

Hearing Decision Notice

Licensing Panel Hearing 21 July 2011

Moulsford Pavilion, Moulsford

The Licensing Panel met on 21 July 2011 to consider the application for a new premises licence for Moulsford Pavilion, The Street, Moulsford, Oxon OX10 9HP.

The decision of the Panel is set out in the notes of the hearing (appended).

This decision was deemed to be effective immediately from the date of the hearing. This does not affect the rights of the premises during the period of any appeal.

Contact Nigel Haverson, Licensing Team Leader on 01491 823426 or at licensing@southoxon.gov.uk if you have queries about the licence or about enforcement. Contact Jennifer Thompson, Democratic Services Officer, on 01491 823619 or at Jennifer.thompson@southandvale.gov.uk if you have queries about the hearing or this notice. Both can be contacted in writing at Legal and Democratic Services, South Oxfordshire District Council, Benson lane, Crowmarsh Gifford, Wallingford, OX10 8QS

Appeal rights

All parties have the right of appeal. Section 181(1) Schedule 5(9) of the Licensing Act 2003 states that if you wish to appeal you must give notice of the appeal to the clerk to the Justices, The Court House, Oxford Magistrates' Court, Speedwell Street, Oxford OX1 1RZ within a period of 21 days from the date of this notice. The magistrates' court may make any order as to costs as it thinks fit. The magistrates' court can be contacted on 01865 448020.

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 and posted: 3 August 2011

Licensing Panel Hearing for a new premises licence



Listening Learning Leading

21 July 2011 at 2.00 pm

Place:	Council Offices, Crowmarsh Gifford
Premises Licence:	Moulsford Pavilion
Premises address:	The Street, Moulsford, Oxon OX10 9HP
Licensing Panel Councillors:	Mr Malcolm Leonard (Chairman), Mrs Eleanor Hards and Mr Geoff Andrews
Legal advisor:	Miss Amanda Nauth
Clerk:	Mrs Jennifer Thompson
Licensing Officer:	Mr Nigel Haverson
Environmental Protection:	Mrs Sally Coxell
Representing the premises:	Mr Miles Powell (Parish Council chairman and village hall committee vice-chairman)

Evidence provided to the Panel:

The Panel considered:

- the report of the licensing officer including a copy of the application form and a copy of the application to vary the licence, a plan of the premises, and the premises licence for the previous building;
- representations from South Oxfordshire District Council Environmental Protection including proposed conditions;
- two relevant representations from interested parties;
- photographs provided by Mr Powell and Environmental Protection circulated with the agreement of all parties

The Panel heard evidence in turn from:

- the authority's licensing officer;
- the representative of the premises
- the Environmental Protection officer

Decision:

After hearing all the evidence presented and the answers to questions to and from all parties, the Panel made their decision in private session accompanied by their legal advisor and clerk.

The Panel considered what action would be reasonable and proportionate having regard to the Licensing Act 2003 and associated regulations and guidance, the licensing objectives, the Council's licensing policy, and the evidence in the report and presented at

the hearing. The Panel are bound by the Licensing Act 2003 and associated guidance and regulations and may not make decisions which are contrary to these, which are outside the scope of the licensing objectives, or which are not based on reasonable objective evidence. The Panel considered all written evidence presented to them and all evidence presented at the hearing.

In particular, the Panel noted:

- Although the previous building had no history of noise problems, the building sits in a relatively quiet residential area and there is the potential for users of the building to create noise nuisance especially later in the evening when background noise levels are lower.
- The residents who made representations on the licence were in favour of the conditions proposed by environmental protection officers.
- The proposed conditions had been amended by the licensing officer to ensure these were enforceable and the amended conditions were accepted by the applicant and Environmental Protection.
- The management committee had drawn up conditions of hire similar to those used by other village halls and would take an active role in managing the premises but would not necessarily be on site every time the pavilion was in use. The pavilion could be hired only until 10pm. The 11pm closing time allowed the committee to hold village social events.
- Further noise reduction measures such as curtains would be installed. Windows were to be kept shut when loud music was played.
- People could smoke on the veranda outside the pavilion, facing away from the nearest houses, or on the recreation ground.
- Contact details for the hall were published in the regular newsletter circulated to all homes in the village.
- The previous premises licence used in conjunction with the previous building had not given rise to complaints.

The Panel sought to balance the promotion of the licensing objective to prevent public nuisance with conditions and hours of operation which permit the licence holder to operate without undue restriction.

Licence:

The decision of the Panel, as stated by the Chairman at the close of the hearing and subsequently sent to all parties, was to **grant** the premises licence with additional conditions as follows:

Area where licensable activities may take place:

As shown on the plan submitted with the application.

Opening hours of the premises

Monday to Saturday	0900 to 2300
Sunday	0900 to 2200

Sale of alcohol (on the premises only)

Monday to Thursday	1200 to 2200
Friday and Saturday	1200 to 2245
Sunday	1200 to 2145

Live music, recorded music, performances of dance

Monday to Thursday, Sunday 0900 to 2200

Friday and Saturday 0900 to 2300

Provision of facilities for making music

Monday to Thursday, Sunday 0900 to 2200

Friday and Saturday 0900 to 2300

Plays and films

Monday to Thursday, Sunday 0900 to 2200

Friday and Saturday 0900 to 2300

Provision of facilities for dancing

Not permitted.

The licence is granted with a number of conditions:

Mandatory conditions shall be attached as required by the licensing authority.

1. Noise emanating from the premises as a result of regulated entertainment shall not be clearly audible at the boundary of the nearest noise sensitive premises.
2. Ensure that there is in place an active scheme of management, including the provision of clear prominent notices, to ensure that customers leaving the premises respect the needs of local residents and leave both the premises and the immediate area around the premises promptly and quietly.

The operating schedule set out in the application will be incorporated automatically into the licence.

The Panel expects that the conditions of hire will incorporate the hours and conditions on this licence and the duties of hirers to comply with the licence and the law.

This licence takes effect immediately.

Signed as a true summary of the proceedings by the Chairman

Signed

Date