

Committee: Licensing Sub Committee
Date: Monday 30 November 2009
Time: 2.00 pm
Venue: Bodicote House, Bodicote, Banbury, OX15 4AA

Membership

Councillor Eric Heath Councillor Rose Stratford Councillor Tony Ilott

AGENDA

1. Constitution of the Sub Committee

The Membership of the Sub-Committee for this meeting will be Councillors: Heath, Ilott and R 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 - 8)

Report of the Head of Urban and Rural Services

Summary

To provide an outline of an application to vary the Club Premises Certificate in relation to Hardwick Social Club and detail the representation received from an Interested Party living in the vicinity of the premises that has resulted in the need for a hearing to determine the application.

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 as submitted
- (2) Reject the application for variation in whole or part
- (3) Place conditions on the variation to the club premises certificate and/or require changes to the details of the variations sought.

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;

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 (01295) 221591

Mary Harpley
Chief Executive

Published on Friday 20 November 2009

Licensing Sub-Committee

Club Premises Certificate Determination Hearing

30 November 2009

Report of the Head of Urban & Rural Services

PURPOSE OF REPORT

To provide an outline of an application to vary the Club Premises Certificate in relation to Hardwick Social Club and detail the representation received from an Interested Party living in the vicinity of the premises that has resulted in the need for a hearing to determine the application.

This report is public

Recommendations

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 variation in whole or part
- (3) Place conditions on the variation to the club premises certificate and/or require changes to the details of the variations sought.

Executive Summary

Introduction

- 1.1 On 8 October 2009 the Licensing Authority received an application to vary the Club Premises Certificate held in respect of Hardwick Social Club, Ferriston, Banbury.
- 1.2 On 5 November 2009 the Licensing Authority received a letter of representation from J Thomas of 155 Ferriston, Hardwick Estate, Banbury; this is attached as appendix 1.

Proposals

1.3 The proposed application is described by the applicant as:

To vary the existing licence hours as follows

- **Thursday until 24:00 hrs (12 midnight)**
- **Friday until 24:00hrs (12 midnight)**
- **Saturday until 24:00 hrs (12 midnight)**

1.4 The application to vary included variation of the current certificate to include Live Music, Recorded Music and Provision of Facilities for Making Music during the following hours:

- **Thursday from 10:00hrs until 24:00 hrs (12 midnight)**
- **Friday 10:00hrs until 24:00hrs (12 midnight)**
- **Saturday 10:00hrs until 24:00 hrs (12 midnight)**

1.5 The application to vary included variation of the current certificate to open the premises from 10:00hrs on each day and to remain open until 30 minutes after the cessation of licensable activities to allow for dispersal and drinking up time.

Background Information

2.1 The existing Club Premises Certificate came into force on 24 November 2005.

2.2 The certificate allows the supply of alcohol to members and guests for consumption **On** the premise and the supply of alcohol to a member in person for consumption **On** and **Off** the premise.

2.3 This licensable activity is permitted for the following times:

Monday other than Christmas Day or New Years Eve	10:00	23:00
Tuesday other than Christmas Day or New Years Eve	10:00	23:00
Wednesday other than Christmas Day or New Years Eve	10:00	23:00
Thursday other than Christmas Day or New Years Eve	10:00	23:00
Friday other than Christmas Day, Good Friday or New Years Eve	10:00	23:00
Saturday other than Christmas Day or New Years Eve	10:00	23:00
Sunday other than Christmas Day or New Years Eve	12:00	22:30
Xmas Day	12:00	15:00
	19:00	22:30
Good Friday	12:00	22:30
New Years Eve except on a Sunday	10:00	23:00
New Years Eve on a Sunday	12:00	22:30
New Years Eve 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 st December)		

- 2.4 The existing Club Premises Certificate details the opening hours of the club to be:

At the discretion of the Certificate Holder

- 2.5 It should also be noted that there is a Premises Licence in place for the same building. This permits the following licensable activities to be provided for members of the public:

Provision of Regulated Entertainment

- Plays
- Indoor Sporting Events
- Live Music
- Recorded Music
- Performances of Dance
- Anything of a similar description to that falling within live and recorded music

Provision of Entertainment Facilities for

- Making Music
- Dancing
- Entertainment of a similar description to that falling within making music or dancing

Provision of late night refreshment

- 2.6 These licensable activities are permitted for the following times:

Premises Licence details that between 09:00 and 24:00 (midnight) Monday to Sunday

up to 4 occasional extensions at the discretion of the committee to extend the terminal hour to 01.00 with prior notification to Police and Licensing Authority.

