

# Licensing Panel

Report of Head of Legal and Democratic Services

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Licensing Panel

DATE: 30 September 2011

## AGENDA ITEM

## **Application for the Review of a Premises Licence under the Licensing Act 2003 –**

### **Premises Licence Number 4251:- Victoria Vibes, 48 Market Place, Henley RG9 2AG**

#### **Recommendation(s)**

1. That the Panel consider the application for review of this licence, and
2. Having heard all the evidence submitted by the various parties at the hearing, taken into account the Secretary of State's Guidance issued under Section 182 Licensing Act 2003, and the council's Statement of Licensing Policy determine if based on this that any or all of the licensing objectives have been undermined, and
3. If the Panel conclude that any or all of the licensing objectives have been undermined then they are recommended to consider what measures are necessary and proportionate in order to ensure that those licensing objectives are promoted.

## Purpose of Report

1. To present the facts and relevant representations received in respect of an application by Thames Valley Police, for a review of the premises licence for Victoria Vibes, 48 Market Place Henley RG9 2AG, under Section 51 of the Licensing Act 2003 to the Licensing Acts Panel in order that the Panel can determine the application.

## Strategic Objectives

2. The relevant objectives are those of “helping people to feel safe and secure” and “managing our business effectively”. The relevant corporate priorities are those of “provide value for money services that meet the needs of our residents and service users” and “maintain low levels of fear of crime and anti-social behaviour”.

## Background

- 3.1 The Licensing Act 2003 (‘the Act’) 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’.

Any assessment of licensable activities must consider and promote the following four statutory objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance and
- The prevention of children from harm

- 3.2 When a valid application is received for the review of a premises licence and the review has not been withdrawn the matter will be referred to a Licensing Acts Panel to determine the application.

- 3.3 An application was received from Thames Valley Police on 15 August 2011 under Section 51 of the Licensing Act 2003 for a review of the Premises Licence **No. 4251** in respect of Victoria Vibes, 48 Market Place, Henley on Thames, RG9 2AG.

The grounds for the review are:-

Thames Valley Police are calling for review of this licence due to the premise breaching conditions and not upholding the crime and disorder and prevention of public nuisance objectives of the 2003 Licensing Act.

There are concerns over the regular breaches of licence and the attitude of the Designated premises supervisor and Premise Licence Holder. There have been instances of public order towards police by Mr Vanni.

The premise has also had high drugs results and has failed to implement suggested interventions resulting in an increase in results.

The majority of complaints and incidents have occurred after 23.00.

A copy of the review application together with the supporting documentation from Thames Valley Police is attached at **Appendix 1**.

South Oxfordshire District Council as the licensing authority were responsible for placing the necessary signs on the premises and these were put up on Tuesday 16 August 2011 inviting comments on the review application by 13 September 2011. A copy of the “blue notice” is attached at **Appendix 2**. There have been a number of instances of the “blue notices” being removed by persons unknown but with the assistance of the police in Henley these have been replaced as necessary. The review has been called for in respect of the crime and disorder and prevention of public nuisance licensing objectives. Thames Valley Police confirmed that copies of the review documentation were also served on the responsible authorities and premises licence holder.

- 3.4 A copy of the current **Premises Licence 4251** is attached at **Appendix 3** for information. This licence was first granted on 24 November 2005 to the current premises licence holder and is the licence that is currently in force. The Designated Premises Supervisor (DPS) is Mr Christiano Vanni, who holds a Personal Licence issued by Oxford City Council, **PL/279** and he has been the DPS since the licence was issued.
- 3.5 Health and Safety and Planning in their capacity as Responsible Authorities have raised no comments on the review process either in support of it or against it.
- 3.6 Environmental Protection in their capacity as a Responsible Authority has commented on the review and their letter of representation is attached at **Appendix 4**.
- 3.7 Ten letters of representation were received; eight in support of the review process and two in support of the premises and these are attached as **Appendices 5-14**. The issues raised in the letters are of relevance to the review and have come from persons or businesses within the vicinity of the premises. A number of other letters were received but have been rejected because they either came from persons outside of the vicinity of the premises, or did not give either a name or address or raised issues that were not relevant to the review.

## 4. Options

- 4.1 In determining an application for the review of a premises licence the authority must give weight to:
  - Representations received from Responsible Authorities
  - The Secretary of State’s Guidance Issued under Section 182 of the Licensing Act 2003
  - The Statement of Licensing Policy
  - The steps necessary to promote the Licensing Objectives

- 4.2 The Panel are reminded that any decision they consider has to be proportional to only do that which it considers necessary to promote those licensing objectives that may be considered to have been undermined.
- 4.3 In view of the above, the Panel is requested to consider the application for a review of the premises licence and decide whether:
- Take no action, or
  - Issue a warning to the premises licence holder, or
  - Suspend the licence for a period not exceeding 3 months, or
  - Revoke the licence, or
  - Remove the DPS, and/or
  - Vary the licence by removing, some or all of the licensable activities, and/or
  - Vary the licence by amending the hours the premises can be open, and/or
  - Vary the licence by amending the hours during which any of the licensable activities can be provided, and/or
  - Vary the licence by attaching additional conditions to the licence

## **5. Financial Implications**

- 5.1 Should the applicant or any party aggrieved by the decision wish to appeal against the decision of the council; they may do so to the Magistrates' Court. The council would incur costs should this occur, although the court may decide to award costs if the council's decision is upheld.

