

## **Hearing Decision Notice**

### **Licensing Panel Hearing 15 February 2010**

### **Garsington Opera, Southend Manor, Garsington**

The Licensing Panel met on 15 February 2010 to consider the application to review the premises licence held by Garsington Opera.

The decision of the Panel is set out in the Notes of the hearing (appended). This decision is deemed to be effective immediately from the date on this Notice.

#### **Appeal rights.**

All parties have the right of appeal. Section 181(1) Schedule 5(9) 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 19 February 2010. 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: 19 February 2010

# Notes



Listening Learning Leading

## **Licensing Panel Hearing for a review of a premises licence held on 15 February 2010 at 10.00 am**

Place:	Council Chamber, Council Offices, Crowmarsh Gifford
Premises Licence:	4992 – Garsington Opera
Premises address:	Southend Manor, Southend, Garsington, Oxford OX44 9DH
Licensing Panel Councillors:	Mrs Pat Dawe (Chairman) Capt John Flood Mrs Janet Carr
Legal advisor:	Miss Amanda Nauth
Licensing Officers:	Mr Alastair Dearling
Clerk:	Mrs Jennifer Thompson
Applicant for the review	Ms M Waud, Garsington resident; Mr R Lloyd-Williams, Garsington resident
Representing the premises:	Mrs N Creed (Finance director), Mr A Boyd- Heron (site manager) and Mr A Whitworth- Jones (director)
Responsible Authorities:	South Oxfordshire District Council Environmental Protection (represented by Mr P Holland and Mrs S Coxell); Planning Services (represented by Mr T Small); Health and Safety (represented by Mr I Crick)
Interested Parties:	Ms Wood (in support of Garsington Opera) and Dr Kearsley (in support of the review) - two local residents who had made written representations in respect of the review.

The Panel had before them written evidence:

- the report of the Licensing Officer which included a copy of the existing premises licence and responses from three responsible authorities,
- the application for the review by Ms Waud,
- a second application for review submitted within the consultation period of Ms Waud's review, and with the consent of both applicants considered together with Ms Waud's review. A sheet marked Appendix 3 was circulated separately from the papers in connection with the review but considered as part of it.
- the paperwork relating to the previous review on 26 April 2007
- relevant representations from six interested parties
- three late submissions circulated with the approval of all parties: a memo from Environmental Protection; a memo from Planning Enforcement; and a photograph of part of the site from a resident.

The Panel heard evidence and listened to questions and answers from all parties present at the hearing.

After hearing all the evidence presented, the Panel made their decision in private session accompanied by their legal advisor and clerk.

The Panel considered all the written evidence submitted by all parties and all the relevant evidence they had heard. They discounted the comments relating to the holding of private wedding receptions on the premises as this activity is neither licensable, nor under the control of the licence holder.

The Panel considered what action would be reasonable and proportionate having due regard to the Licensing Act 2003 and associated regulations and guidance, the licensing objectives, the Council's licensing policy, relevant case law, and taking into account all the evidence in the report, submitted as late representations, and presented by all parties at the hearing.

The Panel considered the options open to them.

**The decision of the Panel, as stated at the close of the hearing, was to take no further action. The Panel reminded the premises licence holders that they must strictly adhere to all of the conditions on both the premises licence and the planning consent. In particular, the Panel reminded them of condition 18 on the planning consent requiring all audience vehicles to have left the site by 11 pm.**

**The reasons for the decision are:**

The Panel were aware that all options were open to them and carefully considered these options. The Panel considered residents' concerns and were satisfied that the

conditions attached to the premises licence are sufficient to meet the licensing objectives for the activities permitted in the licence and in particular are sufficient to prevent public nuisance.

The Panel did not consider anything not covered by the licence, anything to which the licensing objectives did not apply, anything which could not be covered by a premises licence, or any activities controlled by other legislation.

The Panel noted that breaches of conditions on the planning consent P01/N0620 were more properly dealt with under planning legislation and that two breaches of condition notices were still in force.

The Panel considered that the existing conditions attached to the premises licence, if strictly adhered to, constrained the Opera to operate in a manner which met the licensing objective of preventing public nuisance, and that further conditions or restrictions would place an unnecessary burden on the Opera but not resolve the residents' concerns.

The Panel did not consider that any of the other options open to them were proportionate given the evidence supplied by all parties.

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

Date

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<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.