

Licensing Panel Report



Report of Head of Environmental Services

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Date of meeting: 12 July 2007

Time of meeting: TBC



Purpose of Meeting:

1. To consider the relevant representations received in respect of an application for a review of the premises licence held by the The Queens Head, Horspath, Oxford under the Licensing Act 2003.

Introduction

2. The Licensing Act 2003 permits an Interested Party or Responsible Authority to apply to the licensing authority for a review of a Premises Licence on a ground relating to the [licensing objectives](#).
3. The standard procedure for the review hearing is attached as **Appendix A**.

Section 17 Crime and Disorder Act 1998

4. Section 17 states: "Without prejudice to any other obligation imposed upon it,
it shall be the duty of each Authority to exercise its various functions with due regard to the likely effect of the exercise of those function on, and the need to do all that it reasonably can, to prevent crime and disorder in its area."

Background

5. Mr and Mrs Hawkeswood applied to convert their Justices Licence for the Queens Head to a Premises Licence in July 2005. Simultaneously to this application, the applicant applied to vary their Premises Licence

in respect of extending their hours for the provision of alcohol sales and regulated entertainment in the form of indoor sporting activities, live and recorded music

6. This application met objections from local residents which related mainly to the licensing objectives of the prevention of public nuisance and the prevention of crime and disorder resulting in a hearing before the Licensing Panel to determine the application in September 2005. During the consultation period for the variation application, the applicants had significantly changed the hours they requested in response to the objections they had requested. The variation was granted and the hours permitted were varied by the panel from those proposed by the applicants. In addition to this, the panel imposed the conditions proposed by the Environmental Protection Officer in a bid to prevent any outbreaks of public nuisance during regulated entertainment events.

7. On 23 May 2007, a local resident submitted an application for a review of the Premises Licence.

8. The current Premises Licence is attached at **APPENDIX B**.

Premises Licence

9. Details of the current Premises Licence are summarised below. A copy of the current Premises Licence which details the permissions for regulated entertainment and the supply of alcohol is attached at **APPENDIX B**. Also included upon this licence are the details of all of the current conditions imposed upon the premises.

Details of Premises Licence 4088	<ol style="list-style-type: none">a. To allow regulated entertainment in the forms of indoor sporting events, live and recorded music, dancing facilities and music facilities between 11.00am and 11.00pm. To take place both inside and outside the premises.b. To allow alcohol sales, both on and off the premises from 07.00am to 11.45pm, Monday to Thursday, 00.45am the following day on Friday and Saturday and 11.00pm on Sundays.
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	In addition to this, the premises are allowed to supply alcohol until 01.30am the following day on New Years Eve and 01.00am the following morning on Christmas Eve.
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10. The following information summarises the grounds for the application to review the premises licence which was received by the licensing authority on 23 May 2007. A copy of the application which includes the full grounds for review in detail is attached at **APPENDIX C**.

Type of application:	Review of Premises Licence
Applicant / Address	Mr David and Mrs Jennifer Horsley 20 Church Road Horspath Oxford OX33 1RU
Which of the four licensing objectives does the application for review relate to?	1. The prevention of crime and disorder 2. The protection of Public Safety 3. The prevention of public nuisance 4. The protection of children from harm
What are the grounds for the review?	<i>Concerns have been raised by interested parties that the premises is not adhering to the four licensing objectives as set out in the Licensing Act 2003, namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.</i>

11. The premises licence holders have responded to the application for review in writing, and addressed the issues raised within the review application. A copy of the premises licence holders response is attached at **APPENDIX D**.

Promotion of Licensing Objectives

12. The operating schedule is attached to the premises licence in **Appendix B** and shows how the premises will address and abide by the licensing objectives.