## **6. Legal Implications**

- 6.1 The Human Rights Act 1998 requires public bodies to ensure everything they do is compatible with Convention Rights and makes it unlawful for a public authority to act incompatibly with those Rights. When determining applications for the review of an existing licence the panel will be aware of Human Rights considerations, specifically Part 1, Article 6, right to a fair trial and Part 2, Article 1, peaceful enjoyment of possessions (a licence is deemed to be a possession).
- 6.2 The hearing of all applications is subject to the principles of natural justice.
- 6.3 Section 17 of the Crime and Disorder Act 1998 states, 'without prejudice to any other obligation imposed on it, it shall be the duty of each authority to exercise its various functions with due regard to the likely effect of those functions and the need to do all that it reasonably can to prevent crime and disorder in its area.'
- 6.4 Under Schedule 5 part 1 of the Licensing Act 2003 any person aggrieved by the decision in respect of the review application may appeal to a Magistrates' Court within 21 days of the date of the decision.

## **Risks**

- 6 None identified

## **Other Implications**

7     None

## **Conclusion**

- 8.1     This report provides information submitted by the applicant for the review, Environmental Protection and other interested parties. The panel should determine this application with a view to promoting the relevant Licensing Objectives which are 'the prevention of crime and disorder' and 'the prevention of public nuisance' and have regard to the relevant provisions of the Act, Guidance and Policy.
- 8.2     The Panel should, having heard all the evidence submitted by the various parties at the hearing, taken into account the Secretary of State's Guidance issued under Section 182 Licensing Act 2003, and the council's Statement of Licensing Policy determine if based on this that any or all of the licensing objectives have been undermined.
- 8.3     If the Panel conclude that any or all of the licensing objectives have been undermined then they should consider what measures are necessary and proportionate in order to ensure that those licensing objectives are promoted. The options available for the panel to consider are set out at paragraph 4.3 above.

## **Background Papers**

- Legislation referred to in the report.

**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Thames Valley Police

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

Postal address of premises or, if none, ordnance survey map reference or description Victoria 48 Market Place	
<b>Post town</b> Henley-On-Thames	<b>Post code (if known)</b> RG9 2AG

Name of premises licence holder or club holding club premises certificate (if known) Joanne Townsend
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<b>Number of premises licence or club premises certificate (if known)</b> 4251
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**Part 2 - Applicant details**

I am

**Please tick yes**

1) an interested party (please complete (A) or (B) below)

- |   |                          |
|---|--------------------------|
| a) a person living in the vicinity of the premises                                  | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises               | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises                    | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |

2) a responsible authority (please complete (C) below)	<input checked="" type="checkbox"/>
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- 3) a member of the club to which this application relates (please complete (A) ☐ below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

**Please tick**

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title  
(for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

**Please tick yes**

☐

**Current postal  
address if  
different from  
premises  
address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

**Name and address**

**Telephone number (if any)**

**E-mail address (optional)**

### (C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Thames Valley Police Licensing Department Laura Morris HQ South Kidlington OX5 2NX
Telephone number (if any) <b>01865 846150</b>
E-mail address (optional) laura.morris@thamesvalley.pnn.police.uk

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input type="checkbox"/>            |
| 3) the prevention of public nuisance    | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/>            |

**Please state the ground(s) for review** (please read guidance note 1)

Thames Valley Police are calling for review of this licence due to the premise breaching conditions and not upholding the crime and disorder and prevention of public nuisance objectives of the 2003 Licensing Act.

There are concerns over the regular breaches of licence and the attitude of the Designated premises supervisor and Premise Licence Holder. There have been instances of public order towards police by Mr Vanni.

The premise has also had high drugs results and has failed to implement suggested interventions resulting in an increase in results.

The majority of complaints and incidents have occurred after 23.00.



**Please provide as much information as possible to support the application**

(please read guidance note 2)

There has been an increase this year in breaches of licence and Drunk & Disorderly conduct the break down of these can be seen below.

ABH	5
Assault	3
Breach	12
D&D	4
Disorder	9
Drugs	6
EHO	16
Fights	4
Under age	4
Other	1
Public Order	1
Total	65

2011	25
2010	5
2009	18
2008	6
2007	5
2006	6

The local Sergeant and Inspector as well as the licensing department have had many meetings with the premise in order to advise the premise of our concerns but the problems still persist.

The meeting held on the 3<sup>rd</sup> Feb 2010 was held to discuss the conduct of the management, underage sales, drugs, disorder and noise. It was stated at this meeting that this was a final warning and that further incidents would result in the premise being taken to review. See Annex 2 for full letter.

On the 11<sup>th</sup> June 2011 an incident occurred relating to the DPS of the premise where by he received 2 cautions for public order and drug possession. See annex 5 for more info.

Thames Valley Police have concerns that the premise is unable to run and manage its customers in accordance with its premise licence as a late night drinking venue. This is shown by the number of incidents occurring after 23.00 please see below.

other	11
19.00	4
20.00	2
21.00	4
22.00	4
23.00	11
0.00	14
1.00	12
2.00	3

Please see attached Annexes

Annex 1 Incident Break down and overview

Annex 2 Letter dated 3<sup>rd</sup> Feb 2010

Annex 3 Drug results

Annex 4 Breach of Conditions

**Annex 5 DPS / PLH incidents of note**

**Please tick yes**

Have you made an application for review relating to this premises before ☐

If yes please state the date of that application

Day		Month		Year	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

**If you have made representations before relating to this premises please state what they were and when you made them**

**Please tick yes**

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

Part 3 – Signatures **(please read guidance note 3)**

Signature of applicant or applicant's solicitor or other duly authorised agent **(See guidance note 4)**. If signing on behalf of the applicant please state in what capacity.

Signature

.....

Date 15/8/11

.....

Capacity Licensing Officer

.....

