

**Committee:** Licensing Sub Committee  
**Date:** Friday 24 July 2009  
**Time:** 10.30 am  
**Venue:** Bodicote House, Bodicote, Banbury, OX15 4AA

## AGENDA

### 1. Constitution of the Sub Committee

The Membership of the Sub-Committee for this meeting will be Councillors Heath, Gibbard and Rose Stratford.

Please contact Alexa Coates (01295 221591) to tender apologies.

**Note:** Declaration of Interests: Any Member with a prejudicial interest will not be able to participate in the hearing, and should therefore notify the Head of Legal and Democratic Services in advance so that arrangements may be made for an alternate Member to attend.

### 2. Licensing Hearing (Pages 1 - 5)

Report of the Head of Urban and Rural Services

#### **Summary**

The purpose of this report is to provide an outline of an application to vary the designated premises supervisor on a premises licence and details of a representation received from Thames Valley Police which have resulted in the necessity for a hearing.

## **Recommendation**

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 of the Designated Premises Supervisor as submitted
- 2) reject the application for the variation of the Designated Premises Supervisor

## **Information about this Agenda**

The agenda, reports and associated documents for the above hearing together with the Licensing Hearing Procedure are available at Bodicote House, Bodicote, Banbury, Oxfordshire OX15 4AA or on the Council's web site [www.cherwell-dc.gov.uk](http://www.cherwell-dc.gov.uk);

Members are asked to sign the Attendance Register; and

The Council and its Committees and Sub-Committees are required to consider the implications of the Crime and Disorder Act 1998 and the Human Rights Act 1998 when exercising their functions.)

### **Queries Regarding this Agenda**

Please contact Alexa Coates, Legal and Democratic Services [alexa.coates@cherwell-dc.gov.uk](mailto:alexa.coates@cherwell-dc.gov.uk) (01295) 221591

**Mary Harpley**  
**Chief Executive**

Published on Thursday 16 July 2009

# Agenda Item 2

## CHERWELL DISTRICT COUNCIL

### LICENSING SUB COMMITTEE

24 JULY 2009

#### 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 the designated premises supervisor on a premises licence and details of a representation received from Thames Valley Police 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 Natasha Barnes: Licensing & Vehicle Parks Manager (ext. 3738)  
Claire Bold: Licensing Team Leader (ext. 3741)

#### **5 Background**

- 5.1 This report contains details of an application in respect of The Jolly Weavers, 22 South Bar Street, Banbury that is to be considered by the Committee.
- 5.2 The existing premises licence first came into force on 24 November 2005. The licence was held by Punch Taverns PLC and operated as a public house with permissions to play recorded music and supply alcohol by retail sale. Carol Marie Parker was named on the premises licence as the Designated Premises Supervisor.
- 5.3 In January 2007, the Licensing Team received an application to vary the Designated Premises Supervisor from Ms Parker to Penelope Jane Waller. No objection to this change was made by Thames Valley Police and the amended licence was duly issued.
- 5.4 In May 2007, the Licensing Team received an application to vary the Designated Premises Supervisor from Ms Waller to Christopher Thomas Lyons. No objection to this change was made by Thames Valley Police and the amended licence was duly issued.
- 5.5 In May 2008, the Licensing Team received an application to vary the Designated Premises Supervisor from Mr Lyons to Gary Smith. No objection to this change was made by Thames Valley Police and the amended licence was duly issued.
- 5.6 In June 2009, the Licensing Team received an application to vary the Designated Premises Supervisor from Mr Smith to Christopher Thomas Lyons. Thames Valley Police made a formal representation against the application under the Licensing Objective of the prevention of crime and disorder. Full details of the representation can be found at paragraph 9.

## **6 Application in respect of The Jolly Weavers, Banbury**

6.1 The application to vary the designated premises supervisor upon the existing premises licence was received on 19 June 2009, from TLT Solicitors on behalf of Punch Taverns PLC, Jubilee House, Second Avenue, Burton upon Trent, Staffordshire, DE14 2WF who hold the current premises licence in operation at the venue.

## **7 Details of Application to Vary the Designated Supervisor under the Licensing Act 2003**

7.1 The proposed application is to vary the person specified upon the premises licence as the designated premises supervisor from Gary Smith to Christopher Thomas Lyons. The applicant had requested the application to have immediate effect.

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

The premises to provide the sale by retail of alcohol (for consumption on and off the premises):

- Sunday to Wednesday from 10.00 to 23.00 (inclusively)
- Thursday, Friday and Saturday from 10.00 to 02.00 the following morning (inclusively)
- 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 into 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
- From the end of permitted hours on New Years Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31 December)

The premises to provide the provision of regulated entertainment in the forms of live and recorded music and provision of entertainment facilities for dancing and anything of a similar description to that falling within making music or dancing:

- Same times permitted for the sale by retail of alcohol

To open the premise to the public

- For half an hour longer than the times permitted for the retail sale of alcohol

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

8.1 Representations received have stated concerns in relation to potential issues in respect of the prevention of crime and disorder. Paragraph 8.3 detail how the applicant currently states that they will promote the licensing objectives. Paragraph 8.2 details how the applicant intends to promote all four licensing objectives in general.

