

# Legal and Democratic Services

HEAD OF SERVICE: Margaret Reed



## Hearing Decision Notice

Licensing Panel Hearing 1 June 2007

USA Chicken, 6 St Martin's Street, Wallingford

The Licensing Panel met on 1 June 2007 to consider the application for a premises licence for USA Chicken, 6 St Martin's Street, Wallingford.

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 20 June 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: 20 June 2007

## Notes



# Licensing Panel Hearing

held on 1 June 2007 at 10.00 AM

Place: Committee Room 4, 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 A Dearling

Clerk: Mrs Jennifer Thompson

The applicant attended and was represented by his agent, Ms Michelle Allison.

The Panel considered the report of the Licensing Officer including 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 Environmental Protection officers, Mr Paul Holland and Mr Simon Hill.

The Environmental Protection officer submitted four proposed conditions to the Panel which would in his opinion be sufficient to mitigate the public nuisance. The applicant had agreed to these conditions prior to the meeting.

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

**The Panel were minded to grant the licence on the basis that the conditions agreed by Environmental Protection and the applicant would address the concerns about noise and odour nuisance.**

However, the Panel agreed that it was not appropriate to issue a decision on this licence on the basis of the evidence presented and the proposed conditions.

The Panel did not feel able to grant the licence because the suggested conditions would mean that the new hours would not take effect until the work to install sound mitigation measures and improve the extraction system was completed to the satisfaction of the Environmental Protection Team. The Panel were concerned that the applicant may need to obtain listed building consent and may be unable to comply fully with all the conditions.

**The Panel did not reach a decision on this licence. They agreed to adjourn the hearing until 4 September 2007. This gives the applicant time to assess the conditions suggested by Environmental Protection and find out if he can comply with these conditions.**

The applicant was advised to:

- get an acoustic report;
- seek appropriate listed building consent;
- bring back a scheme, or show us that the required work has been completed to the satisfaction of the Environmental Protection team;
- and address any other matters arising from the suggested conditions.

The applicant was asked to send details of all actions taken to the Environmental Protection team in writing before the next hearing.

**The applicant has the right to request that the Panel meet again before 4 September to make their decision on this application.**

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

Date

<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.