Contact name (where not previously given) and postal address for correspondence associated with this application **(please read guidance note 5)**

Post town

Post Code

Telephone number (if any)

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)**

## **Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

date	time	form	type	details
17/7/11	1.40	check	breach	customers o/s drinking 01.30 customers allowed entry 1.15 still had 30 people i/s stated private party all money remove
9/7/11	21.06	C&C	breach	customers o/s sig in smoking area drinking
9/7/11	23.08	Gen 40	breach	music excessively loud and 2 customers o/s sig drinking
2/7/11	23.00	Gen 40	other	MOP had paid to watch boxing match but it was being taken from a computer when he complained he was thrown out
29/6/11	2.00	Gen 40	D&D	private aparty at sig LL became confrontational with officers as leaving 8 males very drunk caused issues in the town
29/6/11	1.46	C&C	D&D	drunk male asleep on path o/s sig taken male to taxi rank
19/6/11		CID 72	breach	sig are letting people in after hours they shut the door but if you knock you are let in and served til approx 4am
18/6/11	1.10	Gen 40	breach	4 MOP seen entering sig offr followed & they were being served LL stated they would all be gone by 1.30 this is normal
11/6/11	23.05	Gen 40	Public Order	LL approached offr shouting & swearing at them LL arrested PO taking 4 offr to detain him cedar also
11/6/11	23.05	Gen 40	drugs	as above once searched in custody drugs were found caution issued cedar also
5/6/11	1.24	C&C	breach	noise from the sig doors are closed but still letting people in when they knock
29/5/11		CID 72	breach	sig serving customers after hours offr attended 01.35 people still had full drinks even tho last order is 1 LL abusive
25/5/11	17.13	C&C	DD	male about to leave sig and drive home regular occurance
22/5/11		CID 72	breach	1.57 offr att 25-30 people drinking & smoking
20/5/11		gen 40	breach	all drinking in sig until 4am after darts final
19/5/11	0.19	C&C	EHO	noise complaint
27/4/11	0.24	C&C	EHO	noise complaint
26/4/11	23.45	C&C	EHO	noise complaint
9/4/11		CID 72	breach	sig serving alcohol after hours and customers remaining on premise until 3am
19/2/11	0.49	C&C	EHO	Noise complaint
23/1/11	1.21	C&C	EHO	noise complaint
6/11/10	1.26	C&C	EHO	noise complaint
28/9/10	2.19	C&C	assult	male has been punched by his friend LL has thrown him out but he is scared to go home. No trace
10/9/10	1.44	C&C	ABH	L lady has assaults a male and punched him 3 times in the face ABH Aggd no contact

17/4/10	12.31	C&C	Underage	16YO son may have been drinking in sig does not think sig is checking ID
30/1/10	0.28	C&C	disorder	10 males o/s sig jumping in and out of rd and urinating have gone back i/s sig
26/12/09	1.09	C&C	EHO	noise complaint when officers attended Llady very anti police.
25/12/09	23.58	C&C	EHO	Noise complaint
31/10/09	0.21	C&C	EHO	noise complaint
17/10/09	17.27	C&C	disorder	youths approx 17/18 have just left sig they are noisy and disorderly
9/10/09	12.30	cedar	underage	sale of alcohol to person under 18 served alcohol to 5 persons under age without checking ID
26/9/09	0.29	C&C	EHO	noise complaint lots of people in the street and road could be dangerous
27/8/09	0.33	C&C	EHO	noise complaint drinking and dancing in the street
15/8/09	1.32	C&C	Underage	5-6 people caller knows is only 16 are going into sig they regularly go there and thinks sig is serving them
17/7/09	23.51	C&C	disorder	female has been asked to leave is now being abusive she is drunk and on way home
10/05/09	0.24	C&C	EHO	noise complaint people in street drinking
5/4/09	0.38	C&C	EHO	youths o/s sig drinking and being noisy AIO no trace
4/4/09	23.21	C&C	ABH	fight o/s toilets at sig 2 males 09x1 premise had cleaned scene before officers could attend
28/3/09	2.06	C&C	EHO	noise complaint people in the street
13/3/09	0.49	C&C	disorder	female threw drink over male LL & Llady shouting abuse just verbal she has been sent home
6/3/09	22.28	C&C	disorder	female o/s tring to get in has been refused several times. She is drunk and abusive AIO has moved on
6/2/09	22.52	C&C	EHO	noise complaint
16/1/09	19.44	C&C	fight	fight caller cleared
16/1/09	19.42	C&C	fight	20 persons fighting cedar also one female punched in face was unconcioous but now ok amb needed
23/12/08	21.35	C&C	assault	someone has been bottled LL v unhelpful all persons have left and no complaints staff unsure of what has happened
20/8/08	1.40	C&C	drugs	2 males were in sig tonight dealing drugs
1/5/08	23.53	C&C	underage	caller has seen underage female drinking in sig and taking cocaine in toilets also male on pubwatch in sig no trace
14/3/08	21.09	cedar	drugs	drugs dog indicated male in sig caution issued
2/2/08	20.45	C&C	disorder	2 females refusing to leave very aggressive have been refused alcohol they are very drunk 09x2 as not moving on
5/1/08	21.17	C&C	disorder	male is barred and refusing to leave AIO has left
23/12/07	20.56	C&C	D&D	Amb have attended for male who fell & has head injury very drubnk and aggressive refused to speak to us AIO
22/12/07	0.33	C&C	disorder	female calling to say people kicking off 3rd call very irrate that police have not attended but keeps hanging up
22/9/07	1.12	C&C	fight	fight 09x2 for affray
18/8/07	1.15	cedar	drugs	nightsafe checks male found in toilets being sus search and found with drugs
20/4/07	23.45	C&C	assault WOI	on going harrasment male in band at sig has been assaulted.
15/12/06	22.31	C&C	disorder	abusive male refusing to pay AIO he is leaving
5/11/06	0.21	C&C	ABH	Callers son has been assaulted in sig punched in face

