

Licensing Panel Report



Listening Learning Leading

Report of Head of Environmental Health

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Purpose of Meeting:

1. To consider the relevant representations received in respect of an application for a new Premises Licence for White Lotus Sports Bar 16-18 Hart Street, Henley on Thames under the Licensing Act 2003.

Introduction

2. The Licensing Act 2003 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”
3. The standard procedure for the hearing of all licensing applications is attached as **Appendix A**.

Section 17 Crime and Disorder Act 1998

4. Section 17 states: “Without prejudice to any other obligation imposed upon it, it shall be the duty of each Authority to exercise its various functions with due regard to the likely effect of the exercise of those function on, and the need to do all that it reasonably can, to prevent crime and disorder in its area.”

Application

5. The following information has been supplied by the applicant. The application for this licence is attached to the report at **Appendix B.**

Type of application:	Application for a premises licence under the Licensing Act 2003
Applicant / Address	Tellyking UK Limited, 1 Andromeda House, Calleva Park, Aldermaston, Reading, Berkshire. RG7 8AP
Supply of Alcohol:	Yes
Designated premises supervisor name and licence number:	Mr D Bedding Issuing Authority: Reading Personal licence number: LP7000330
<p>Summary of new application:</p> <p>The applicant has applied for a premises licence to allow the provision of regulated entertainment in the forms of films, recorded music, performance of dance, making music, dancing, late night refreshment and the supply of alcohol.</p>	
Details of application	<p>a. To be able to provide regulated entertainment in the form of films, recorded music, performance of dance, making music, dancing, late night refreshment and the supply of alcohol from 8.00am until 03.00am the following morning, from Monday to Sunday.</p> <p>b. the Premises may open to the public from 8.00am until 3.30am the following morning from Monday to Sunday.</p> <p>c. The applicant has requested the following Non Standing timings for the above provisions:</p> <p>1) In event of a recognised event ("the event" -not exceeding 12 annually) which falls outside the current permitted hours on the premises licence to permit licensable activities commencing one hour before the start of the event and ending one hour after the end of the event, the details of the event to be notified to the licensing authority and the police (nominated licensing police station) 10 days beforehand, with the police giving prior written</p>

	<p>consent in each case.</p> <p>2) To extend the hours on New Years Eve until the start of licensable activities on New Year's Day.</p> <p>3) To operate between the hours of 8.00am and 5.00am the following morning during the week of Henley Regatta.</p>
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Promotion of Licensing Objectives

6. The applicant has stated their intentions to promote the licensing objectives as stated in the Licensing Act 2003 through the operating schedule on their application form. The full application can be viewed at **Appendix B**.

General Licensing Objectives	<p>Operating procedures and policies, which include risk assessments, training of staff in all aspects of regulatory compliance and operating policies and measuring for avoidance of noise or other nuisance to neighbours, will apply.</p> <p>CCTV to be installed</p> <p>Noise Limiter to be installed</p> <p>Operators to employ SIA Door Staff Where necessary</p>
The Prevention of Crime and Disorder	No additional steps.
Public Safety	No additional steps
The Prevention of Public Nuisance	No additional steps
The Protection of Children From Harm	No additional steps

Background

7. The following background information is known about this premise.

Previous licences held:	The premise has previously held a premises licence under the Licensing Act 2003 for regulated entertainment and alcohol sales. This licence was surrendered by the licence holder, Mr Mike Cobb, on 8 February 2008. Prior to the introduction of the Licensing Act 2003, the premise has held Public Entertainment Licences issued by the Council and alcohol licences issued by the Magistrates Court. The council records show that the premise has operated as a night club, a late night bar and a restaurant for over 12 years.
Current convictions:	None
Details of licence reviews:	None
Complaints:	Since the introduction of the Licensing Act in November 2005, Environmental Protection has received 15 complaints in relation to loud music coming from the premises. The last complaint on file dates back to the 30 May 2007.

Relevant Representations

8. Relevant representations from responsible authorities have been made in respect of the application listed in paragraph 5. Full details of these representations are attached to the report at **Appendix C**. A summary of the responses from the relevant authorities are as follows:

