

Licensing Panel report

Report of Head of Legal and Democratic Services

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Licensing Panel

DATE: 26 March 2012

Application for the review of a premises licence under the Licensing Act 2003 –

Premises licence number 4251-Victoria Vibes, 48 Market Place, Henley RG9 2AG

Recommendation(s)

1. That the panel consider the application for review of this licence, and
2. Having heard all the evidence submitted by the various parties at the hearing, taken into account the Secretary of State's Guidance issued under Section 182 Licensing Act 2003, and the council's Statement of Licensing Policy determine if based on this that any or all of the licensing objectives have been undermined, and
3. If the panel conclude that any or all of the licensing objectives have been undermined then they are recommended to consider what measures are necessary and proportionate in order to ensure that those licensing objectives are promoted.

Purpose of report

1. To present the facts and relevant representations received in respect of an application by Thames Valley Police, for a review of the premises licence for Victoria Vibes, 48 Market Place Henley RG9 2AG, under Sections 51 and 52 of the Licensing Act 2003 to the Licensing Acts panel in order that the panel can determine the application.

Strategic objectives

2. The relevant objectives are those of “building the local economy” and “excellent delivery of key services”. The relevant corporate priorities are those of “maintaining low levels of crime and anti social behaviour” and “putting residents at the heart of service delivery and seek to provide an excellent customer experience”.

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- 3.2 When a valid application is received for the review of a premises licence and the review has not been withdrawn the matter will be referred to a Licensing Acts Panel to determine the application.

- 3.3 An application was received from Thames Valley Police on 6 February 2012 under Section 51 of the Licensing Act 2003 for a review of the Premises Licence **No. 4251** in respect of Victoria Vibes, 48 Market Place, Henley on Thames, RG9 2AG.

The grounds for the review are:-

Thames Valley Police are calling for review of this licence due to the premises not upholding the protection of children from harm and crime and disorder objectives of the 2003 Licensing Act.

There are concerns that the premises is regularly serving persons alcoholic beverages who are under the age of 18. Since 19 August 2011 there have

been 24 incidents where the Police have attended the premises of which 5 involved underage persons.

There are concerns about Mr Vanni's conduct towards police officers.

A copy of the review application together with the supporting documentation from Thames Valley Police is attached at **Appendix 1**.

South Oxfordshire District Council as the licensing authority were responsible for placing the necessary signs on the premises and these were put up on 7 February 2012 inviting comments on the review application by 6 March 2012. A copy of the "blue notice" is attached at **Appendix 2**. There have been a number of instances of the "blue notices" being removed by persons unknown but these have been replaced as necessary. The review has been called in respect of the protection of children from harm and the crime and disorder licensing objectives. Thames Valley Police confirmed that copies of the review documentation were also served on the responsible authorities and premises licence holder.

- 3.4 A copy of the current **Premises Licence 4251** is attached at **Appendix 3** for information. This licence was first granted on 24 November 2005 to the current premises licence holder and is the licence that is currently in force. The Designated Premises Supervisor (DPS) is Mrs Joanne Helen Vanni, who holds a personal licence issued by Oxford City Council, **PL/279** and she has been the DPS since 03 November 2011.
- 3.5 Health and safety and planning in their capacity as responsible authorities have raised no comments on the review process either in support of it or against it.
- 3.6 Environmental protection in their capacity as a responsible authority has commented on the review and their letter of representation is attached at **Appendix 4**.
- 3.7 Two letters of representation were received; these are attached at **Appendix 5**. The issues raised in the letters are of relevance to the review and have come from persons or businesses within the vicinity of the premises.

4. Options

- 4.1 In determining an application for the review of a premises licence 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 The panel are reminded that any decision they consider has to be proportional to only do that which it considers necessary to promote those licensing objectives that may be considered to have been undermined.
- 4.3 In view of the above, the panel is requested to consider the application for a review of the premises licence and decide whether:
- to modify the conditions of the licence
 - to exclude a licensable activity from the scope of the licence
 - to remove the designated premises supervisor
 - to suspend the licence for a period not exceeding three months
 - to revoke the licence

5. Financial implications

- 5.1 Should the applicant or any party aggrieved by the decision wish to appeal against the decision of the council; they may do so to the Magistrates' Court. The council would incur costs should this occur, although the court may decide to award costs if the council's decision is upheld.