1/7/06	22.00	C&C	fight	lge fight in beer garden, glasses & bottles being used window of sig has been smashed sig has cleared up mess and
				will be reopening at 23.00 cedar also crim dam, GBH, ABH
22/4/06	0.14	C&C	EHO	noise complaint
30/3/06	0.05	C&C	ABH	male been assaulted gash to nose
8/1/06	19.45	cedar	ABH	offd punched and headbutted aggd causing bruising and small cuts to face

ABH	5
assault	3
breach	10
D&D	4
disorder	9
drugs	4
EHO	16
fight	4
under age	4
other	1
PO	1
total	61

other	9
19.00	3
20.00	2
21.00	4
22.00	4
23.00	10
0.00	14
1.00	12
2.00	3
total	61

2011	21
2010	5
2009	18
2008	6
2007	5
2006	6
	61

Premise	Date	Area	Drug	Reading	Grading
Victoria	1/6/09	ladies	cocaine	0.58	low
		gents	cocaine	1.12	
	24/6/10	Gents	Cocaine	1.68	medium
			MDMA	0.32	
		ladies	Cocaine	2.24	
			MDMA	0.37	
	3/7/10	ladies	Cocaine	0.67	trace
			Cocaine	0.55	
	29/6/11	ladies	cocaine	3.17	high
		gents	cocaine	2.90	
	1/7/11	ladies	cocaine	2.86	high
		gents	cocaine	3.67	
	8/8/11	gents	cocaine	0.47	high
		ladies	Cocaine	3.58	
	12/8/11	gents	cocaine	4.62	high
		ladies	cocaine	3.35	

# THAMES VALLEY POLICE

Division/Station : Licensing HQ South

From : Laura Morris

To :

Licensing officer

Subject :

Ref : Victoria Henley

Date : 15 August 2011

Tel.No. 01865 846150

## **Checks carried out 12th Aug 2011**

On the 12<sup>th</sup> August 2011 a full licensing check was conducted by myself and PC Finnis at the Victoria PH in Henley-on-Thames.

Upon this check the following conditions were breached:

### **Annex 1 Mandatory conditions**

6.

- 1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- 2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

No policy could be provided

### **Annex 2 – conditions consistent with operating schedule**



- 3 All staff involved in the service of alcohol will be trained in relation to the law regulating the supply of alcohol and the conditions of this licence prior to commencing their duties and at 6 monthly intervals thereafter.
- 4 A log will be kept of all staff training, such records to be retained for at least 12 months. The record will be available upon reasonable notice to the Police and/or the licensing authority.
- 5 There will be CCTV in operation to enable staff at the bar to observe areas not directly visible from the bar.
- 7 There will be a Proof of Age policy in force in the premises, to the satisfaction of the Police and the Licensing Authority.

No staff training available to be viewed, no CCTV has ever been in operation at the premise, no age policy in place as with Annex 1.

### **Annex 3 – Conditions attached after a hearing by the licensing authority**

2 The premises shall comply with the operating schedule as set out in the application.

As above not met.

Also noted as part of the check was a small table with 2 chairs outside the premise there is no chairs and table permit for this and it is on a public highway so this was pointed out and removed.

The licensing officer was met with some resistance on this check Mr Vanni was perceived as aggressive and rude stating that “police should have better things to do than the checks and that I should not be coming in at 19.30 to do this I should be coming at 10am in the morning so as not to disrupt business”. Ms Townsend was on the other hand very helpful and stated that “she did not realise that these conditions were on the licence otherwise they would be complied with”.

### **Suggestions put forward at meeting held 3<sup>rd</sup> Feb 2010**

- Only accept passport or driving licence as forms of ID
- 1 drink per person to prevent of age people buying for underagers.
- Operate a think 21 policy.
- On Friday and Saturday nights no under age people are allowed in after 22.00.
- Keep a refusal book. Documenting all those who have been refused service due to no ID or under age.
- Signs on all exits stating that no glasses to be taken outside and to leave quietly and respect the neighbours.
- Regular checks on the outside for noise levels and people taking glasses out. (some form of documentation to state when this is being done)
- Drugs posters stating that drugs will not be tolerated on the premise.
- Regular toilet checks with documentation of when this is done.
- Open communication with the Local police team and address officers appropriately.

No age policy but had think 18 posters up.  
Intel of persons out side the premise with glasses.  
Attitude towards licensing officer on the 12<sup>th</sup> August check.

### **Summary Breaches 2011**

12/8/11 – full licensing check several breaches.

6/8/11 – tables and chairs o/s sig without a permit  
23/07/11 – persons seen leaving sig with glasses, no CCTV  
17/7/11 – customers o/s drinking  
17/7/11 – 1.30 persons still being allowed entry  
17/7/11 – private party inside sig all tills taken out no money exchanging hands  
9/7/11 – persons drinking o/s sig  
9/7/11 – music excessively loud heard from kings rd car park  
9/7/11 – 2 females o/s sig with glasses  
19/6/11 – persons being served until as late as 4am. Persons knock on door and are let in.  
18/6/11 – 4 customers seen entering sig at 1.10 Mr Vanni spoken to and stated that all be gone by 1.30 and that they always come in at this time as they are friends.  
5/6/11 – doors are locked but persons are knocking and being let in  
29/5/11 – continuing to serve patrons after drinking up time  
22/5/11 – 1.57 police attended sig 20-30 people still drinking and some smoking, Mr Vanni stated that with exception of a couple of friends who were served after 1am all the others had been served before. A large number of drinks were still  $\frac{3}{4}$  full and this was an hour after closing.  
20/5/11 – all drinking in sig until 4am after darts final celebrating winning the singles cup  
9/4/11 – serving alcohol after hours allowing customers to remain on premises until 3am.  
19/2/11 – 0.57 quite noisy LL spoken to will be finishing soon

# THAMES VALLEY POLICE

Division/Station : HQ South

From : Laura Morris

To :

Licensing Dept

Ref : Victoria Henley

Date : 27 July 2011

Tel.No. 01865 846150

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## **DPS & PLH incidents of note**

### **Cristiano Vanni 14/10/67**

11/6/11 - Caution – Use of disorderly behaviour or threatening/abusive/insulting words likely to cause harassment alarm or distress.