Background

13. The following background information is known about this premise.

Previous licences held:	Justices Licence, Premises Licence
Current convictions:	None
Details of licence reviews:	This is the first review hearing held in respect of this premise. Prior to this, a hearing was held in September 2005 to determine the application to simultaneously convert and vary the Justices Licence held by the premise. The premises licence was granted on this occasion with additional conditions that had been requested by the Environmental Protection Officer.
Complaints:	No complaints have been received in relation to nuisance caused by the premises since the grant of their premises licence in September 2005.

Relevant Representations

14. Relevant representations from responsible authorities have been made in respect of the review application. These are attached in **Appendix E** and a summary of the responses are as follows:

Police:	No Relevant Objection. The police did make representation but this was not deemed relevant by the Licensing Officer due to a lack of evidence to support the representations.
Fire & Rescue Service:	No Response
Environmental Health:	No Objections from the Environmental Protection Officer, subject to the existing conditions being retained upon the licence The Health and Safety Officer has made the following observations: 'Your Health and Safety risk assessments should seek to identify any potential hazard represented by customers drinking at the front of the premises and particularly the risk from traffic and glass breakage. The risk from these activities should be assessed and where necessary, appropriate action taken.' As a result of these observations, the Health and Safety Officer has recommended the following conditions be attached to the premises licence: 1. Customers should not be allowed to drink at the front of the

	premises. 2. Customers should not be allowed to take their glasses out the front, particularly at closing time.
Planning:	No Response
Trading Standards:	No Response
Child Protection:	No Response

Interested Parties

15. Relevant representations have also been received from 132 local residents. 131 of these representations dispute the reasons for calling a review of the premises licence and support the Queens Head in its practices. However, 83 of the 131 representations were deemed not relevant to the application by the Licensing Officer as they did not include their addresses upon their representations so the Licensing Officer was unable to tell whether or not the interested parties lived within the vicinity of the premises. A further 16 of the remaining representations that did include their addresses lived out of the vicinity of the premises and therefore their representations were deemed not relevant. However, the final 32 of the 131 representations supporting the practices of the premises were received and these were deemed relevant. One representation was received from an interested party supporting the request for the review of the licence for the Queens Head and supports the reasons for the review as mentioned in paragraph 10.
16. The representation supporting the application for review is attached at **APPENDIX F.**
17. letters from the local residents opposing the review and thereby supporting the premises are attached at **APPENDIX G.**

Legal Implications

18. Under Schedule 5 of the Licensing Act 2003 the applicant for the review, the premises licence holder or a person who made a relevant representation may appeal to the Magistrates Court against the decision of the Licensing Panel.

Policy Considerations

19. In determining the review application the Panel must give appropriate weight to:
- a. Representations received from Responsible Authorities;
 - b. Relevant Representations made by Interested Parties;
 - c. The Secretary of State's Guidance;
 - d. The Statement of Licensing Policy;
 - e. The steps necessary to promote the Licensing Objectives
20. The Licensing Officer considers the following policies specifically relating to the review process and taken from the Statement of Licensing Policy should be taken into consideration by the Licensing Panel.

Policy RE 1: Reviews (1)
Generally, unless the Authority regard the issue as serious, a review will only be conducted where there has been a failure to address matters previously raised.
Policy RE 2: Reviews (2)
Where a request for a review is made, the Authority will expect the person making the Representation to declare the nature of their interest and provide specific evidence to demonstrate why a review is necessary.
Policy RE 3: Reviews (3)
The Authority will not review licences simply because Representations may have failed on previous occasions or under other legislation.
Policy RE 4: Reviews (4)
If a request for a review is received from an Interested Party or Responsible Authority, the Authority will decide whether a reasonable interval has elapsed since a previous review, if any, has taken place. It will generally not expect to hold a review into a licence on Representations from an interested person more than annually, unless there has been a significant change in the use of the premises or there are exceptional circumstances.

