

Hearing Decision Notice
Licensing Panel Hearing 1 May 2008
Boat House, Wallingford

The Licensing Panel met on 1 May 2008 to consider the application for a variation to the premises licence for the Boat House, 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 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 May 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.

Notes



Listening Learning Leading

Licensing Panel Hearing for a variation to a premises licence

HELD ON 1 MAY 2008 AT 10.00 AM

Place:	Council Chamber, Council Offices, Crowmarsh Gifford
Premises and Licence:	Boat House – Licence number 4105
Premises address:	The Old Bridge, Wallingford, OX10 0BL
Applicant:	Spirit Group Ltd
Licensing Panel Councillors:	Mr Malcolm Leonard (Chairman) Mr Lyndon Elias Mrs Ann Midwinter
Legal advisor:	Miss Annabel Cresswell
Licensing Officers:	Mr Alastair Dearling
Clerk:	Mrs Jennifer Thompson
Representing the applicant:	Mr L Walker (designated premises supervisor), Mr J Woodcraft (solicitor) and Mr S Carr (business manager)
Representing the interested parties:	Mr Simon Hill (Environmental Protection Officer), Mr Tony Cope (Thames Valley Police licensing officer), representatives from the town council and four local residents.

A further 31 local residents attended the hearing but did not make representations on their own behalf.

The Panel considered the report of the Licensing Officer which included copies of the application for the new license and representations from Environmental Services, Thames Valley Police and 105 local residents.

The Panel heard evidence from Mr Walker, Mr Woodcraft, Mr Cope, Mr Hill, four residents, and a representative of Wallingford Town Council on behalf of that Council and some local residents.

Mr Woodcraft and Mr Walker explained the vision for the premises and the reasons for the variation application.

The residents and Wallingford Town Council stated their cases. There were considerable concerns over a potential increase in the already significant noise emanating from patrons on leaving the premises and over the disruptive behaviour of people on the streets late at night.

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

To refuse the variation of the premises licence in its entirety.

The reasons for the refusal are:

- The Panel listened to the applicant and his vision for the premises, but they were of the view that the premises is not yet in a position to demonstrate the success of this business plan. The views and the concerns of the community were at this point stronger evidence in support of refusal of this application.
- These concerns about the potential extension later into the night of noise, disturbance and nuisance caused by patrons leaving the premises significantly outweigh the evidence from the applicant in support of the extended opening hours. The Panel considers that these problems are exacerbated by the large capacity of the premises.
- The concerns raised by the police over the potential increase in crime and disorder in the town in the early hours are also relevant.
- The Panel also noted concerns expressed by residents about the impact on the town as a whole, and on tourists visiting the camp- and caravan- site.

- The Panel have not seen evidence from the community that the public nuisance and low-level crime and disorder in the neighbourhood have decreased since the last application and review in 2006. Nor have they heard evidence from the applicant or from residents to support a view that the problems have decreased significantly as a result of the change in management of the premises.
- The Panel considers that granting the variation would be contrary to the licensing objectives requiring the prevention of crime and disorder and prevention of public nuisance, and would be contrary to Licensing Policies LH3 and LH5.

The condition restricting the use of outside areas is not changed because an extension in the hours of use would give rise to increased public nuisance because of noise from patrons drinking outside beyond midnight.

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.