11/6/11 – Caution – Possessing controlled drug – class B – cannabis/cannabis resin.

24/4/09 – Guilty fine £215.00 – sale of alcohol to person under 18

24/5/07 – Caution – Assault on a constable

### **Aggressive behaviour**

12/8/11 – 19.30-20.00 Mr Vanni towards Licensing officer and Police

29/6/11 – 00.21-02.00 Mr Vanni towards police

29/5/11 – 01.35 Landlord abusive and aggressive to police, would not listen and insisted he was being victimised.

Attn Mr Vanni & Ms Townsend  
Victoria Vibes  
48 Market Place  
Henley  
RG9 2AG

03/02/10

Dear Mr Vanni & Ms Townsend

**REF: Meeting held at Henley Police Station on the 3<sup>rd</sup> Feb 2010**

The above meeting was called in order to discuss concerns that have arisen at the premise and to come to an agreement to reduce and stop these issues from occurring further. At this meeting the following was discussed.

- Conduct of the management.
- Underage sales
- Drugs
- Disorder
- Noise

The following are suggestions in order to combat against the above.

- Only accept passport or driving licence as forms of ID
- 1 drink per person to prevent of age people buying for underagers.
- Operate a think 21 policy.
- On Friday and Saturday nights no under age people are allowed in after 22.00.
- Keep a refusal book. Documenting all those who have been refused service due to no ID or under age.
- Signs on all exits stating that no glasses to be taken outside and to leave quietly and respect the neighbours.
- Regular checks on the outside for noise levels and people taking glasses out. (some form of documentation to state when this is being done)
- Drugs posters stating that drugs will not be tolerated on the premise.
- Regular toilet checks with documentation of when this is done.
- Open communication with the Local police team and address officers appropriately.

It was also discussed at this meeting that due to the smoking ban some of the above issues could be addressed by extending the use of the garden till 23.59. This is a possibility from a Police point of view but due to the number and nature of issues that currently stand it would not be considered until some of the other issues have been addressed.

I must state that this letter has been issued as a final warning and that any further incidents of this nature will result in your premise being taken to review.

If you wish to discuss this matter further please feel free to contact me.

Yours sincerely

Laura Morris  
Licensing Officer  
Thames Valley Police

## **NOTICE OF REVIEW APPLICATION**

### **LICENSING ACT 2003**

South Oxfordshire District Council as the Licensing Authority gives notice that an application for a review of the Premises Licence for:

**VICTORIA T/AS VICTORIA VIBES  
48 Market Place, Henley on Thames RG9 2AG  
Premises Licence No. 4251**

has been received by South Oxfordshire District Council.

The grounds for review are as follows:

***Thames Valley Police is applying for a review under the prevention of crime and disorder and the prevention of public nuisance objectives of the Licensing Act 2003.***

Any representation in relation to this application by either an interested party or a relevant authority must be made in writing under the guidelines of the Licensing Act 2003 to:

The Licensing Team Leader  
Legal and Democratic Services, South Oxfordshire District Council,  
Benson Lane, Crowmarsh Gifford, Wallingford, OX10 8ED

Tel: 01491 823209

Email: [licensing@southoxon.gov.uk](mailto:licensing@southoxon.gov.uk)

**By Date: 13 September 2011**

**A record of the review application may be inspected between 09.00am and 4.00pm Monday to Friday at the Council Offices.**

**Date of Notice: 16 August 2011**

**It is an offence to knowingly or recklessly make a false statement in connection with an application, and a person convicted of such an offence will be, liable to a fine up to £5000 based on a summary of conviction.**

<b>PREMISES LICENCE LICENSING ACT 2003</b>	
<b>Premises licence number</b>	<b>4251</b>
<b>Premises details</b>	<b>Telephone Number</b>
Victoria Vibes The Victoria, 48 Market Place, HENLEY-ON-THAMES, Oxon, RG9 2AG	01491 575628
<b>Name, (registered) address of holder of premises licence</b>	
Ms Joanne Helen Townsend The Victoria 48 Market Place HENLEY-ON-THAMES Oxon RG9 2AG	
<b>Registered number of company or charity if applicable</b>	
Not applicable	
<b>Name address and telephone number of designated premises supervisor:</b>	
Mr Christiano Vanni, 39 Hensington Road, Woodstock, Oxfordshire, OX20 1JH	
<b>Personal licence number and issuing authority of personal licence held by designated premises supervisor ;</b>	
Licence Ref : PL/279	Authority : Oxford City Council

