Christmas Eve, New Years Eve and all Bank Holidays
3. To licence the premises for provision of Late Night Refreshment (To Take Place **Indoors** Only)
  - From 17:00 to 02:00 (morning following) Monday to Wednesday (inclusive)
  - From 17:00 to 04:00 (morning following) Thursday to Saturday (inclusive)
  - From 17:00 to 01:00 (morning following) Sunday
4. To licence the premises for provision of Supply of Alcohol (For Consumption **ON** The Premises Only)
  - From 17:00 to 02:00 (morning following) Monday to Wednesday (inclusive)
  - From 17:00 to 04:00 (morning following) Thursday to Saturday (inclusive)
  - From 17:00 to 01:00 (morning following) Sunday
  - One additional hour to the cessation of activities on Christmas Eve, New Years Eve and all Bank Holidays
5. To open the premises to the public
  - From 17:00 to 02:30 (morning following) Monday to Wednesday (inclusive)
  - From 17:00 to 04:30 (morning following) Thursday to Saturday (inclusive)
  - From 17:00 to 01:30 (morning following) Sunday
  - One additional hour to the cessation of activities on Christmas Eve, New Years Eve and all Bank Holidays

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

8.1 Representations received have stated concerns in relation to potential issues in respect of each of the four licensing objectives being caused by the grant of permissions to the premises. The applicant has stated the following in respect of promoting this licensing objective.

The applicant included with their application a document detailing how they intend to promote the four licensing objectives, this is attached as Annex 1.

- 8.2 The steps/conditions given in this document would become conditions attached to the premises licence, should the application be granted.
- 8.3 The document at Annex 1 refers to a Performers Code of Conduct. An example of the code of conduct is attached as Annex 2. The code of conduct will be subject to amendment from time to time and therefore is included with the application for information only. The applicant has specified that any amendments will be forwarded to the Police and any other appropriate authority.

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

- 9.1 The Head of Safer Communities and Community Development objects to the grant of the premises licence application in its current form. However, they would remove this objection should the Sub Committee see fit to attach their recommended conditions as additional measures to control public nuisance.
- 9.2 The response from the Head of Safer Communities and Community Development is attached as Annex 3.
- 9.4 Thames Valley Police have responded to the application informing the Licensing Officer that they do not wish to object to the application following negotiations throughout the application process with the applicant.
- 9.5 The response from Thames Valley Police is attached as Annex 4.
- 9.6 There are 54 interested parties who have submitted representations, all of the interested parties have made representation through Councillor Bonner
- The representation from Councillor Bonner is attached as Annex 5.
  - Mrs Rumford has made additional comments to those in Annex 5, though she is also represented by Councillor Bonner. Mrs Rumford's representation is attached at Annex 6.

## **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 19 – 21	Sections 2.19 – 2.31	Public Safety
Pages 21 - 23	Sections 2.32 – 2.40	Public Nuisance
Pages 23 - 25	Sections 2.41 – 2.51	Protection of Children from Harm

Pages 117 – 121	Annex D	Part 1. Conditions relating to the prevention of crime and disorder
Pages 121 - 124	Annex D	Part 2. Conditions relating to public safety
Pages 128 - 129	Annex D	Part 4. Conditions relating to the prevention of public nuisance
Pages 130-133	Annex D	Part 5. Conditions relating to the protection of children from harm

**Cherwell District Council Statement of Licensing Policy:**

Page 13	GN20 -21	Section 4.1	Pool of Conditions
Page 15	LH 3 - 8	Sections 5.3 – 5.7	Licensing Hours
Page 19	CH5	Section 6.2	Prevention of under-age consumption
Page 23	LA5	Section 7.3.9	Addressing local concerns
Page 23	LA6	Section 7.3.10	General Management and control
Page 26	Policy PP1	Sections 7.5.1 – 7.5.2	Pubs, Restaurants, Hotels, Guest Houses
Page 37	Policy OS10	Section 8.3	CCTV
Page 38	Policy OS12	Sections 8.5.1 – 8.5.3	Door Supervisors
Page 39	Policy OS13	Sections 8.6.1 – 8.6.2	

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 grant of a premises licence as submitted
- 2) reject the application for the grant of premises licence in whole or part
- 3) place conditions on the grant of premises licence and/or require changes to the details of the permissions sought.