Key Issues for Consideration/Reasons for Decision and Options

- 3.1 The Licensing Act 2003 states that all licensing matters must promote the four Licensing Objectives, they are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm

- 3.2 Representations received have stated concerns in relation to potential issues in respect of the prevention of public nuisance. Paragraph 3.3 details how the applicant intends to promote the four licensing objectives in general. Paragraph 3.4 details how the applicant intends to promote the prevention of public nuisance objective
- 3.3 ***Hardwick Social Club operates a policy of strict observation of all licensing objectives***
- 3.4 ***Doors Closed to minimise noise
Regulated noise level on the Jukebox
No Litter
No Cooking on the premise
Full notices on building asking patrons to respect local neighbours and leave quietly.***
- 3.5 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

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.

The following options have been identified.

- | | |
|---------------------|--|
| Option One | Approve the application for the variation as submitted |
| Option Two | Reject the application for variation in whole or part |
| Option Three | Place conditions on the variation to the club premises certificate and/or require changes to the details of the variations sought. |

Consultations

Full consultation in accordance with the requirements of the Licensing Act 2003 was carried out for a period of 28 days ending at midnight on 5 November 2009

Implications

- | | |
|-------------------------|---|
| Financial: | There are no financial implications of this report
Comments checked by Eric Meadows,
Service Accountant for Environment & Community
01295 221552 |
| Legal: | The decision must comply with relevant legislation and Council Policy.
All parties have a right of Appeal to the Magistrates Court against the decision.
Comments checked by Nigel Bell,
Solicitor
01295 221687 |
| Risk Management: | There is a risk that if policy and legislation has not been correctly followed, any resulting appeal could be successful.
Comments checked by Rosemary Watts,
Risk Management & Insurance Officer
01295 221566 |

Wards Affected

Hardwick

Document Information

Appendix No	Title
Appendix 1	Letter of representation from J Thomas of 155 Ferriston, Hardwick Estate, Banbury.
Background Papers	
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.	
Report Author	Natasha Barnes, Licensing & Vehicle Parks Manager
Contact Information	01295 753744 natasha.barnes@Cherwell-dc.gov.uk



155 FERRISTON
HARDWICK ESTATE
BANBURY
OX16 1XA

Head of Urban & Rural Services
the Licensing Authority
Cherwell District Council
Bodicote House, Bodicote
Banbury, OX15 4AA

1 November 2009

Dear Sir

Hardwick Social Club, Ferriston
Variation late night opening
Thurs-Sats until Midnight

Reference the above Notice, I wish to object to the application by Hardwick Social Club for an extension until midnight on three consecutive nights Thursday, Friday and Saturday, for the following reasons:

1. The volume of noise from music events/TV and loud voices etc are not contained within the building itself.
2. The two side doors facing towards these properties are currently continuously left to stand open for smokers, and other members to frequently leave and reenter through^{out} opening hours.
3. The lighting from this side of the building, in particular the floodlight, causes a nuisance which will be aggravated by the extension of hours, on so many days of the week.
4. The extension until midnight will mean additional noises from car doors slamming, engines, and voices, with stragglers until 12.30 or later, as has been experienced in the past.
5. The extension of three consecutive nights will greatly interfere with residents' right to the quiet enjoyment of their homes for the above and other reasons.
6. It is suggested that the Community Centre's application should be amended, to be for extension of Saturday nights only until midnight with the condition that the area is cleared quickly by the Management, to prevent raucus noise, damage etc that has occurred in previous years in what is a residential area.

Yours faithfully

J THOMAS

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