

# Legal and Democratic Services

HEAD OF SERVICE: Margaret Reed



## Hearing Decision Notice

### Licensing Panel Hearing 16 August 2007

#### The Oak, Didcot

The Licensing Panel met on 16 August 2007 to consider the application to vary the premises licence held by The Oak, Didcot.

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 licence 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 24 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.

Kathy Fiander

Democratic Services Officer Date issued and posted: 23 August 2007

## Notes



# Licensing Panel Hearing

held on 16 AUGUST 2007 at 10.00 AM

Place: Council Chamber, Council Offices, Crowmarsh Gifford

Applicant for the review: Greene King Retailing Limited

Premises Licence: 4262 - The Oak, 118 Park Road, Didcot, Oxon

Represented by: Mr Anthony David Davies, the Designated Premises Supervisor, and Mr Gordon Smith, Area Business Development Manager for Greene King Retailing Limited

Premises address: 118 Park Road, Didcot, Oxon, OX11 8QR

Licensing Panel Councillors: Mr Malcolm Leonard (Chairman)

Mrs Ann Midwinter

Mr John Nowell Smith

Legal advisor: Mrs Charlotte Osborne

Licensing Officer: Mr Alastair Dearling

Clerk: Mrs Kathy Fiander

Environmental Protection Officers Mr Craig Miller

present: Ms Rebecca Ware

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 Protection and local residents. The panel heard evidence from Mr Anthony Davies, the Designated Premises Supervisor, and Mr Gordon Smith representing Messrs Greene King Retailing Limited, the applicants for the review.

Mr C Miller (Principal Environmental Health Officer) gave evidence on behalf of Environmental Protection.

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 applicant 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.

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

The panel agreed to grant the variation to the premises licence *in part* as follows:

The panel agreed to remove the condition requiring door supervisors at the premises because the applicant stated that there was no requirement for door supervisors and the panel received no representations to the contrary.

The panel did not agree to remove the condition requiring no external drinking after 23.00 hours; this condition as per annex two "conditions attached by the licensing authority after negotiation" shall therefore remain.

The panel agreed to amend the condition "any outside areas must not be used by patrons between 23.00 and 08.00 hours" to the following:

*"The rear outside garden area (as shown [see note below] on the plan) must not be used by patrons between 23.00 and 08.00 hours and the front outside area must not be used by patrons between 00.00 and 08.00 hours."*

Note: The rear outside garden area was marked on a plan and agreed with the applicant at the hearing following the decision. The plan was then passed to the licensing officer to decide how best to show this area on the plan attached to the licence, for example by edging the area in a certain colour or shading it.

The following additional conditions were imposed:

*“The management shall ensure that no open vessels, glasses or any other items belonging to the premises are taken into the outside areas between 23:00 and 08:00, other than legitimate off-sales.”*

*“Signs shall be erected signs in all outside areas (to which patrons have access) requesting that customers respect the needs of local residents and keep noise to an appropriate level so as not to cause disturbance.”*

The reason for this decision was to limit noise from patrons in outside areas, in pursuance of the objective of the prevention of public nuisance and in accordance with policy LA4 of the Council’s Statement of Licensing Policy.

During the hearing the applicant advised that they no longer wish to remove the condition that regulated entertainment (excluding recorded music) is to end at 23.00 hours, therefore the panel did not remove the condition.

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.