Licensing Officer's Observation

21. A plan showing the location of the premises is attached at **Appendix H**. This plan also shows the locations of the local residents who have made representations in relation to this review application as well as those persons who applied for the review.
22. This report provides information submitted by the applicant for the review. The Panel is obliged to determine this application with a view to promoting the Licensing Objectives which are:

- The Prevention of Crime and Disorder
 - Public Safety
 - The Prevention of Public Nuisance
 - The Protection of Children From Harm
23. In making its decision, the Panel is obliged to have regard to the relevant provisions of the Act, Guidance and Policy.
24. The Panel must also have regard to the application, all the relevant representations made and the evidence it hears. Members of the Panel when considering the application must confine themselves to considering only those aspects of the application in respect of which relevant representations have been made.
25. The Panel may take such of the following steps as it considers necessary for the promotion of the licensing Objectives:
- i. Take no further action
 - ii. Issue a formal warning
 - iii. Modify the conditions of the licence, by altering or omitting or adding to them
 - iv. Exclude a licensable activity from the scope of the licence
 - v. Remove the Designated Premises Supervisor
 - vi. Suspend the licence for a period not exceeding three months
 - vii. Revoke the licence

(iii and iv may be specified for a limited period not exceeding three months).

APPENDIX A

PROCEDURE FOR REVIEW HEARINGS BEFORE THE LICENSING PANEL

INTRODUCTION

1. Where parties intend to produce documents in support of their case they shall send a copy of these documents to all parties not less than five working days prior to the date of the hearing. Alternatively, parties shall supply the Council's Licensing Officer with sufficient copies of those documents, not less than seven working days prior to the date of the hearing, with instructions to the Licensing Officer to send them to the other parties.

2. By reason of the confidential nature of some types of case heard by the Licensing Panel the public and press may be excluded from all or part of the proceedings.

3. Parties will have the right to be accompanied at the hearing by a representative, who may present the case on behalf of that party.

4. At the commencement of the hearing, the parties will present to the Licensing Panel the names of any witnesses to be called and a brief description of the point(s) on which that person may be able to assist the Licensing Panel. The Licensing Panel shall then determine whether those witnesses may be called.

LICENSING OFFICER

5. **The Licensing Officer** will present the circumstances of the case.

6. **The applicant for the review** may ask questions of the Licensing Officer.

7. **Responsible Authorities** may then ask questions.

8. **Interested Parties** may then ask questions.

9. **The Premises Licence Holder** may then ask questions.

10. **Licensing Panel members** may ask questions of the Licensing Officer.

APPLICANT FOR THE REVIEW

11. **The applicant for the review** will present their reasons for calling the licence in for review, as supported by documentary evidence and may call witnesses, if permitted to do so by the Licensing Panel.

12. **The Licensing Officer** may then ask questions of the applicant and any witnesses.

13. **Responsible Authorities** may then ask questions.

14. **Interested Parties** may then ask questions.

15. **The Premises Licence Holder** may then ask questions.

16. **Licensing Panel members** may ask questions of the applicant and any witnesses.

RESPONSIBLE AUTHORITY

17. **The Responsible Authority** will present details of their representation on the review application which may be supported by documentary evidence and witnesses may be called.

18. **The applicant** for review may then ask questions of the Responsible Authority and any witnesses called.

19. **The Licensing Officer** may then ask questions.

20. **Interested Parties** may then ask questions.

21. **The Premises Licence Holder** may then ask questions.

22. **Licensing Panel members** may then ask questions of the Responsible Authority and any witnesses called.

This procedure will be repeated where more than one Responsible Authority attends the hearing.

INTERESTED PARTY

23. **The Interested Party** must begin by stating whether they support the review application or object to it. They will then present details of their representations which may be supported by documentary evidence and witnesses may be called, if permitted to do so by the Licensing Panel.

24. **The applicant** for review may then ask questions of the Interested Party and any witnesses called.

25. **The Licensing Officer** may then ask questions.

26. **Responsible Authorities** may then ask questions.

27. **The Premises Licence Holder** may then ask questions.

28. **The Licensing Panel members** may then ask questions of the Interested Party and any witnesses called.

