

# Licensing Acts Panel



Listening Learning Leading

Report of Head of Legal and Democratic Services

Author: Nigel Haverson

Telephone: 01491 823426

Textphone: 18001 01491 823426

E-mail: nigel.haverson@southandvale.gov.uk

Licensing Panel

DATE: 13 September 2011



## **Application for a new Premises Licence under the Licensing Act 2003 – The Quince Tree, Stonor, Henley on Thames, RG9 6HE**

### **Recommendation(s)**

That the Panel consider the application for a new premises licence, the residents' objections to the application and decide whether to grant the licence as requested, refuse the application, grant it with amendments or grant it with conditions attached.

### **Purpose of Report**

1. To present the facts and relevant representations received in respect of an application for a new premises licence for The Quince Tree, Stonor under Section 17 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 was received from Anthony Collins Solicitors on behalf of Quince Tree Trading Limited on 25 July 2011 in respect of The Quince Tree, Stonor, Henley on Thames, RG9 6HE (**Appendix 1**). The application seeks to authorise the following:-

- The Performance of Plays (Indoors), The Exhibition of Films (Indoors), The Playing of Recorded Music (Indoors and Outdoors), The supply of alcohol for consumption both on and off the premises:-
  - Monday to Saturday 8.30 to 23.00
  - Sunday 10.00 to 22.00
- The Performance of Live Music (Indoors and Outdoors), The Performance of Dance (Indoors and Outdoors), Anything of a similar description to that falling within (e), (f) or (g) (Indoors and Outdoors), The provision of Facilities for making music (Indoors and Outdoors), The Provision of Facilities for Dancing (Indoors and Outdoors), The Provision of Facilities for Entertainment of a Similar description to that falling within (i) or (j) (Indoors and Outdoors):-
  - Monday to Saturday 11.00 to 23.00
  - Sunday 11.00 to 22.00
- Hours the premises are open to the public
  - Monday to Saturday 8.30 to 23.00
  - Sunday 10.00 to 22.00

The following Seasonal Variations are also applied for in respect of the Supply of Alcohol:-

- Retail Area – “Off Sales”
    - 08.30 to 19.00 Monday to Saturday
    - 10.00 to 18.00 Sunday and Bank Holidays
  - Café, Restaurant and Conference Areas
    - 08.30 to 23.00 Monday to Saturday
    - 10.00 to 22.00 Sunday
  - Public House Area
    - 10.00 to 23.00 Monday to Saturday
    - 10.00 to 22.00 Sunday
- 3.4 The proposed Designated Premises Supervisor will be Robert Yerburgh who holds a Personal Licence **Number 1759**, issued by South Oxfordshire District Council.
- 3.5 The council is satisfied that the application was advertised in accordance with Licensing Act 2003.
- 3.6 A map of Stonor showing the premises location is displayed as **Appendix 2**
- 3.7 Thames Valley Police, Trading Standards, Planning, Environmental Protection and Health and Safety in their capacity as Responsible Authorities have raised no objections.
- 3.8 Seven letters of objection from residents have been received. All are concerned with the potential for noise nuisance emanating from the premises. The Interested Parties’ letters can be seen at **Appendix 3**.

## 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 the new premises licence and decide whether:
- a. to grant the application as applied for, or
  - b. to refuse the application, or
  - c. to grant the application with amendments, or
  - d. to grant the application as applied for but attach additional conditions to the licence.

## **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 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 licence, refuse the licence, grant the licence with amendments or grant the licence as applied for but attach conditions to it.

## **Background Papers**

- Legislation referred to in the report.