

**Committee:**           **Licensing Sub Committee**  
**Date:**               **Tuesday 20 October 2009**  
**Time:**               **10.30 am**  
**Venue**               **Bodicote House, Bodicote, Banbury, OX15 4AA**

**Membership**

**Councillor Mrs Diana Edwards      Councillor G A Reynolds      Councillor Rose Stratford**

**AGENDA**

**1.      Constitution of the Sub Committee**

The Membership of the Sub-Committee for this meeting will be Councillors Edwards, Reynolds 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 - 6)**

**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.

## **Options**

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 Monday 12 October 2009

# Agenda Item 2

## CHERWELL DISTRICT COUNCIL

### LICENSING SUB COMMITTEE

20 OCTOBER 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)  
Colin Giles: Acting Licensing Team Leader (ext. 3742)

#### **5 Background**

- 5.1 This report contains details of an application in respect of The Blarney Stone, Lower Windsor 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 provide live and recorded music, facilities for dancing and entertainment of a similar description and supply alcohol by retail sale. Christopher Thomas Lyons was named on the premises licence as the Designated Premises Supervisor.
- 5.3 In March 2008, the Licensing Team received an application to vary the Designated Premises Supervisor from Mr Lyons to Andrew Wallock. No objection to this change was made by Thames Valley Police and the amended licence was duly issued.
- 5.4 In September 2009, the Licensing Team received an application to vary the Designated Premises Supervisor from Mr Wallock 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. 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 on the existing premises licence was received on 16 September 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 Andrew Wallock 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 following licensable activities:-

- Provision of Live Music
- Provision of Recorded Music
- Provision of Entertainment Facilities for Dancing
- Provision of Entertainment Facilities for entertainment of a similar description to that falling within making music or dancing
- Sale (by retail) of Alcohol

during the following hours:-

- Monday to Wednesday from 10.00 to 00.00 (inclusive)
- Thursday, Friday and Saturday from 10.00 to 02.00 the following morning (inclusive)
- Sunday from 10:00 to 01:00 the following morning (inclusive)
- 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)

To open the premise to the public

- For half an hour longer than the times permitted for licensable activities.

## **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 crime and disorder licensing objective. 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:
- Illumination is provided to the exterior areas of the pub
  - All interior trading areas are visible to staff from behind the bar servery
  - A rota system is in place for checking the toilets/toilets checked regularly
  - The licensees/staff monitor customer behaviour especially during busy periods
  - Burglar alarm system in place, alarmed doors and windows/secure windows
  - Toilet access is clearly visible from the bar
  - Drug prevention measures are employed
  - Drivers ‘shelf’ with selection of soft drinks
  - Most customers are local
  - No other licensed premises in close proximity
  - DPS is member of local Pub Watch scheme

## 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.
- 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

Division/Station : St Aldates

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

Ref : DPS Objection

Date : 17<sup>th</sup> September 2009

Tel.No. 01865 266109

Subject :

**Blarney Stone, 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 Blarney Stone 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.

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. A meeting was held with Mr Lyons and the Brewery on the 17<sup>th</sup> September 2009 to discuss the running of the Unicorn Public House as it is deemed that although this premise is a fairly small premise compared to the others in the Banbury area over recent months more incident have occurred at this premise than any other premises in the Banbury area.

We also have concerns that Mr Lyons has recently applied for DPS of the Jolly Weavers public house in Banbury and that this application was objected to by the Police and yet it has come to light that the brewery has put another DPS in the premise but Mr Lyons is still the manager of the premise and controls how it is run. As stated in my previous objection 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.

Meeting held on the 17<sup>th</sup> Sept 09 to discuss over 40 violent or drug related incidents since Mr Lyons became the DPS of the Unicorn in 2006. This premise has benefited from many site visits from several parties over the past few years all offering advice on how to combat the issues that were arising. Since Mr Lyons has taken over first the Musketeer and now the Jolly weavers the unicorn has obviously been neglected and the incidents have increased rather than decreased.

Laura Morris  
Thames Valley Police Licensing Dept