

Licensing Panel Report



Report of Head of Environmental Services

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Purpose of Meeting:

1. To consider the relevant representations received in respect of an application to vary the Premises Licence for The Crazy Bear Hotel, Stadhampton under the Licensing Act 2003.

Introduction

2. The Licensing Act 2003 has established a single integrated scheme for licensing premises which are used for the supply of alcohol, regulated entertainment, late night refreshment or permission to carry on some or all of these activities. In the Act these activities are referred to collectively as the "licensable activities"
3. The standard procedure for the hearing of all licensing applications 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."

Application

5. The following information has been supplied by the applicant.

Type of application:	Application to vary premises licence 4076 under the Licensing Act 2003
Applicant / Address	Catherine Edwards
Supply of Alcohol:	Yes
Designated premises supervisor name and licence number:	Ms Catherine Edwards Licence No. 290 Issued by: South Oxfordshire District Council
Summary of new application:	
<p>The applicant has applied to vary the premises licence in respect of the original plans showing the location of the premise. No amendments have been requested to the licensable activities. The application form is attached at Appendix B and includes the details of all the areas to be incorporated into this licence. Plans showing the existing layout of the premise are attached at Appendix D and plans showing the revised layout sought for in this application are attached at Appendix E.</p>	
Details of application	a. To amend the layout as shown on the plans attached to the application.

Promotion of Licensing Objectives

6. The operating schedule upon the existing premises licence, which is attached in **Appendix C**, has been amended with regard to the proposed alterations and now shows that the licensing objectives will be met as follows:

General Licensing Objectives	To amend the layout as shown on the enclosed plans. There is no application to change the hours or include other licensable activity.
The Prevention of Crime and Disorder	As above.
Public Safety	As above.
The Prevention of Public Nuisance	As above.
The Protection of Children From Harm	As above.

Background

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

Previous licences held:	Prior to the introduction of the Licensing Act 2003 in November 2005, the premise held a Justices Licence and a Supper Hours Certificate permitting the sale of alcohol from 11.00am to midnight, Monday to Saturday and midday to 11.30pm on Sundays. In addition the premise could supply late night refreshment from 11.00pm until the end time for the sale of alcohol. On 18 July 2005, the premise applied to convert these licences into a Premise Licence. No variation to the original hours or permissions was sought at this time. Since November 2005, the premise has served seventeen temporary event notices upon the Licensing Authority to permit licensable activities on limited occasions. These Temporary Event Notices have taken place in adjacent buildings to that of the main licensed area. On the 9 July 2007, the premise licence was transferred to Ms Catherine Edwards who simultaneously applied for the variation that this hearing has convened to determine.
Current convictions:	None
Details of licence reviews:	None
Complaints:	Since 1994, twelve complaints relating to public nuisance have been recorded by Environmental Services in relation to the Crazy Bear and Ragged Staff Hotel. Two of these complaints are currently being investigated and result from a disco permitted by a Temporary Event Notice in July 2007 in a neighbouring part of the Hotel. Of the remaining ten complaints, only three have occurred since the introduction of the Licensing Act in November 2005. These three complaints refer to noise nuisance from licensable activities taking place at the premise.

Relevant Representations

8. Relevant representations from responsible authorities have been made in respect of the application listed in paragraph 5. Full details of these representations are attached to the report at **Appendix F**. A summary of the responses from the relevant authorities are as follows:

Police:	No response
Fire & Rescue Service:	No response
Environmental Protection:	No response
Health and Safety	The Health and Safety Officer has no objections to the application
Planning:	The Planning Officer has no objections to the application
Trading Standards:	The Trading Standards Officer has no objections to the application
Child Protection:	No response

Interested Parties

9. Relevant Representations have been received from one Interested Party.
10. The representation received refers to the possible increase in public nuisance through the use of the outside areas. The full details of the representation can be found at **Appendix G**.

Legal Implications

11. Under Schedule 5 of the Licensing Act 2003 the applicant or a person who made a relevant representation may appeal to the Magistrates Court in the event of not accepting the decision of the Licensing Panel.

Policy Considerations

12. In determining applications the authority 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

13. The Licensing Officer considers the following policies taken from the Statement of Licensing Policy should be considered for this application.

