

CHERWELL DISTRICT COUNCIL

LICENSING SUB COMMITTEE

25 JULY 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 3 interested parties which have resulted in the necessity for a hearing.

2 Wards Affected

- 2.1 Bloxham & Bodicote

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 Jubilee Park Hall, Barley Close, Brickle Lane, Bloxham, Banbury 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 Jubilee Park Hall, Barley Close, Brickle Lane, Bloxham, Banbury

- 6.1 The application to vary was first received on 4 May 2007, from Mr D Bailey on behalf of Jubilee Park Management Committee of Jubilee Park Hall, Barley Close, Brickle Lane, Bloxham, Banbury who operate the premises. Due to an advertising problem the application was re-advertised for the statutory 28 day period ending on 28 June 2007.

7 Details of Variation to Premises Licence under the Licensing Act 2003

7.1 Brief description of the nature of the proposed variation:

To extend the finishing time to 00:00 from Monday to Sunday, 02:00 on New Years Eve and to add the sale of beverages for 12:00 to 00:00 Monday to Sunday.

7.2 The **Existing** Premises Licence which came into force on 24 November 2005 allows

1. Sale (by retail) of alcohol Monday to Sunday (inclusive) 12:00 to 23:00. Christmas Eve, Boxing Day, Valentines Day, St Patrick's Day, St Georges Day, Easter Weekend, May Bank Holiday, Spring Bank Holiday, August Bank Holiday, Halloween, New Years Eve, Other Pre-booked Special and Sporting Events Police and Council will be advised a minimum of 10 days prior to using. In all cases for consumption **On** the premises.
2. Provision of Regulated Entertainment to include Plays, Indoor Sporting Events, Live Music, Recorded Music, Performances of Dance and Anything of a similar description to Live Music, Recorded Music or Performances of Dance Monday to Sunday (inclusive) 11:00 to 23:00. Christmas Eve, Boxing Day, Valentines Day, St Patrick's Day, St Georges Day, Easter Weekend, May Bank Holiday, Spring Bank Holiday, August Bank Holiday, Halloween, New Years Eve, Other Pre-booked Special and Sporting Events Police and Council will be advised a minimum of 10 days prior to using. In all cases for provision **Indoors**.
3. Provision of Entertainment Facilities to include Making Music, Dancing and Anything of a similar description to Making Music or Dancing Monday to Sunday (inclusive) 11:00 to 23:00. Christmas Eve, Boxing Day, Valentines Day, St Patrick's Day, St Georges Day, Easter Weekend, May Bank Holiday, Spring Bank Holiday, August Bank Holiday, Halloween, New Years Eve, Other Pre-booked Special and Sporting Events Police and Council will be advised a minimum of 10 days prior to using. In all cases for provision **Indoors**.

7.3 The proposed **variation** is briefly described as:

1. To vary the hours for Sale (by retail) of alcohol, Provision of Regulated Entertainment to include Plays, Indoor Sporting Events, Live Music, Recorded Music, Performances of Dance and Anything of a similar description to Live Music, Recorded Music or Performances of Dance and Provision of Entertainment Facilities to include Making Music, Dancing and Anything of a similar description to Making Music or Dancing.
 - From 11:00 to 12:00 (Noon) Monday to Sunday (inclusive)
 - From 23:00 to 00:00 (midnight) Monday to Sunday (inclusive)
2. To vary the terminal hour for Sale (by retail) of alcohol, Provision of Regulated Entertainment to include Plays, Indoor Sporting Events, Live Music, Recorded Music, Performances of Dance and Anything of a similar description to Live Music, Recorded Music or Performances of Dance and Provision of Entertainment Facilities to include Making Music, Dancing and Anything of a similar description to Making Music or Dancing.
 - To 02:00 (morning following) on New Years Eve.
3. To add Provision of Late Night Refreshment
 - From 23:00 to 00:00 (midnight) Monday to Sunday (inclusive)
 - To 02:00 (morning following) on New Years Eve.

In all cases Sale (by retail) of alcohol will be for consumption **On** the premises and all other Licensable Activities will be for provision **Indoors**.

8 Promotion of the Four Licensing Objectives

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

We have conditions of hire – which are always signed. We do not anticipate any difficulties associated with the extra hour.

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.

Since being licensed we have never experienced any adverse incidents. The Hire Agreement spells out the responsibilities of those hiring the Hall and all attendees both during the event and on leaving premises. The conditions of Hire are on permanent display in the Hall.

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.

All users of the Hall are requested to leave the Hall quietly and have regard at all times of Local Residents. A Noise Inhibitor is already installed in the Hall.

8.6 ***The Protection of Children from Harm***

8.5 Some representations received have stated concerns in relation to potential issues in respect of increased risk of harm to children being caused by the grant of additional permissions to the premises. The applicant has stated the following in respect of promoting this licensing objective.

The PLH will prevent under age drinking at all times. Any childrens parties will be supervised by adults at all times.

9 Representations Received and Relevant Licensing Objectives

9.1 There are 3 interested parties who have submitted representations;

- The representation from Paul Dunkley of 1 Barley Close, Bloxham, Banbury is attached as Annex 1.
- The representation from Mrs Susan Golby and Dr James Golby of 3 Waters Court, Bloxham, Banbury is attached as Annex 2.
- The representation from Karen Sidhu and Kevin McCauley of 1 Barley Croft, Barley Close, Bloxham, Banbury is attached as Annex 3.

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
Page 75	Section 10.30	The Performance of Plays
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
Pages 23 - 25	Sections 2.41 – 2.51	Protection of Children from Harm
Pages 130 - 133	Annex D	Part 5. Conditions relating to the protection of children from harm

Cherwell District Council Statement of Licensing Policy:

Page 14	Policies LH1 – LH7	Sections 5.1 – 5.6	Licensing Hours
Page 18	Policy CH5	Section 6.2	Prevention of alcohol-consumption by Minors
Pages 21 -22	Policies LA3 – LA4	Section 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.