This procedure will be repeated where more than one Interested Party attends the hearing.

THE PREMISES LICENCE HOLDER

29. **The Premises Licence Holder** may present submissions to the Licensing Panel on the review application, this may be supported by documentary evidence and witnesses may be called, if permitted to do so by the Licensing Panel.

30. **The applicant** for review may then ask questions of the Premises Licence Holder and any witnesses called.

31. **The Licensing Officer** may then ask questions.

32. **Responsible Authorities** may then ask questions.

33. **Interested Parties** may then ask questions.

34. **The Licensing Panel members** may then ask questions of the Premises Licence Holder and any witnesses called.

SUMMING UP

35. The Licensing Officer, the applicant for the review, Responsible Authorities, Interested Parties and the Premises Licence Holder will then have the opportunity to sum up their cases if they so wish.

36. All parties and their witnesses will then be requested to withdraw from the meeting whilst the Licensing Panel deliberates in private. In the event of uncertainty on any of the evidence, all parties will be recalled regardless of the fact that the point in question may relate only to the evidence of one of the parties.

37. When the Licensing Panel has completed its deliberations all parties will be recalled to the meeting and the Chairman will announce the Licensing Panel's decision and the reasons for that decision.

APPENDIX B

Premises Licence 4088: The Queens Head, Horspath, Oxford

PREMISES LICENCE LICENSING ACT 2003	
Premises licence number	4088
Premises details	Telephone Number
The Queens Head 26 Church Road, Horspath, OXFORD, OX33 1RU	01865 875567

Name, (registered) address of holder of premises licence	
Mr Stanley John Hawkeswood	
The Queens Head 26 Church Road Horspath OXFORD OX33 1RU	
Name address and telephone number of designated premises supervisor, where the premises licence authorises the supply of alcohol:-	
Mr Stanley John Hawkeswood	
The Queens Head, 26 Church Road, Horspath, OXFORD, OX33 1RU	
Tel : 01865 875567	
Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol	
Licence Ref : 296	Authority : South Oxfordshire District Council

Opening Hours of the Premises		
Day	Start	End
Monday	07:00	00:00
Tuesday	07:00	00:00
Wednesday	07:00	00:00
Thursday	07:00	00:00
Friday	07:00	01:00
Saturday	07:00	01:00
Sunday	07:00	22:30

Signed: _____	
Clare Kingston, Head of Environmental Services	
Dated: 24th November 2005	

Licensable activities authorised by the licence	
Activity	Details
Indoor Sports	Pool, Darts, Aunt Sally & similar pub

Live Music	competitions.
Recorded Music	Indoor & Outdoor. Occasional bands.
Like Live Music, Recorded Music, Dance Performance	Indoor & Outdoor.
Dancing Facilities	Indoor. Karaoke.
Alcohol On and Off	Indoor & Outdoor. Dancing to live bands & discos.

The times the licence authorises the carrying out of licensable activities			
Activity	Day(s)	Start	End
Indoor Sports	Mon Tue Wed Thu Fri Sat	11:00	23:00
	Sun		
Live Music	Mon Tue Wed Thu Fri Sat	11:00	23:00
	Sun		
Recorded Music	Mon Tue Wed Thu Fri Sat	11:00	23:00
	Sun		
Like Live Music, Recorded Music, Dance Performance	Mon Tue Wed Thu Fri Sat	11:00	23:00
	Sun		
Dancing Facilities	Mon Tue Wed Thu Fri Sat	11:00	23:00
	Sun		
Alcohol On and Off	Fri Sat	07:00	00:45
	Sun	07:00	23:00
	Mon Tue Wed Thu	07:00	23:45

