

# Legal and Democratic Services

HEAD OF SERVICE: Margaret Reed



## Hearing Decision Notice

**Licensing Panel Hearing 8 April 2008**

**The Ferry Boat Inn, Whitchurch on Thames**

The Licensing Panel met on 2 April 2008 to consider the application to vary the premises licence held by the Ferry Boat Inn, Whitchurch on Thames.

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 licence 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 7 April 2008. 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 and posted: 7 April 2008

## **Notes**



# **Licensing Panel Hearing for a variation of a premises licence**

**held on 2 April 2008 at 10.00 AM**

Place: Council Chamber, Council Offices, Crowmarsh Gifford

Premises Licence: 4261 - The Ferry Boat Inn

Premises address: High Street, Whitchurch on Thames, Reading, RG8 7DB

Licensing Panel Councillors: Mr Malcolm Leonard (Chairman)

Mrs Pat Dawe

Mr Geoff Andrews

Legal advisor: Miss Annabel Cresswell

Licensing Officers: Mr Alastair Dearling

Clerk: Mrs Jennifer Thompson

Representing the premises: Mr David  
Holmes (designated premises)

supervisor), Mr Ian Pearson  
(representing Punch Taverns)

Representing the interested parties: Mr Simon Hill, Environmental Protection Officer, Mrs Pearl Slatter (ward councillor representing five residents), and seven local residents.

The Panel considered the report of the Licensing Officer which included copies of the application for the variation to the license, the existing premises licence, and representations from Environmental Services and 28 local residents.

The Panel heard evidence from Mr Holmes as the premises licence holder, from seven residents and from Mrs Slatter.

Mr Hill reported that the applicant had agreed to cease the provision of live and recorded music at 00.30 on Thursday, Friday and Saturday. This was acceptable to Environmental Protection and their objection was therefore now withdrawn. He remained to answer questions from the Panel, residents and the applicant.

After hearing all the evidence presented, the Panel discussed the application in private session accompanied by the 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 took account of the concerns of the residents about the increase in public nuisance caused by noise disturbance from patron within the premises and on leaving. The Panel also took account of the applicant's presentation and his stated desire to take advantage of the modern licensing laws to remain open on a few occasions each month to cater for those of his clientele who wish to remain in the pub after midnight. However, the Panel did not see evidence of a particular demand from the public to extend the opening hours until 2am.

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

**To vary the premises licence as set out below.**

The panel notes that the applicant will adhere to the conditions set out in their operating schedule, with the deletion of the third paragraph in the 'General Licensing objectives' section "In order to further the licensing objectives the licensee reserves.....without impediment".

**The opening hours and hours of permitted activity shall be:**

Live music – indoors only, unamplified live music with no restriction on number of performers:

Monday to Saturday 10:00 to 00:00

Recorded music – indoors only:

Monday to Saturday 10:00 to 00:00

Alcohol – on and off premises:

Monday to Thursday 10:00 to 00:00

Friday and Saturday 10:00 to 01:00 the following day

Sunday 10:00 to 22:30

The cigarette machine may be used at all times the premises are open.

Opening hours:

Monday to Thursday 10:00 to 00:30

Friday and Saturday 10:00 to 01:30 the following day

Sunday 10:00 to 23:00

The following non-standard hours are permitted for each activity and for the opening hours:

A further additional hour into the morning following every Sunday and Monday for each May Bank Holiday, Spring/ Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Sunday and Monday for the Easter Bank Holiday Weekend.

A further additional hour every Christmas Eve and Boxing Day (where these do not fall on Friday or Saturday).

From the start of permitted hours on New Year's Eve to the close of permitted hours on New Year's Day.

No other extensions to hours of alcohol sales or opening hours are granted.

And one additional condition:

1. Outside seating areas (the patio and other seating areas as may be provided) shall not be used by patrons consuming alcohol **and/or** food between 23:30 and 10:00.

This condition and hours of operation further the objective of the prevention of public nuisance by preventing noise from regulated entertainment or from patrons drinking in outside seating areas causing undue nuisance and disturbance to residents later into the evening. The hours for permitted activities have been restricted under policies LH3 and LH5 because the proposed opening hours may give rise to an unacceptable level of nuisance and disturbance given the residential nature of the village and the immediate locality.

To avoid doubt, all the conditions appertaining to the current premises licence remain in force.

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 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.