Police:	<p>Thames Valley Police have made representation on the grounds of crime and disorder.</p> <p>The Police have been mediating with the applicant in relation to agreeing the proposed conditions for the premises licence. Unfortunately, at the time of writing this report no formal agreement has been reached. It is understood, however, that the applicant is prepared to agree to a number of conditions proposed by the Police. It is recommended that the applicant and the Police inform the Licensing Panel at the time of the hearing which conditions they agree upon. The full comments of Thames Valley Police's Licensing Officer are included in the report at <u>Appendix C</u>.</p>
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Fire & Rescue Service:	The Fire & Rescue Service has stipulated that the applicant should provide further details in relation to fire safety issues. Failure to comply with this request may give them no option but to call a review of the premises licence, should it be granted by the Licensing Panel. The full comments of the Fire & Rescue Service are included in the report at <u>Appendix C.</u>
Environmental Health:	<p>The Environmental Protection officer has objected to the grant of the licence on the grounds of the prevention of public nuisance.</p> <p>Like the Police, Environmental Protection have been mediating with the Applicant in regard to agreeing conditions on the premises licence. Unfortunately at the time of writing this report no formal agreement has been reached. But it is understood that the applicant is prepared to agree to a number of conditions proposed by Environmental Protection. It is recommended that the Applicant and the Environmental Protection officer inform the Licensing Panel at the hearing which conditions have been agreed</p> <p>The full comments of Environmental Health are included in the report at <u>Appendix C.</u></p>
Planning:	<p>The Planning officer had no objections to the application and has informed the Licensing Authority that the site has previously operated as Latinos night club.</p> <p>The full comments of Planning are included in the report at <u>Appendix C.</u></p>
Trading Standards:	No response
Child Protection:	No response

Interested Parties

9. Representations have been received from 5 Interested Parties. All of the representations refer to the possible increase in public nuisance and crime and disorder. The full details of the representations can be found at **Appendix D.**

Legal Implications

10. Under Schedule 5 of the Licensing Act 2003 the applicant or a person who made a relevant representation may appeal to the Magistrates Court in the event of not accepting the decision of the Licensing Panel.

Policy Considerations

11. In determining applications the authority must give appropriate weight to:

- a. Representations received from Responsible Authorities;
- b. Relevant Representations made by Interested Parties;
- c. The Secretary of State's Guidance;
- d. The Statement of Licensing Policy;
- e. The steps necessary to promote the Licensing Objectives

12. The Licensing Officer considers the following policies taken from the Statement of Licensing Policy should be considered for this application.

Policy LH 3: Licensing hours not limited
The Authority will not reduce the hours permitted for licensable activities to less than those stated in an application, unless representations indicate that this is necessary and then only in the context of the individual merits of that application. In considering a limitation on trading hours, regard will be had to the nature of the locality around the premises.
Policy LH 5: Closing Times
In determining applications, the Authority will take into account the time that it is proposed to close the premises where patrons have been attracted to attend by a licensable activity. Regard will also be had to matters such as the nature of the locality and the availability of public transport at the time that the premises propose to close.
Policy LH 6: Dispersal procedures
The Authority will require applicants for Premises Licences where there is likelihood for nuisance to the neighbourhood due to patrons leaving the premises, to submit a written statement with their application, covering procedures for orderly dispersal of patrons at closing time. Frequently, but not exclusively, these types of premises will be those that open for regulated entertainment or sale of alcohol after midnight, Such a statement should show how all staff in the premises are trained in its implementation. The Authority expects any dispersal procedure to state the time at which the licensable activities cease and the later, actual, closure time of the premises.
Policy LH 7: Latest admission times
In appropriate premises, where there is the possibility of customers moving between premises late at night or in the early hours of the morning in a way that could have a negative effect on any of the licensing objectives, the Authority expects latest admission times to apply where premises continue to sell alcohol for consumption on the premises and provide Regulated Entertainment after midnight. The Authority expects the latest admission time to be at least one hour before cessation of the licensable activity.
Policy OS 3: Operating schedule – Log book
The Authority suggests that the managers of appropriate premises maintain a log of activities for the premises, that records the details of the manager and staff and the times that they are on duty, with details of incidents such as where people have been refused admission or have been ejected from the premises.
Policy OS 11: Operating schedule – CCTV
For appropriate premises, the Authority expects the use of CCTV equipment to capture images of appropriate quality, location and frequency. The Authority expects applicants for licences for such premises to demonstrate in their operating schedules that the installation and operational procedures for the equipment at the premises comply with Thames Valley Police's "Standard Minimum Closed Circuit Television Requirements".