Seasonal Variation for licensable activities authorised by the licence	
Activity	Details
Alcohol On and Off	New Years Eve 07:00 to 01:30 on 1st January
	Christmas Eve 07:00 - 00:30
	Boxing Day 07:00 - 00:30
Opening Hours	Bank Holiday Sundays 07:00 to 00:00
	New Years Eve 07:00 to 02:00 on 1st January
	Christmas Eve 07:00 - 01:00
	Bank Holiday Sundays 07:00 to 00:30
	Boxing Day 07:00 - 01:00

Non Standard Timings for the Licensable activities authorised by the licence

Activity	Details
	None

Registered number of company or charity if applicable
Not applicable

Note	
1	Conditions attached to this licence numbered 1-10 are listed in Annex 1, 2, and 3
2	A plan of the premises attached to this licence is shown in Annex 4
3	The Operating Schedule of the premises is shown in Annex 5
4	Please see Annex 6 for removed embedded restrictions

Annex 1 – Mandatory conditions

1.	No supply of alcohol may be made under the Premises Licence; (a) at a time when there is no Designated Premises Supervisor in respect of the Premises Licence, or (b) at a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2.	Every supply of alcohol under the Premises Licence must be made or authorised by a person who holds a Personal Licence.

Annex 2 – Conditions attached by the licensing authority after negotiation

None

Annex 3 – Conditions attached after a hearing by the licensing authority

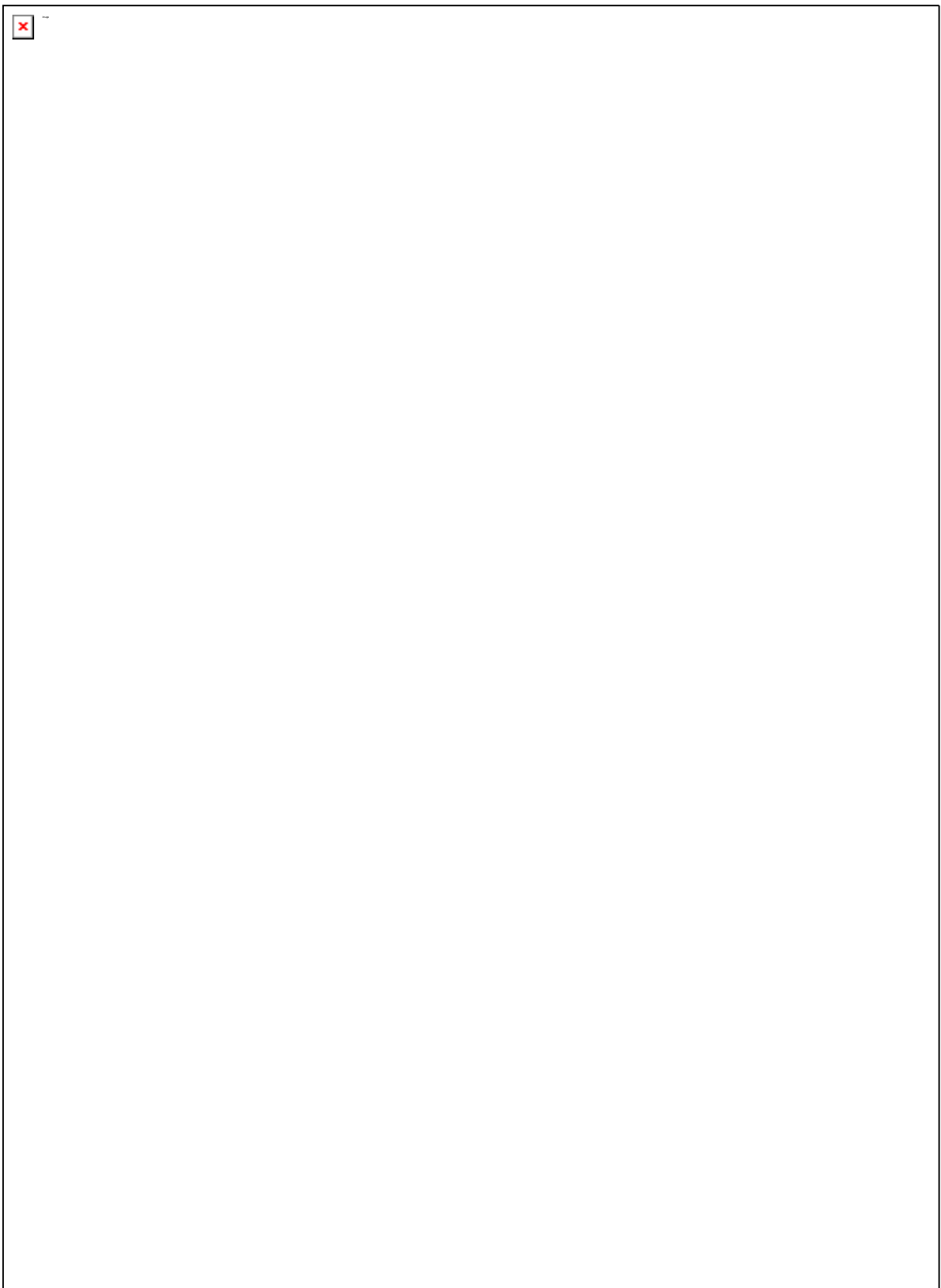
Mandatory Conditions	
3.	The Premises Licence is granted for the area shown on the plans submitted to the Licensing Officer.
4.	Open Bank Holiday Sundays 07:00 to 00:30 with the supply of alcohol finishing at