6. Legal implications

- 6.1 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 review of an existing licence the panel will be aware of human rights considerations, specifically Part 1, Article 6, right to a fair trial and Part 2, Article 1, peaceful enjoyment of possessions (a licence is deemed to be a possession).
- 6.2 The hearing of all applications is subject to the principles of natural justice.
- 6.3 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.'
- 6.4 Under Schedule 5 part 1 of the Licensing Act 2003 any person aggrieved by the decision in respect of the review application may appeal to a Magistrates' Court within 21 days of the date of the decision.

Risks

- 6 None identified

Other implications

- 7 None

Conclusion

- 8.1 This report provides information submitted by Thames Valley Police (the applicant for the review), Environmental protection and other interested parties. The panel should determine this application with a view to promoting the relevant licensing objectives which are 'the prevention of crime and disorder' and 'the protection of children from harm' and have regard to the relevant provisions of the Act, Guidance and Policy.
- 8.2 The panel should, having heard all the evidence submitted by the various parties at the hearing and taken into account the Secretary of State's guidance issued under Section 182 Licensing Act 2003 and the council's statement of licensing policy, determine whether any or all of the licensing objectives have been undermined.
- 8.3 If the panel conclude that any or all of the licensing objectives have been undermined then they should consider what measures are necessary and proportionate in order to ensure that those licensing objectives are promoted. The options available for the panel to consider are set out at paragraph 4.3 above.

Background Papers

- Legislation referred to in the report.

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Thames Valley Police

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Victoria 48 Market Place	
Post town Henley-On-Thames	Post code (if known) RG9 2AG

Name of premises licence holder or club holding club premises certificate (if known) Joanne Townsend

Number of premises licence or club premises certificate (if known) 4251

Part 2 - Applicant details

I am

Please tick yes

1) an interested party (please complete (A) or (B) below)

- | | |
|---|--------------------------|
| a) a person living in the vicinity of the premises | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |

- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Thames Valley Police Licensing Department Laura Morris HQ South Kidlington OX5 2NX
Telephone number (if any) 01865 846150
E-mail address (optional) laura.morris@thamesvalley.pnn.police.uk

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes
- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

Thames Valley Police are calling for review of this licence due to the premise not upholding the protection of children from harm and crime and disorder objectives of the 2003 Licensing Act.

There are concerns that the premise is regularly serving persons alcoholic beverages who are under the age of 18. 15% of the incidents since 19th August 2011 have involved underage persons. I am also still receiving complaints from officers about the conduct of Mr Vanni towards them.

19% of incidents at the premise since the 19th August 2011 have involved some form of disorder.

Please provide as much information as possible to support the application

(please read guidance note 2)

There has been great concerns about the conduct of the premise since the previous review hearing. The increase in reports of under age sales aswell as the witnessed sale of alcohol to a person under the age of 18 is of great concern. Mr Vanni has previously been prosecuted for underage sales in 2009 and has yet again been seen to serve a person underage and received a Fixed penalty notice for the offence.

Since the 19th August 2011 there has been 6 incidents of disorder at the premise as well as 3 assaults without injury and 1 actual bodily harm. This is a very high number of incidents considering the small time frame.

Thames Valley Police have concerns that the premise is unable to run its premise and manage its customers in an effective manner and in accordance with the licensing act. Due to this and the fact that issues from the previous hearing have still not been addressed we feel that we have no option but to ask for revocation of the licence.

Please see attached

Annex 1 Incidents, overview and chart

Annex 2 statements provided on the 23rd january 2012

Annex 3 Drug results

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

1	5	0	8	2	0	1	1
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If you have made representations before relating to this premises please state what they were and when you made them

On the 15th August 2011 review paperwork was submitted.

The panel hearing was held on the 30th September 2011.

The below was the submission for grounds for review.

Thames Valley Police are calling for review of this licence due to the premise breaching conditions and not upholding the crime and disorder and prevention of public nuisance objectives of the 2003 Licensing Act.

