

Licensing Panel Report



Report of Head of Environmental Services

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Date of meeting: 12 September 2007



Purpose of Meeting:

1. To consider the relevant representations received in respect of an application for a Premises Licence for 152 Broadway, Didcot, 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 for a premises licence under the Licensing Act 2003
Applicant / Address	Mr Michael Llamas 152 The Broadway Didcot Oxon OX11 8RJ
Supply of Alcohol:	Yes
Designated premises supervisor name and licence number:	Mr Michael Llamas Personal Licence: PA0264 Issued by the Vale of White Horse District Council
Summary of new application:	
The applicant has applied for a premises licence to allow the supply of alcohol, late night refreshment and the provision of regulated entertainment in the forms of recorded music and the performance of dance. The application form is attached at <u>Appendix B</u> .	
Details of application	<ul style="list-style-type: none"> a. To be able to supply alcohol from 8.00am until midnight, seven days a week. b. To be able to serve late night refreshment from 11.00pm until midnight, seven days a week. c. To be able to provide regulated entertainment in the forms of recorded music and the performance of dance from 8.00am until midnight, seven days a week. d. To increase the hours for the licensable activities until 1.00am on Christmas Eve and New Years Eve. e. The premises to close half an hour after the end of times for the supply of alcohol.

Promotion of Licensing Objectives

6. The operating schedule upon the existing premises licence, which is attached in **Appendix C** shows that the licensing objectives will be met as follows:

General Licensing Objectives	<i>None supplied by Applicant</i>
The Prevention of Crime and Disorder	CCTV.

	<p>Will adopt a Think 21 Policy.</p> <p>Bottle bars outside providing adequate light.</p> <p>Zero tolerance approach to drugs.</p> <p>Membership of Pub Watch.</p> <p>Will only accept UK driving licences or passports.</p>
Public Safety	<p>Fire exit.</p> <p>Fire extinguishers on premises.</p> <p>Emergency lighting.</p> <p>First aid kit available.</p> <p>First aid person on premises.</p>
The Prevention of Public Nuisance	<p>All doors and windows will be closed when amplified music is taking place.</p> <p>No bottle bins will be emptied outside after 22:00.</p>
The Protection of Children From Harm	<p>No children under 16 will be allowed in the premises unless accompanied by an adult.</p>

Background

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

Previous licences held:	The premise has not held any licences under the Licensing Act 2003 prior to this application. The premise has been used as a coffee shop prior to this application.
Current convictions:	None
Details of licence reviews:	None
Complaints:	There are no complaints on file in relation to nuisance at this 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 C**. A summary of the responses from the relevant authorities are as follows:

Police:	The Police Licensing Officer has objected to the grant of the licence on the
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grounds of the prevention crime and disorder. The Officer has requested the following conditions are attached to the premises licence:

We would like to see the conditions

offered by the applicant under Section P part b) crime and disorder and part e) protection of children from harm, reworded to read as follows:

1. CCTV, to read:

CD38 - At the time of installation or upgrading of any CCTV system it shall comply with the current and relevant Thames Valley Police guidelines for Standard Minimum Closed Circuit Television Requirements

CD39 - A CCTV system shall be installed or the existing system maintained. The system will incorporate a camera covering each of the entrance doors and be capable of providing an image which is regarded as 'identification standard.'

2. Think 21 policy, to read:

CD31 - All members of staff at the premises shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 21 years and who is seeking to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving license, or Proof of Age card carrying a "PASS" logo.

3. No children under 16, to read:

No person under the age of 16 will be permitted to enter or remain on the premises unless accompanied and supervised by an adult over the age of 21

Fire & Rescue Service:	No Fire Officer has no objections to the application.
Environmental Protection:	The Environmental Protection Officer has objected to the grant of the licence on the grounds of the prevention of public nuisance. The Officer has requested the following conditions be attached to

	<p>the licence:</p> <ol style="list-style-type: none"> 1. Noise emanating from the premises as a result of regulated entertainment shall not be clearly audible at the boundary of any adjacent residential properties. 2. All external doors and windows must be kept closed, other than for access and egress, in all rooms when events involving regulated entertainment take place. 3. During operating hours, the licensee or a nominated representative shall be available to receive and respond to nuisance-related complaints. A contact number shall be readily available to residents upon request. 4. The placing of refuse – such as bottles – into receptacles outside the premises shall only take place between the hours of 08.00 and 22:00.
Health and Safety	The Health and Safety Officer and Food Safety Officer have no objections to this application.
Planning:	<p>The Planning Officer had no objections to the application and has informed the Licensing Authority that the premises currently only holds planning permission allowing them to trade from 8.00am until 8.00pm on any day. The Officer has made the following observations:</p> <p><i>P01/W0008 – Change of use from A1/A3 to A3 coffee shop.</i></p> <p><i>Condition 1 of that permission reads as follows: That the coffee shop (Class A3) shall not be open for business outside the hours of 8am to 8pm on any single day.</i></p> <p><i>The application would need to be assessed on the grounds of noise and disturbance to nearby properties.</i></p>
Trading Standards:	The Trading Standards Officer has no objections to this application.
Child Protection:	No response

9. The conditions proposed by the Environmental Protection Officer have not been accepted by the applicant. The Police Licensing Officer has discussed the rewording of the above conditions contained within the

Operating Schedule to the application with the applicant who has agreed to the proposed changes.

