

Licensing Acts Panel

Report of Head of Legal and Democratic Services

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Licensing Panel

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Application to vary a Premises Licence under the Licensing Act 2003 – Premises Licence Number: 4271: Six Bells, 44 High Street, Thame OX9 2AD

Recommendation(s)

That the Panel consider the application to vary the licence, the residents' objections to the application and decide whether to grant the requested variation in full, refuse the variation in part or the whole of it or grant the variation with conditions.

Purpose of Report

1. To present the facts and relevant representations received in respect of an application to vary a premises licence for Six Bells, 44 High Street, Thame under Section 34 of the Licensing Act 2003 to the Licensing Acts Panel 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 an application for the grant or variation of a premises licence, 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 Acts Panel for consideration.

3.3 An application has been received from Fuller, Smith and Turner Plc to vary the premises licence **Number 4271** in respect of Six Bells, 44 High Street, Thame, OX9 2AD (**Appendix 1**). The application seeks to vary the existing licence as follows:-

- To extend the terminal hour for the sale of alcohol and late night refreshment Monday to Thursday until midnight and on Friday and Saturday until 01.00. To extend the closing time Monday to Thursday until 00.30 and on Friday and Saturday until 01.30
- To remove condition D1 under Annex 5 "the outside area will cease trading at 23.00". This condition is a contradiction of condition 9 under Annex 3, which states the same thing; however the use of the premises is not permitted between 23.30 and 08.00, as agreed at a licensing hearing.
- All other licensable activities, permitted hours and opening hours to remain as existing.

3.4 **The current premises licence authorises:**

- Recorded Music from 00.00 to 23.59 on Monday to Sunday
- Late Night Refreshment from 23:00 to 23.30 Monday to Thursday and Sunday
- Late Night Refreshment from 23:00 to 00.00 Friday and Saturday
- Supply of Alcohol for consumption on and off the premises from 10:00 to 23.00 on Monday to Thursday and Sunday.
- Supply of Alcohol for consumption on and off the premises from 10:00 to 23.30 on Friday and Saturday.
- The premises are open to the public from 10.00 to 00:30 on Monday to Thursday.

- The premises are open to the public from 10.00 to 01:30 on Friday and Saturday.
- The premises are open to the public from 10.00 to 23:30 on Sunday

The following Seasonal Variations apply:

Supply of alcohol for consumption on and off the premises

- To open 24 hours a day on New Years Eve
- An extra hour on the standard times on the day when British Summer Time commences.

The following non standard times for the licensable activities authorised by the licence:

Late Night Refreshment

- Sundays preceding Bank Holiday Mondays: 23.00 to 23.30

Supply of alcohol for consumption on and off the premises

- Sundays preceding Bank Holiday Mondays: 10.00 to 23.30

Opening Hours

- Sundays preceding Bank Holiday Mondays: 10.00 to 00.00

(See **Appendix 2** for the current premises licence.)

- 3.5 The council is satisfied that the application was advertised in accordance with Licensing Act 2003
- 3.6 A map of Thame town centre showing the premises location is displayed as **Appendix 3**
- 3.7 Thames Valley Police, Trading Standards, Planning, Environmental Health and Health and Safety in their capacity as Responsible Authorities have raised no objections.
- 3.8 27 letters of objection from residents have been received together with one letter on behalf of a residents association and another from a local neighbourhood watch signed by 24 residents. All are concerned with the potential for crime and disorder, 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 4**.

4. Options

- 4.1 In determining applications the authority must give weight to:
- a. The Secretary of State's Guidance Issued under Section 182 of the Licensing Act 2003

- b. The Council's Statement of Licensing Policy
 - c. The steps necessary to promote the Licensing Objectives
- 4.2 In view of the above, the Panel is requested to consider the application for variation of the premises licence and decide whether:
- a. to grant the variation as applied for, or
 - b. to refuse the variation either in part or the whole application, or
 - c. to grant the variation with conditions

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 the Panel will be aware of Human Rights considerations, specifically Part 2, Article 1, peaceful enjoyment of possessions (a licence is deemed to be a possession) and 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 and residents. The Panel should determine this application on its merits 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, Statutory Guidance and the council's Licensing Policy.
- 8.2 The Panel must having had regard to all the relevant objections made and the evidence it hears either grant the variation, refuse the variation either the whole or part of the application, grant the variation with conditions.

Background Papers

- Legislation referred to in the report.

Appendix 2

