

# Legal and Democratic Services

HEAD OF SERVICE: Margaret Reed



## Hearing Decision Notice

**Licensing Panel Hearing 25 July 2007**

**The Queen's Head, Horspath**

The Licensing Panel met on 25 July 2007 to consider the application for a review of the premises licence held by the Queen's Head, 26 Church Road, Horspath.

The decision of the Panel is set out in the Notes of the hearing (appended).

The Licensing Officer will send the formal documentation setting out the details of the licences to the applicant. This decision is effective from its announcement at the hearing.

### **Appeal rights.**

All parties have the right of appeal. The Guidance issued under section 182 of the Licensing Act 2003 states that if you wish to appeal you must give notice of the appeal to the justices' chief executive of the magistrates' court for your area within a period of 21 days from 1 August 2007. The magistrates' court may make any order as to costs as it thinks fit. The magistrates' court is situated at Speedwell Street, Oxford OX1 1RZ and can be contacted on 0870 2412808.

### **Right of review.**

Section 10.1 of the Council's Statement of Licensing Policy states that under the 2003 Licensing Act, it is possible for the authority to review a Premises Licence at any time, if it receives representations from one or more of the responsible authorities or interested parties. The authority may not initiate its own review without receiving representations. Reviews may only arise in connection with a failure of the premises relating to the four licensing objectives (prevention of crime and disorder, public safety, prevention of public nuisance, protection of children from harm). The local authority will generally not expect to hold a review into a licence on representations from an interested party more than annually unless there has been a significant change in the use of the premises or there are exceptional circumstances.

Jennifer Thompson

Democratic Services Officer Date issued & posted: 1 August 2007

## Notes



# Licensing Panel Hearing

held on 25 July 2007 at 10.00 AM

Place: Council Chamber, Council Offices, Crowmarsh Gifford

Applicant for the review: Mr and Mrs D Horsley

Premises Licence: 4088 - The Queen's Head  
public house

Represented by: The licence holder, Mr S  
Hawkeswood

Premises address: 26 Church Road, Horspath, OX33 1RU.

Licensing Panel Councillors: Mr Malcolm Leonard (Chairman)

Capt John Flood

Mrs Ann Midwinter

Legal advisor: Mrs Charlotte Osborne

Licensing Officer: Mrs Claire Bold

Clerk: Mrs Jennifer Thompson

The applicants for the review, Mr and Mrs Horsley, attended.

The premises licence holder, Mr S Hawkeswood, was present and was represented by Mr P O'Brien.

The Panel considered the report of the Licensing Officer including a copy of the application for the review, the existing premises licence, and relevant representations from Environmental Services and local residents. The Panel heard evidence from Mr and Mrs Horsley, the applicants for the review. They also heard evidence from Mr Hawkeswood and Mr O'Brien, representing the premises licence holder. They heard evidence from three local residents in support of the premises licence holder.

Mr C Miller (Principal Environmental Health Officer) gave evidence and assisted the Panel by explaining some of the technical details contained in Mr Horsley's submission.

After hearing all the evidence presented, the Panel discussed the application in private session accompanied by the legal advisor and clerk.

The Panel sought to balance the interests of the applicants for the review, the interests of the premises licence holder, and the written representations made by the interested parties and responsible authority. The Panel considered what would be reasonable and proportionate having regard to the evidence in the report and presented at the hearing.

After the deliberations, the Panel decided to take no further action but suggested that the premises licence holder place an additional prominent notice at the exit from the premises stating that glasses and bottles shall not be taken out of the front of the premises.

**The decision of the Panel, as stated by the Chairman at the close of the hearing, was:**

**to take no further action**

**The reasons for this decision are:**

That the Panel has not heard sufficient evidence to show that the Applicants' concerns are attributable to the running of the premises and there are no additional conditions that need to be applied, conditions that need to be revoked, or conditions that need to be amended to promote the four licensing objectives. The Panel considers that the licensing objectives are being met and that the existing conditions are sufficient for this purpose.

*For the avoidance of doubt, there are no changes to the premises licence number 4088 issued on 24 November 2005 and the terms and conditions of this licence remain in force. The licensee is reminded that they are required to fully comply with these conditions.*

The Chairman informed those present of their right of appeal, and that any further objections to the operation of this premises licence in the future could be dealt with by way of review.

Signed as a true summary of the proceedings by the Chairman<sup>1</sup>

Date

<sup>1</sup> Unlike committee minutes, notes of Panel hearings are signed by the Chairman on behalf of the Panel but are not approved by the whole Panel.