Policy LH 3: Licensing hours not limited
The Authority will not reduce the hours permitted for licensable activities to less than those stated in an application, unless representations indicate that this is necessary and then only in the context of the individual merits of that application. In considering a limitation on trading hours, regard will be had to the nature of the locality around the premises.
Policy GN 23: Live music, dancing and theatre
The Authority will take proper account of the need to encourage and promote live music, dancing and theatre in balance with the potential for disturbance from these activities. In determining what conditions should be attached to licences and certificates, the Authority will take account of the need to avoid measures that inadvertently impose substantial indirect costs
Policy LH 5: Closing Times
In determining applications, the Authority will take into account the time that it is proposed to close the premises where patrons have been attracted to attend by a

licensable activity. Regard will also be had to matters such as the nature of the locality and the availability of public transport at the time that the premises propose to close.

Policy LH 6: Dispersal procedures

The Authority will require applicants for Premises Licences where there is likelihood for nuisance to the neighbourhood due to patrons leaving the premises, to submit a written statement with their application, covering procedures for orderly dispersal of patrons at closing time. Frequently, but not exclusively, these types of premises will be those that open for regulated entertainment or sale of alcohol after midnight. Such a statement should show how all staff in the premises are trained in its implementation. The Authority expects any dispersal procedure to state the time at which the licensable activities cease and the later, actual, closure time of the premises.

Policy LH 7: Latest admission times

In appropriate premises, where there is the possibility of customers moving between premises late at night or in the early hours of the morning in a way that could have a negative effect on any of the licensing objectives, the Authority expects latest admission times to apply where premises continue to sell alcohol for consumption on the premises and provide Regulated Entertainment after midnight. The Authority expects the latest admission time to be at least one hour before cessation of the licensable activity.

Policy LA 3: Premises Licence – Regulated Entertainment (General)

The Authority expects the applicant to address sources of noise leakage in practical ways such as:

- (a) providing adequate mechanical ventilation so that doors and windows can be kept closed;
- (b) ensuring that the mechanical ventilation is adequately sound-proofed;
- (c) installing a sound limiting device to prevent sound exceeding an appropriately defined level;
- (d) installing sound proofing measures to contain sound and vibration;
- (e) other organisational measures to ensure that potential sound leakage is contained, particularly from special events.

These measures may be employed singly or in combination. Applicants should ensure that they carefully consider Approved Document F (Ventilation) in the Building Regulations 2000 when deciding on the level and type of activity proposed in the premises.

Policy DPS 1: Designated Premises Supervisors – availability

The Authority expects the Designated Premises Supervisor to be normally readily available to manage activities at the premises. The Authority also expects the person in charge when the Designated Premises Supervisor is absent, to be both readily available and identifiable.

Policy PP 12: Supply of alcohol (“Off-sales”)

For applications that include the sale of alcohol for consumption off the premises, the Authority will expect operating schedules to address how sales of alcohol will be confined to those entitled to purchase it and how the procedures will be consistently applied. The role of the Designated Premises Supervisor will be pivotal in this respect. The operating schedule should cover such practical issues as:

- (a) the display of prominent warning notices about the supply of alcohol to minors;
- (b) offences which adults can commit by buying alcohol for minors; and
- c. requirements for production of satisfactory proof of age.

The Authority expects that staff involved in the sale of alcohol will have had appropriate training in order to put the operating schedule into effect. Times during which alcohol may be sold will be restricted if it appears to the Authority, as a result of Representations, that this would promote the licensing objectives of preventing public nuisance, crime and disorder. The Authority will maintain close working relationships with both the Police and Trading Standards Officers who will conduct 'test purchasing' of alcohol under the 2003 Act in order to detect and prevent sales of alcohol to minors and to pursue prosecutions where appropriate.

Policy OS 3: Operating schedule – Log book

The Authority suggests that the managers of appropriate premises maintain a log of activities for the premises, that records the details of the manager and staff and the times that they are on duty, with details of incidents such as where people have been refused admission or have been ejected from the premises.

Policy OS 11: Operating schedule – CCTV

For appropriate premises, the Authority expects the use of CCTV equipment to capture images of appropriate quality, location and frequency. The Authority expects applicants for licences for such premises to demonstrate in their operating schedules that the installation and operational procedures for the equipment at the premises comply with Thames Valley Police’s “Standard Minimum Closed Circuit Television Requirements”.

Policy OS 14: Operating schedule – ‘Pub-Watch’ Schemes

The Authority strongly recommends that all premises licensed to sell alcohol will participate in a ‘pub-watch’ or similar approved scheme and become part of any alert system(s) that such schemes may implement to alert members about potential troublemakers.