<b>Licensable activities and the times the licence authorises the carrying out of licensable activities</b>			
<b>Activity</b>	<b>Day(s)</b>	<b>Start</b>	<b>End</b>
Indoor Sports	Mon Tue Wed Thu Fri Sat Sun	11:00	00:00
Live Music	Mon Tue Wed Thu Fri Sat Sun	12:00	00:00
Indoor			
Recorded Music	Mon Tue Wed Thu Fri Sat Sun	12:00	00:00
Indoor			
Like Live Music, Recorded Music, Dance Performance	Mon Tue Wed Thu Fri Sat Sun	12:00	00:00
Indoor			
Late Night Refreshment	Mon Tue Wed Thu Fri Sat Sun	23:00	00:30
Indoor			
Alcohol On and Off	Mon Tue Wed Thu Fri Sat Sun	09:00	01:00
<b>Opening Hours of the Premises</b>	Mon Tue Wed Thu Fri Sat Sun	09:00	01:30

**Non Standard Timings / Seasonal Variation for licensable activities authorised by the licence**

<b>Activity</b>	<b>Details</b>
Indoor Sports	December 24th 12:00-02:00 On the weekend of Henley Regatta, hours for this licensable activity Thurs to Saturday 09:00-01:00
Live Music	December 24th 12:00-02:00 On the weekend of Henley Regatta, hours for this licensable activity Thurs to Saturday 09:00-01:00
Recorded Music	December 24th 12:00-02:00 On the weekend of Henley Regatta, hours for this licensable activity Thurs to Saturday 09:00-01:00
Like Live Music, Recorded Music, Dance Performance	December 24th 12:00-02:00 On the weekend of Henley Regatta, hours for this licensable activity Thurs to Saturday 09:00-01:00
Late Night Refreshment	December 24: Terminal hour extended to 02:00 On the weekend of Henley Royal Regatta, hours for supply of hot food will be Thursday to Saturday, 09:00 - 02:00
Alcohol On and Off	December 24: 09:00 - 01:30 On the weekend of Henley Royal Regatta, hours for supply of alcohol will be Thursday to Saturday, 09:00 - 02:00 On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day.
Opening Hours	December 24 : 09:00-02:00 On the weekend of Henley Royal Regatta, the premises will be open Thursday to Saturday from 09:00-02:30

<b>Signed:</b> _____
<b>Margaret Reed, Head of Legal &amp; Democratic Services</b>
<b>Dated: 24th November 2005</b>



## **Annex 1 – Mandatory conditions**

### **Supply of alcohol**

1. No supply of alcohol may be made under the premises licence—
  - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3.
  - 1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - 2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
    - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
      - I. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - II. drink as much alcohol as possible (whether within a time limit or otherwise);
    - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
    - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
    - d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
      - I. the outcome of a race, competition or other event or process, or
      - II. the likelihood of anything occurring or not occurring;
    - e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be

considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
6.
  - 3) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
  - 4) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
7. The responsible person shall ensure that—
  - a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - I. beer or cider: ½ pint;
    - II. gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - III. still wine in a glass: 125 ml; and
  - b) customers are made aware of the availability of these measures.

#### **Door supervision (where applicable)**

1. All individuals at the premises to carry out a security activity must be licensed by the Security Industry Authority.
2. For the purposes of this section—
  - a) “security activity” means an activity to which paragraph 2(1)(a) of The Private Security Industry Act 2001
  - b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

## **Annex 2 – Conditions consistent with Operating Schedule**

- 1                      The premises will be a member of the Pubwatch scheme for the local area.
- 2                      A personal licence -holder will be on the premises whenever an event involving live and/or recorded music is taking place.
- 3                      All staff involved in the service of alcohol will be trained in relation to the law regulating the supply of alcohol and the conditions of this licence prior to commencing their duties and at 6 monthly intervals thereafter.
- 4                      A log will be kept of all staff training, such records to be retained for at least 12 months. The record will be available upon reasonable notice to the Police and/or the licensing authority.
- 5                      There will be CCTV in operation to enable staff at the bar to observe areas not directly visible from the bar.
- 6                      The duty manager will respond promptly to any reasonable complaint received regarding the conduct of the premises and will take appropriate action.
- 7                      There will be a Proof of Age policy in force in the premises, to the satisfaction of the Police and the Licencing Authority.
- 8                      Signs will be displayed regarding prohibition of sales to persons under 18 years of age or those purchasing on their behalf.
- 9                      Signs will be displayed on or in the immediate vicinity of the AWP machines stating that no person under the age of 18 years old may play on the machine.