Interested Parties

10. No representations have been received from local residents.

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 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 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 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.

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.

Licensing Officer's Observation

14. The premises is situated amongst retail units in the centre of Didcot. Residential Accommodation is opposite the premise on the other side of the road. The premise is currently used as a coffee shop. A plan showing the location of the premises is attached at **Appendix D**.
15. This report provides information submitted by the applicant. 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 for a premises licence under the Licensing Act 2003.

152 The Broadway, Didcot.

APPENDIX C

Representations from the Relevant Authorities

Memo

To: Licensing

Date Received: 24 July 2007

Date Responded: 25 July 2007

From: Environmental Health

Ask For: Simon Hill

RE: Premises Licence Application

AT: 152 Broadway, Didcot, Oxon, OX11 8RJ.

Thank you for consulting this Service regarding the above application.

I have reviewed the application, consulted our records and visited the site of the premises, and would like to make representation against the application. I am concerned that due to the location of the premises, the measures outlined in section Q (d) of the application may not be sufficient to prevent a public nuisance.

The areas of concern are:

- **General break out noise from the premises;**
- **Noise from people leaving the venue at the end of the night.**

I would like to propose the following conditions to address these concerns.

Recommended conditions:

- 1. Noise emanating from the premises as a result of regulated entertainment shall not be clearly audible at the boundary of any adjacent residential properties.**
- 2. All external doors and windows must be kept closed, other than for access and egress, in all rooms when events involving regulated entertainment take place.**
- 3. During operating hours, the licensee or a nominated representative shall be available to receive and respond to nuisance-related complaints. A contact number shall be readily available to residents upon request.**
- 4. The placing of refuse – such as bottles – into receptacles outside the premises shall only take place between the hours of 08.00 and 22:00.**

If the applicant agreed (in writing) to the inclusion of conditions upon the license to address the issues outlined above, the Licence could be implemented without a significant disturbance to local residents surrounding the premises.

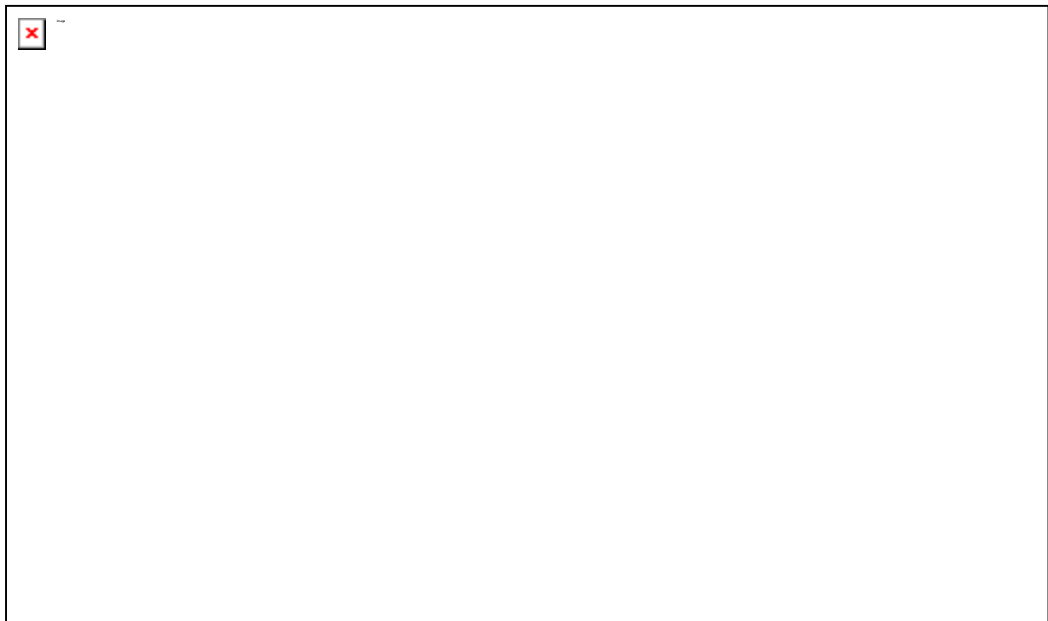
If you have any queries regarding the above then please do not hesitate to contact me.

Regards,

APPENDIX D

Site plan of showing the location of 152 The Broadway, Didcot

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