Policy OS 13: Operating schedule – Door Supervisors

The Authority generally expects Premises holding regulated entertainment that continues beyond midnight to employ door supervisors in furtherance of the

licensing objectives, unless it is shown to be unnecessary. In addition to the SIA requirements for registration, the Authority will require Door Supervisors to comply with the requirements of the "Thames Valley Door Safe" code of conduct whilst they are on duty. Where appropriate, the Authority will attach conditions to Premises Licences about the minimum numbers of male and female door supervisors on duty and their roles, which will reflect the layout of the premises, the location, the type of entertainment or function provided and the periods when regulated entertainment normally takes place. Where Representations have been made, the Authority may require premises to use door supervisors for particular types of regulated entertainment which have a significant potential to provoke disorder, or where there are special promotional events in which the sale of alcohol is significant. At premises that have regular entertainment or where special events are taking place, other attendants who do not engage in security activities, may be required to supervise areas within the premises.

The Authority expects door supervisors and other staff undertaking security or supervisory duties to be readily identifiable by members of the public and where appropriate to wear high visibility clothing.

Licensing Officer's Observation

14. The premise is situated in a rural residential area on the edge of the village of Stadhampton. A plan showing the location of the premise and the location of the interested party who has made a representation in relation to this application is attached at **Appendix H**.
15. This report provides information submitted by the applicant and from the records of the Environmental Services Department at South Oxfordshire District Council. 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
16. In making its decision, the Panel is obliged to have regard to the relevant provisions of the Act, Guidance and Policy.
17. The Panel must also have regard to 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.
18. The Panel must either grant the application as applied for OR take such of the following steps as it considers necessary for the promotion of the licensing Objectives:

i. Modify the conditions of the licence, by altering or omitting or adding to them.

ii. Reject the whole or part of the application

19. The Panel cannot modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote one or more of the Licensing Objectives.

APPENDIX A

PROCEDURE FOR THE HEARING BY THE LICENSING PANEL

INTRODUCTION

1. Where both parties intend to produce documents in support of his/her case they shall exchange documents not less than 7 working days prior to the date of the hearing and further shall supply copies of these documents to the Council's Licensing Officer not less than 7 working days prior to the date of the hearing.

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 the proceedings.

3. The applicant will have the right to be accompanied at the hearing by his/her representative, who may present the case for or on behalf of the applicant.

4. At the commencement of the hearing, the applicant, or his/her representative and the Council's Licensing Officer, will present to the Licensing Panel details of any witnesses to be called.

LICENSING OFFICER

5. **The Licensing Officer** will then present the circumstances of the case, as supported by any documentary evidence, and may call witnesses.

6. **The applicant or his/her representative** may ask questions of the Licensing Officer and witnesses on any of the evidence presented by them.

7. **Objectors to the application** may then ask questions of the Licensing Officer and any witnesses called

8. **The Licensing Panel members** may ask questions of the Licensing Officer and witnesses on any of the evidence presented by them.

APPLICANT

9. **The applicant and his/her representative** may present his/her case/submission to the Licensing Panel as supported by any documentary evidence and may call witnesses.

10. **The Licensing Officer** may ask questions of the applicant and/or his/her representative and any witnesses on their evidence.

11. **The Objectors** to the application may ask questions of the applicant and any witnesses on their evidence.

12. **The Licensing Panel members** may ask questions of the applicant and/or his/her representative and any witnesses on their evidence.

THE OBJECTORS

13. **The Objectors** will give details of their objections to the application, this may be supported by documentary evidence and witnesses may be called.

14. **The Applicant** may then ask questions of the objectors and any witnesses called by the objectors.

15. **The Licensing Officer** may then ask questions of the objectors.

16. **The Licensing Panel members** may then ask questions of the objectors and any witnesses called by the objectors.

SUMMING UP

17 **The Licensing Officer, the applicant and/or his/her representative and the objectors** will then have the opportunity to sum up their cases if they so wish.

18 **All parties and their witnesses** will then be asked 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.

19 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

Application to vary a premises licence under the Licensing Act 2003.

The Crazy Bear Hotel

Licence Number: 4076

APPENDIX C

Current Premise Licence: 4076, The Crazy Bear Hotel

Appendix D

Existing plans showing the layout of Premise Licence 4076

Appendix E

Proposed plans for premise licence 4076

APPENDIX F

Representations received from Relevant Authorities

APPENDIX G

Representations received from Interested Parties

APPENDIX H

Site plan showing locations to be covered by Premise Licence 6416