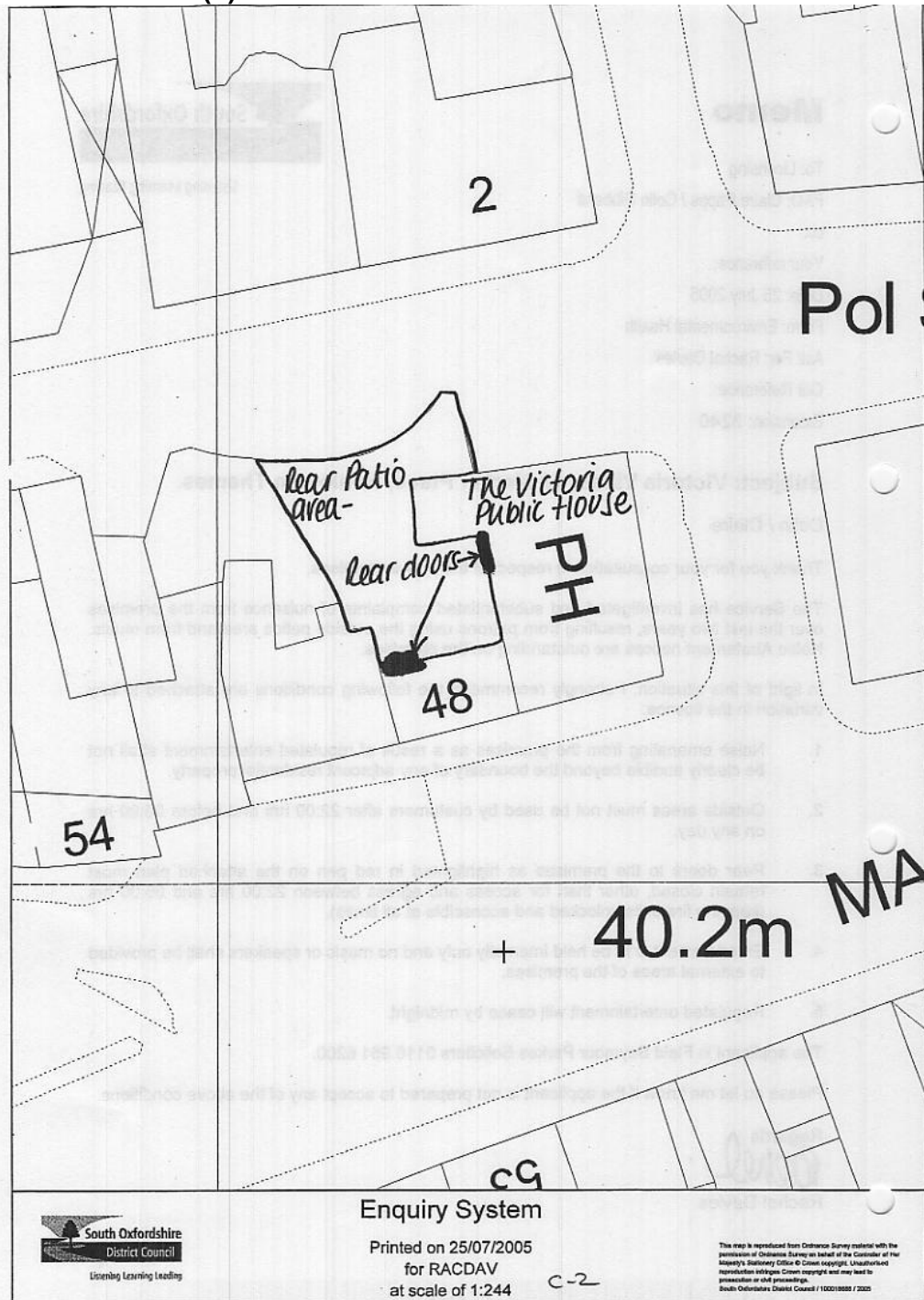
## **Annex 3 – Conditions attached after a hearing by the licensing authority**

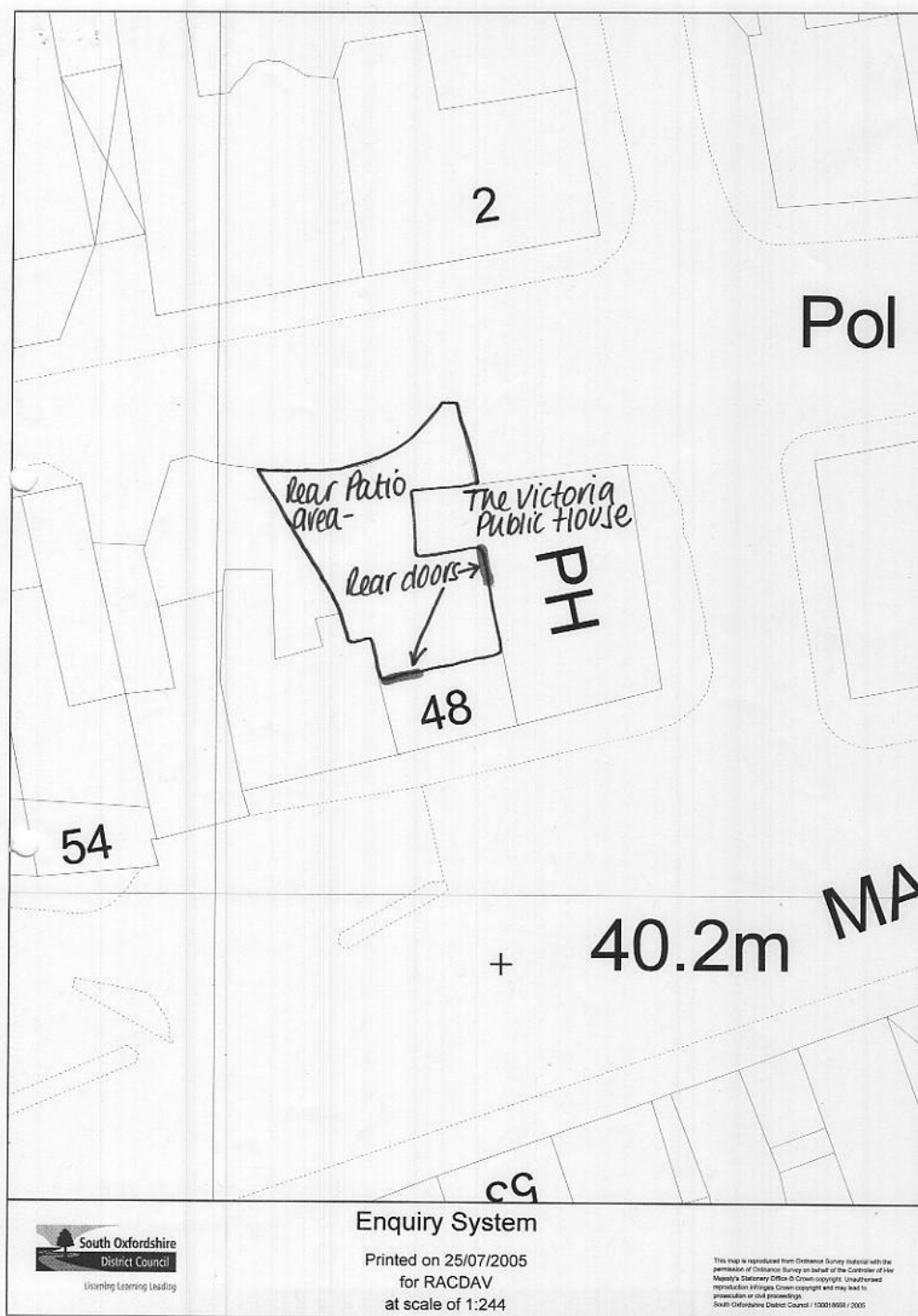
1	The Premises Licence is granted for the area shown on the plans submitted to the Licensing Officer.
2	The premises shall comply with the operating schedule as set out in the application.
3	There shall be no admissions or readmissions to the premises after midnight every day of the year.
4	Rear doors to the premises (as highlighted in red pen on the attached plan) must remain closed, other than for access or egress between

