

# Licensing Panel

Report of Head of Legal and Democratic Services

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Licensing Panel

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## Application for a Premises Licence under the Licensing Act 2003 – La Barca, Thameside, Henley

### Recommendation(s)

That the Panel consider the application and decide whether the licence should it be granted, and whether any additional conditions are required to be attached to the licence.

### Purpose of Report

1. To present the facts and relevant representations received in respect of an application for a premises licence for La Barca, Thameside Henley under Section 17 of the Licensing Act 2003 to the Licensing Acts Sub-Committee in order that it can determine the application.

### Strategic Objectives

2. The relevant objectives are those of “helping people to feel safe and secure” and “managing our business effectively”. The relevant corporate priorities are those of “provide value for money services that meet the needs of our residents and service users” and “maintain low levels of fear of crime and anti-social behaviour”.

### Background

- 3.1 The Licensing Act 2003 (‘the Act’) 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'.

Any assessment of licensable activities must consider and promote the following four statutory objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance and
- The prevention of children from harm

3.2 Where no representations are received in respect of a licence application then the licence would be granted by the Head of Legal and Democratic Services Officer under delegated powers. When valid representations are received regarding the grant or variation of a premises licence, the application will be referred to the Licensing Panel for consideration.

3.3 An application has been received from Delicioso Limited for a new Premises Licence at Hobbs of Henley, Thameside, Henley, RG9 1AZ (**Appendix 1**). Dr. Kate Shirley-Quirk intends to be the Designated Premises Supervisor (DPS) and has been issued her Personal Licence by South Oxfordshire District Council. The application seeks approval for the following licensable activities:

- Recorded Music – inside the premises. Monday to Sunday 09.00 to 24.00
- Late Night Refreshment. Monday to Sunday 23.00 to 24.00
- Sale of alcohol for consumption on the premises. Monday to Sunday 09.00 to 24.00

The premises opening hours are Monday to Sunday 09.00 to 24.00

In respect of non standard timings for all of the above the applicant has applied as follows:

- On New Year's Eve from the end of permitted hours until the beginning of the permitted hours on New Year's Day; on Christmas Eve until 2am; from the Wednesday to Sunday of Henley Regatta Week until 2am, and Wednesday to Sunday of the Henley Festival until 2am.

3.4 Thames Valley Police and Trading Standards in their capacity as Responsible Authorities have raised no objections. Planning has raised no objections although they indicate that planning permission is required and if an application were submitted to vary condition 12 of the current planning permission relating to hours of use this would be resisted depending on how frequently the restaurant wished to open beyond midnight. (**Appendix 2**)

3.5 Environmental Health have raised objections to the application in relation to the impact of noise on the surrounding area and have recommended a number of conditions be attached to the licence if granted as per the application.

3.6 Eight letters of objection from residents have been received. All are concerned with the potential for nuisance from noise from the premises and noise from

patrons leaving the premises or noise from people congregating outside the premises late in the evening. The Interested Parties' letters can be seen at **Appendix 3**.

## **4. Options**

4.1 In determining applications the authority must give weight to:

- Representations received from Responsible Authorities
- The Secretary of State's Guidance Issued under Section 182 of the Licensing Act 2003
- The Statement of Licensing Policy
- The steps necessary to promote the Licensing Objectives

4.2 In view of the above, the Panel is requested to consider the application for a premises licence and decide whether:

- to grant the licence
- to refuse the licence or
- to grant the licence and attach conditions to it

## **5. Legal Implications**

5.1 The Human Rights Act 1998 requires public bodies to ensure everything they do is compatible with Convention Rights and makes it unlawful for a public authority to act incompatibly with those Rights. When determining applications for the grant of a new licence the sub-committee will be aware of Human Rights considerations, specifically Article 6 (right to a fair trial) for the applicant and Article 8 (right to respect for private and family life) for those making representations.

5.2 The hearing of all applications is subject to the principles of natural justice.

5.3 Section 17 of the Crime and Disorder Act 1998 states, 'without prejudice to any other obligation imposed on it, it shall be the duty of each authority to exercise its various functions with due regard to the likely effect of those functions and the need to do all that it reasonably can to prevent crime and disorder in its area.'

5.4 Under Schedule 5 part 1 of the Licensing Act 2003 any person aggrieved by the decision in respect of the application may appeal to a Magistrates' Court within 21 days of the date of the decision.

## **6. Risks**

6.1 None identified

## **7. Other Implications**

7.1 None

## **8. Conclusion**

- 8.1 This report provides information submitted by the applicant, responsible authorities and residents. The Panel should determine this application with a view to promoting the relevant Licensing Objectives which are 'the prevention of crime and disorder', 'public safety', 'the prevention of public nuisance' and 'the protection of children from harm' and have regard to the relevant provisions of the Act, Guidance and Policy.
- 8.2 The sub-committee must also consider attaching conditions suggested by responsible authorities and having had regard to all the relevant representations made and the evidence it hears, should either, grant the licence, refuse the application or grant the licence and attach conditions to it.

## **Background Papers**

- Legislation referred to in the report.