

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 4.25 – 4.27	Police Objections to New Supervisors
Pages 16 – 19	Sections 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
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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