22:00 hours and 06:00 hours on any day.

- 5 Prominent, clear notices shall be displayed at [all exits / in the beer garden] requesting that customers respect the needs of local residents and leave the premises and the area quietly.
- 6 Outside areas must not be used by customers after 23:00 hours and before 06:00 hours on any day.
- 7 Entertainment is to be held internally only and no music or speakers shall be provided to external areas of the premises.
- 8 Noise emanating from the premises as a result of regulated entertainment shall not be clearly audible within the premises known as 50 Market Place or at the boundary of any nearby residential premises.

## Annex 4 – Plan(s)





**Response from Environmental Protection**

**Memo**

To: Licensing.

Date: 12 September 2011

From: Environmental Health

Ask For: Trevor Dean

Our Ref: AD:16564

Extension: 3229

**RE: Application to Review Premise License**

**AT: The Victoria, 48 Market Place, Henley**

Thank you for consulting this Service regarding the above application.

The current conditions are felt to be adequate to control noise emanating from the premises, and were recommended by the Environmental Protection Team at the time of the application for the Premises Licence.

The Environmental Protection Team has received many complaints relating to noise emanating from the premises. I have listed below a breakdown of the complaints received since 2006 and the outcome of each complaint

In most instances we sent out diary sheets to log the events and gather evidence of a statutory nuisance, we did not receive any diary sheets back from any complainants therefore we were unable to pursue these complainants further. We did respond to calls using our 'out of hours' noise service to visit complainants however the noise had subsided by the time we had arrived and we were unable to substantiate the complaints. We therefore have no direct evidence to confirm the noise complaints we received since 2006.

I visited the Victoria on 5 June 2009 with the previous licensing manager, Alistair Dearling and spoke with Mr Vanni and Ms Townsend on the importance of maintaining control of the premises with regard to noise and licensing objectives. However, after a few minutes when we gave examples of the problems that needed improvements on; such as patrons being noisy at the front of the premises and failing the underage drinking test, Ms Townsend became verbally abusive towards us and told us to leave, we therefore ended the meeting and left. Mr Vanni telephoned to apologise and asked to us to return, however we did not see any value in revisiting the premises as we had given the intended advice and discussed the elements that needed improving albeit briefly .

In response to the comment made by the police, which advises that the problems of smoking on the front may be alleviated by opening the back garden longer, the council has served a notice on previous tenants of the premises, in 2003 prohibiting use of the back garden after 23:00 due to unreasonable noise levels experienced by neighbouring properties. Therefore we would advise that this will not be a suitable

solution to the noise problem and that better control over the patrons of the premises in general is required.

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

Regards

Trevor Dean  
Environmental Health Officer

Complaint History			
Date	Nature of Complaint	Action Taken	Results
27 June 2006	Loud Music	Diary Sheets and Letters sent	Diary Sheets not returned
11 July 2006	Loud Music	Diary Sheets and Letters sent	Diary Sheets not returned
28 July 2006	Loud Music	Diary Sheets and Letters sent	Diary Sheets not returned
3 August 2006	Loud Music	Diary Sheets and Letters sent	Noise levels reduced
29 Sept 2006	Loud Music	Diary Sheets and letters sent	Not pursued
12 March 2007	Loud music	Telephoned complainant, left message to call back	No response, not pursued
5 August 2007	Patrons outside making noise	Diary sheets and letters	Diary sheets had only two entries; one in August one in June. Not sufficient to pursue
4 Feb 2008	Doors left open music noise very loud until 01:00	Diary sheets and letters	Diary Sheets not returned
1 May 2009	Loud Noise from people outside front of premises	Letters and Diary Sheets sent out	Became quieter so Withdrawn by complainant.
27 May 2009	Drum and Bass Noise	Letters and Diary Sheets sent. Matter referred to Parish Council, TVP and licensing team. Late night visits to complainant's house.	Unsubstantiated.
26 Dec 2009	Loud music	Letters and Diary sheets sent	Diary sheets not returned. Closed



5 August 2010	Loud Music until 00:40	Letters and diary sheets sent, licensing advised on breach of licence conditions	No further contact able to be established with complainant. Closed
6 Sept 2010	Loud Noise	Letters and Diary sheets sent	Diary sheets not returned Case closed
17 April 2011	Loud Music	Advice given	Not pursued
9 May 2011	Loud music	Advice given	Not pursued
12 May 2011	Loud music noise	Diary sheets sent out	Diary sheets not returned
13 May 2011	Loud music noise	Diary sheets sent out	Diary sheets not returned

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**5 & 6 Letters in support of the premises**

**7 to 14 Letters in support of the review**