Policy OS 13: Operating schedule – Door Supervisors

The Authority generally expects Premises holding regulated entertainment that continues beyond midnight to employ door supervisors in furtherance of the licensing objectives, unless it is shown to be unnecessary. In addition to the SIA requirements for registration, the Authority will require Door Supervisors to comply with the requirements of the “Thames Valley Door Safe” code of conduct whilst they are on duty. Where appropriate, the Authority will attach conditions to Premises Licences about the minimum numbers of male and female door supervisors on duty and their roles, which will reflect the layout of the premises, the location, the type of entertainment or function provided and the periods when regulated entertainment normally takes place. Where Representations have been made, the Authority may require premises to use door supervisors for particular types of regulated entertainment which have a significant potential to provoke disorder, or where there are special promotional events in which the sale of alcohol is significant. At premises that have regular entertainment or where special events are taking place, other attendants who do not engage in security activities, may be required to supervise areas within the premises. The Authority expects door supervisors and other staff undertaking security or supervisory duties to be readily identifiable by members of the public and where appropriate to wear high visibility clothing.

Policy OS 14: Operating schedule – 'Pub-Watch' Schemes

The Authority strongly recommends that all premises licensed to sell alcohol will participate in a 'pub-watch' or similar approved scheme and become part of any alert system(s) that such schemes may implement to alert members about potential troublemakers.

Licensing Officer's Observation

13. A plan showing the location of the premises is attached at **Appendix E**.
14. This report provides information submitted by the applicant. The Panel is obliged to determine this application with a view to promoting the Licensing Objectives which are:
 - The Prevention of Crime and Disorder
 - Public Safety
 - The Prevention of Public Nuisance
 - The Protection of Children From Harm
15. In making its decision, the Panel is obliged to have regard to the relevant provisions of the Act, Guidance and Policy.
16. The Panel must also have regard to all the relevant representations made and the evidence it hears. Members of the Panel when considering the application must confine themselves to considering only those aspects of the application in respect of which relevant representations have been made.
17. The Panel must either grant the application as applied for OR take such of the following steps as it considers necessary for the promotion of the licensing Objectives:
 - i. Modify the conditions of the licence, by altering or omitting or adding to them.
 - ii. Reject the whole or part of the application
18. The Panel cannot modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote one or more of the Licensing Objectives.

PROCEDURE FOR THE HEARING BY THE LICENSING PANEL

INTRODUCTION

1. Where both parties intend to produce documents in support of his/her case they shall exchange documents not less than 7 working days prior to the date of the hearing and further shall supply copies of these documents to the Council's Licensing Officer not less than 7 working days prior to the date of the hearing.
2. By reason of the confidential nature of some types of case heard by the Licensing Panel the public and press may be excluded from the proceedings.
3. The applicant will have the right to be accompanied at the hearing by his/her representative, who may present the case for or on behalf of the applicant.
4. At the commencement of the hearing, the applicant, or his/her representative and the Council's Licensing Officer, will present to the Licensing Panel details of any witnesses to be called.

LICENSING OFFICER

5. **The Licensing Officer** will then present the circumstances of the case, as supported by any documentary evidence, and may call witnesses.
6. **The applicant or his/her representative** may ask questions of the Licensing Officer and witnesses on any of the evidence presented by them.
7. **Objectors to the application** may then ask questions of the Licensing Officer and any witnesses called
8. **The Licensing Panel members** may ask questions of the Licensing Officer and witnesses on any of the evidence presented by them.

APPLICANT

9. **The applicant and his/her representative** may present his/her case/submission to the Licensing Panel as supported by any documentary evidence and may call witnesses.
10. **The Licensing Officer** may ask questions of the applicant and/or his/her representative and any witnesses on their evidence.
11. **The Objectors** to the application may ask questions of the applicant and any witnesses on their evidence.
12. **The Licensing Panel members** may ask questions of the applicant and/or his/her representative and any witnesses on their evidence.

THE OBJECTORS

13. **The Objectors** will give details of their objections to the application, this may be supported by documentary evidence and witnesses may be called.
14. **The Applicant** may then ask questions of the objectors and any witnesses called by the objectors.
15. **The Licensing Officer** may then ask questions of the objectors.
16. **The Licensing Panel members** may then ask questions of the objectors and any witnesses called by the objectors.

SUMMING UP

- 17 **The Licensing Officer, the applicant and/or his/her representative and the objectors** will then have the opportunity to sum up their cases if they so wish.
- 18 **All parties and their witnesses** will then be asked to withdraw from the meeting whilst the Licensing Panel deliberates in private. In the event of uncertainty on any of the evidence, all parties will be recalled regardless of the fact that the point in question may relate only to the evidence of one of the parties.
- 19 When the Licensing Panel has completed its deliberations all parties will be recalled to the meeting and the Chairman will announce the Licensing Panel's decision and the reasons for that decision.

Application for a premises licence under the Licensing Act 2003.

White Lotus Sport Bar, 16-18 Hart Street, Henley

Representations from Relevant Authorities

Representations received from Interested Parties



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