

CHERWELL DISTRICT COUNCIL

LICENSING SUB COMMITTEE

2 JULY 2008

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 to vary and details of representations received from the Head of Safer Communities and Community Development and 1 interested party which have 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 Chris Rothwell (ext 1712)
Natasha Barnes (ext. 1599)

5 Background

- 5.1 This report contains details of an application in respect of 47D Broad Street (formerly known as 47B Broad Street), 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 47B Broad Street (formerly known as 47B Broad Street), Banbury

- 6.1 The application to vary was received on 12 May 2008, from Mr R Ahmed of 4 Deacon Way, Banbury, Oxfordshire, OX16 0DS who operates the premises.

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

- 7.1 Brief description of the nature of the proposed application:
Extension of Hours

7.2 The Existing Premises Licence which came into force on 28 August 2007 allows

1. the premises to provide Late Night Refreshment (**Indoors Only**)
 - From 11:00 to 00:00 (morning following) Monday to Sunday (inclusive)
2. the premises to open to the public
 - From 11:00 to 00:00 (morning following) Monday to Sunday (inclusive)

7.3 The proposed application is described as:

3. To Licence the premises for provision of Late Night Refreshment (**Indoors Only**)
 - From 11:00 to 00:30 (morning following) Monday to Wednesday (inclusive)
 - From 11:00 to 01:00 (morning following) Thursday (inclusive)
 - From 11:00 to 03:00 (morning following) Friday to Saturday (inclusive)
 - From 11:00 to 02:00 (morning following) Sunday (inclusive)
4. To open the premises to the public
 - From 11:00 to 00:30 (morning following) Monday to Wednesday (inclusive)
 - From 11:00 to 01:00 (morning following) Thursday (inclusive)
 - From 11:00 to 03:00 (morning following) Friday to Saturday (inclusive)
 - From 11:00 to 02:00 (morning following) Sunday (inclusive)

7.4 It should be noted that the provision of late night refreshment under the Licensing Act 2003 commences at 23:00 and terminates at 05:00. Although in this case the premises have requested the provision to start at 11:00 there is no legal requirement for such a permission to be sought until 23:00.

8 Promotion of the Four Licensing Objectives

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

CCTV

8.2 ***The Prevention of Public Nuisance***

8.3 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.

Litter Clearance

Control of Noxious Odours from Cooking

Notices asking Customers to Leave Quietly

9 Representations Received and Relevant Licensing Objectives

9.1 The Head of Safer Communities and Community Development objects to the granting of a Premises Licence for the hours as applied for. Safer Communities and Community Development would however consider midnight on any day as being the latest suitable hour of opening for this premise.

9.2 The response from the Head of Safer Communities and Community Development is attached as Annex 1

9.3 There is 1 interested party who has submitted a representation;

- The representation from Mrs V C Mayo of 48 Amos Court, Broad Street, Banbury is attached as Annex 2.

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 21 - 23	Sections 2.32 – 2.40	Public Nuisance
Pages 128 - 129	Annex D	Part 4. Conditions relating to the prevention of public nuisance

Cherwell District Council Statement of Licensing Policy:

Pages 15 - 17	Policies LH1 – LH7	Sections 5.1 – 5.6	Licensing Hours
Pages 21 -22	Policy LA4	Sections 7.3.1 – 7.3.4 & 7.3.6	General Prevention of Public Nuisance
Page 23	Policy LA5	Section 7.3.9	Addressing Local Concerns
Page 23	Policy LA6	Section 7.3.10	Management and Control
Page 29	Policy PP10	Sections 7.5.18 – 7.5.19	Late Night Refreshment

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.