

# Legal and Democratic Services

HEAD OF SERVICE: Margaret Reed



## Hearing Decision Notice

**Licensing Panel Hearing 4 September 2007**

**USA Chicken, 6 St Martin's Street, Wallingford**

The Licensing Panel reconvened on 4 September 2007 to consider the application for a premises licence for USA Chicken, 6 St Martin's Street, Wallingford after the adjournment of the hearing on 1 June 2007.

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 13 September 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: 13 September 2007

## Notes



# Licensing Panel Hearing

**held on 4 September 2007 at 10.00 AM**

Place: Committee Room 1, Council Offices, Crowmarsh Gifford

Applicant: Mr Nesimi Keskin

Premises: USA Chicken

Premises address: 6 St Martin's Street, Wallingford, OX10 OAL

Licensing Panel Councillors: Mr Malcolm Leonard (Chairman)

Mr Maurice Newland

Rev'd Angie Paterson

Legal advisor: Mrs Charlotte Osborne

Licensing Officer: Mr Alastair Dearling

Clerk: Mrs Jennifer Thompson

The applicant attended with his representative, Mr Avcil.

The Panel considered the report of the Licensing Officer including an update on progress since the adjourned hearing, a copy of the application for the licence and relevant representations from the responsible authority. The Panel heard evidence from the applicant and his representative and from the Licensing Officer. The Panel noted that the list of requirements that the applicant was asked to fulfil at the last meeting had not been met.

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

**The Panel refused the application for a premises licence.**

The Panel did not grant the licence because the situation remained as it was on 1 June 2007. The objections raised by Environmental Protection with regard to the noise and odour have not been adequately addressed and therefore the Panel considered that the licensing objective of the prevention of public nuisance could not be met. The Panel reminded the applicant that once the works required to address the noise and odour had been addressed to the satisfaction of Environmental Protection, the applicant could re-apply for a premises licence at any time.

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

<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.