8.2 General – all four licensing objectives:

- Following an assessment of the premises and its surrounding area the following is proposed:
- 30 minute “drinking up” time will allow appropriate dispersal, use of lavatories etc.
- In order to further the licensing objectives the licensee reserves the right to move the fire appliances, AWP machines, cigarette machines and or any other similar object temporarily in a fixed location which may impact on the ability of individuals on the premises to use exits or escape routes without impediment.

- 8.3 The Prevention of Crime and Disorder:
- External lighting to all outside areas of pub
  - Ladies and Gents WCs regularly checked throughout opening times
  - Licensees monitor customer behaviour especially during busy trading periods
  - Active member of local pub watch scheme
  - Most customers are good, local trade

## 9 Representations Received and Relevant Licensing Objectives

9.1 Thames Valley Police objects to the granting of the variation to the designated premises supervisor stated on the existing Premises Licence. The police are concerned that as the proposed designated premises supervisor is already named on two other premises licences within the area, they may not be able to comply with the licensing objective of the prevention of crime and disorder through effective management control. The proposed designated premises supervisor has also been brought to the police's attention on several occasions, causing further concern. In addition, the police are also concerned about the actions of the premises licence holder in appearing to change the designated premises supervisor prior to submitting the application.

9.2 The full response from Thames Valley Police is attached as **Annex 1**.

## 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:

|               |                         |                                      |
|---------------|-------------------------|--------------------------------------|
| Page 36       | Sections<br>4.25 – 4.27 | Police Objections to New Supervisors |
| Pages 16 – 19 | Sections<br>2.1 – 2.18  | Crime and Disorder                   |

### Cherwell District Council Statement of Licensing Policy:

|         |            |                |                        |
|---------|------------|----------------|------------------------|
| Page 23 | 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 of the Designated Premises Supervisor as submitted
- 2) reject the application for the variation of the Designated Premises Supervisor

Division/Station : St Aldates

From : Laura Morris  
Licensing OfficerTo : Cherwell district Council  
Licensing Dept

Ref : DPS Objection

Date : 30 June 2009

Tel.No. 01865 266109

Subject :

**Jolly Weavers, Banbury**

I am writing to formally object on behalf of Thames Valley Police to the application of Christopher Lyons to become Designated Premises Supervisor of the Jolly Weavers Public House, Banbury.

We are concerned as Mr Lyons at present has two other premises (Unicorn and Musketeer) in the Banbury area and we feel that a third premise will cause this person to be spread too thin and will not comply with the licensing objective to reduce crime and disorder. I am also concerned that he did not make his DPS application to us sooner as it is clear in URN 572 12/05/09 that he is under the impression that he is in control of three premises in the Banbury area.

The Unicorn and The Musketeer that Mr Lyons is currently Designated Premises Supervisor of also have had several incidents this year that cause concern to the way the premises are run. Taking these into account shows that adding another premise to his portfolio would only add to the issues, rather than improve them.

We also have concerns that Mr Lyons has recently been involved in several incidents at the Jolly Weavers one of which he was actually arrested for Assault occasioning Actual Bodily Harm and released due to the aggrieved dropping the complaint. This is not appropriate behaviour for someone in his position.

**Incidents****URN: 55 08/03/09 00:24 Musketeer**

2 males are kicking off at the premise and are smashing the windows. 1 male was arrested for criminal damage.

**12/04/09 Unicorn**

A music event took place at the premise in breach of the premise licence. The event was confirmed as taking place on the 12<sup>th</sup> April and finished at 04.00am. The licence states that licensable activities should have ceased at 01.00am. Upon speaking to the DPS it was discovered that a miscommunication between Mr Lyons and his manager was the cause as Mr Lyons had forgotten to apply for a TEN for the event and forgotten to tell his manager that the event could no longer take place.

**01/05/09 Unicorn**

CCTV had captured male being escorted by door staff from the premise and he was placed over a bin just down the road from the premise. The male was convulsing when the officers attended and was suspected to have taken Ketamine. When officers went to speak to door staff it was stated that the manager was not there and also that Mr Lyons DPS was not there. Inside several people were extremely intoxicated.

**URN: 572 12/05/09 13:02 Unicorn**

Male has been assaulted he was grabbed by his chest, his hair and his head. He does not know why he was grabbed the minute that he entered the premise. Upon speaking to the Landlord it was discovered that the male has been barred from "all 3 of his premises" it was concluded that Mr Lyons used reasonable force to evict the male.

**URN: 76 16/05/09 00:45 Jolly Weavers**

Mr Lyons forcibly removed a previous Landlord from premise. He was well within his rights to remove the male but was given words of advice from officers about using excessive force. No complaint was made.

**URN: 277 16/05/09 03:23 Jolly Weavers**

It was reported that three males were fighting outside the Jolly Weavers. When police arrived a male was lying on the pavement. The male was conscious and breathing. Mr Lyons was identified as the offender by three witnesses. Upon speaking to the aggrieved it was discovered that a fight had taken place and had finished. The aggrieved was walking away when Mr Lyons then head butted him in the face and he fell to the floor Mr Lyons then proceeded to kick the aggrieved in the ribs several times. Mr Lyons was then arrested at 04:59 for ABH.

**URN: 1970 26/06/09 23:42 Musketeer**

Window of premise was smashed Mr Lyons then went out to confront the offender and was punched in the face. The offender then made off.

Laura Morris  
Thames Valley Police Licensing Dept