	00:00.
5.	Open Christmas Eve 07:00 to 01:00 with the supply of alcohol finishing at 00:30.
6.	Open New Years Eve 07:00 to 02:00 on 1st January with the supply of alcohol finishing at 01:30.

The Prevention of Public Nuisance

7. Noise emanating from the premises as a result of regulated entertainment shall not be clearly audible at the boundary of any adjacent residential property.
8. No more than three live music events to be held outside in any calendar year. Premises licence holder to inform environmental health in writing and neighbouring residents with a contact number for the day, at least 2 weeks before holding an outdoor event. The Panel agreed that no event shall last for more than one calendar day.
9. Entertainment is to be held internally only and no music or speakers shall be provided to external areas of the premises with the exception of live music events described in condition PN101.
10. Provide regulated entertainment in the form of live and recorded music and facilities for dancing from 11:00 to 23:00.

Annex 4 – Plan(s)



Annex 5 - Operating Schedule

A Having a personal licence holder on the premises during licensing hours.

Providing staff training on all licensing issues.

B Member of local pub & neighbourhood watch scheme

Large car park providing adequate lighting

Anyone suspected of being under age will be asked for proof of age

Regular checks made by staff around the car park area

C Provision of emergency lighting above all exit doors

First aid kits available in public areas.

Customers will be limited when necessary to their own safety

All seating arranged to give clear access to all outside areas and escape routes.

D Keeping checks on noise level when entertaining customers with music.

Notice asking patrons to leave quietly

Restricting hours when music can take place inside and out

Keeping doors and windows closed while music is playing

Keeping all outside areas free of litter and broken glass

Noise patrol when entertainment is taking place

E Two play areas for children's entertainment solely supervised by parents or adult.
There is a sign stating this fact. Proof of age identification required.

No one under 18 to play gaming machines.

Annex 6 - Imposed restrictions to be removed due to licence variation

The applicant did not request the removal of any conditions, terms or restrictions in their application.

APPENDIX C

**Application for review of the premises licence held by
The Queens Head, Horspath, Oxford.**

APPENDIX D

**Response from the Premises Licence holder to the review
application**

APPENDIX E

Relevant representations from responsible authorities

APPENDIX F

**Letter of Support for the Review application
from Interested Party**

APPENDIX G

**letters from the local residents opposing the Review and thereby
supporting the premises**

Appendix H

**Plan of Horspath, showing the locations of the Queens Head Public
House, the supporter of the Review Application and those oppose the
application to review the premises licence.**