

Legal and Democratic Services

HEAD OF SERVICE: Margaret Reed



Hearing Decision Notice

Licensing Panel Hearing 26 April 2007

Garsington Manor, Southend, Garsington

The Licensing Panel met on 26 April 2007 to consider the application for a review of the premises licence held by The Garsington Opera Ltd in respect of Garsington Manor, Southend, Garsington.

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 9 May 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: 9 May 2007

Notes



Licensing Panel Hearing

held on 26 April 2007 at 2.00 PM

Place: Committee Room 1, Council Offices, Crowmarsh Gifford

Applicant for the review: Ms Monica Waud.

Premises Licence holder: Garsington Opera Ltd
(represented by Ms Nicola Creed, Mr Angus Boyd-Heron and Mr A Whitworth-Jones)

Premises: Garsington Manor

Premises address: Southend, Garsington, OX44 9DH.

Licensing Panel Councillors: Mr Malcolm Leonard (Chairman)

Mr John Nowell-Smith

Mrs Mary Greene

Legal advisor: Mrs Charlotte Osborne

Licensing Officer: Mr A Dearling

Clerk: Mrs Jennifer Thompson

The applicant for the review, Ms M Waud, attended.

The premises licence holder, Garsington Opera Ltd, was represented by Mr A Boyd-Heron (site manager), Mrs N Creed (financial director) and Mr A Whitworth-Jones (director).

The Panel considered the report of the Licensing Officer including a copy of the application for the review, the existing premises licence, and relevant representations from five local residents. The Panel heard evidence from Ms Waud, the applicant for the review. They also heard evidence from Ms Creed and Mr Boyd-Heron, representing the premises licence holder.

Representatives from Environmental Health, Mr P Holland (Environmental Health and Licensing Manager) and Mrs S Coxell (Senior Environmental Protection Officer) were present to assist the Licensing Committee with any technical questions in regard to noise or past history of the premises.

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

The Panel sought to balance the interests of the applicants for the review, the interests of the premises licence holder, and the written representations made by the interested parties. The Panel came to a decision which was reasonable and proportionate having regard to the evidence in the report and presented at the hearing.

After the deliberations, the Panel drew attention to the opera management to paragraph C1 of their operating schedule, and asked that they ensured their traffic management plan continued to enjoy the approval of Thames Valley Police.

The decision of the Panel, as stated by the Chairman at the close of the hearing, was:

to take no further action

The reasons for this decision are:

That on the evidence the Panel had heard, there are no additional conditions that need to be applied, conditions that need to be revoked, or conditions that need to be amended that of themselves would reduce public nuisance or increase public safety. The Panel considered that the existing conditions are sufficient to meet the licensing objectives.

The Panel also considered that there was insufficient evidence of public nuisance or a risk to public safety to warrant any other course of action open to them.

For the avoidance of doubt, there are no changes to the premises licence number 4992 issued on 13 July 2006 and the terms and conditions of this licence remain in force. The licensee is reminded that they are required to fully comply with these conditions.

The Chairman informed those present of their right of appeal, and that any further objections to the operation of this premises licence in the future could be dealt with by way of review.

Signed as a true summary of the proceedings by the Chairman¹

Date

¹ 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.