There are concerns over the regular breaches of licence and the attitude of the Designated premises supervisor and Premise Licence Holder. There have been instances of public order towards police by Mr Vanni & Ms Townsend.

The premise has also had high drugs results and has failed to implement suggested interventions resulting in an increase in results.

The majority of complaints and incidents have occurred after 23.00.

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (**See guidance note 4**). If signing on behalf of the applicant please state in what capacity.

Signature

.....

Date

.....

Capacity Licensing Officer

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (**please read guidance note 5**)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

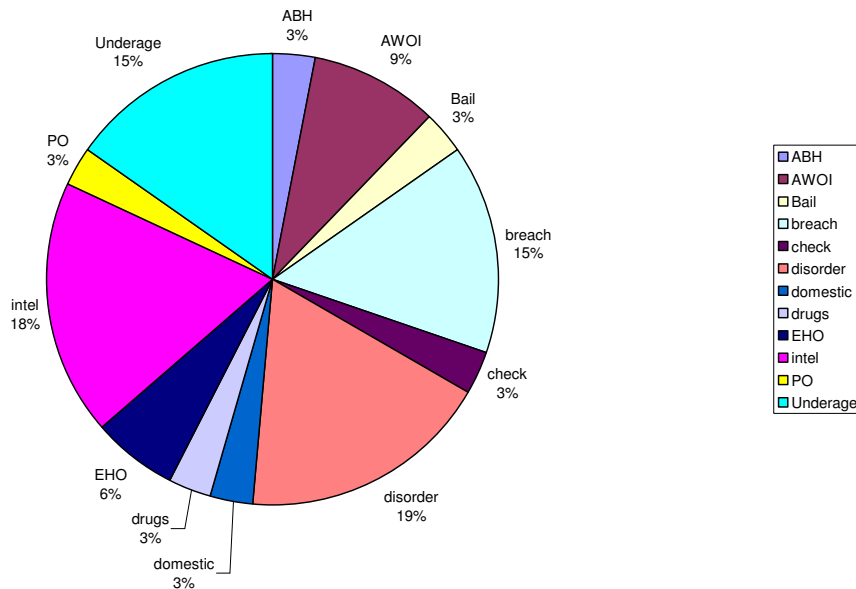
Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

date	time	form	type	details
23/01/12		statement	underage	statement from youth seen and served alcohol in the premise
23/01/12		statement	underage	statement from PCSO about 2 incidents in which alcohol was served to under age persons.
21/01/12	1.25	gen 40	breach	officer on duty noted persons reentering premises between 1.30 - 1.46 Mr Vanni then approached officer and began to swear and argue with officer
17/01/12	20.3	cid 72	breach	male in sig drink who is on the pub watch banning list.
07/01/12		cid 72	underage	intel that sig is seerving underage males with alcohol they are coming out drunk and are not being asked for ID
25/12/11	23.24	URN 997	EHO	karaoke eveing at sig a lot of noise
25/12/11	22.37	URN 940	disorder	2 males fighting and noise from sig officers attended and no complaints AIO caller again stated fight but offiers have just left and all ok
03/12/11		check sheet	disorder	minor altercation between 2 males at 1.29 at entrance AIO sorted quickly
25/11/11	23.55	gen 40	breach	noise from group of 8 customers standing and sitting at the main entrance smoking and drinking DPS spoken to for same offence on the 23/11/11 and took no action
23/11/11	0.46	gen 40	breach	breach of licensing hours at time 3 persons were stood o/s smoking with drinks in their hands officers went i/s and spoke to DPS i/s sig was 9 other people.
19/11/11		check sheet	breach	jo stated that licensing officer has her licence which is why it is not on display
18/11/11	23.03	URN 1659	AWOI	caller wanted to log incident but no further action male slapped him in sig tonight
05/11/11		cid 72	drugs	chris vanni is selling drugs to people he lets people smoke joints in the kitchen only as long as they stand under the extractor fan near the cooker
04/11/11	23.45	gen40	underage	when doing a licensing check under age customer was identified and asked to leave by officers and LL. LL stated

				that she had been upstairs so had not seen this person. They were very slow in leaving so officers reiterated the
				request to leave this then prompted the male sfather to question officers as to why he was being asked to leave
02/11/11		cid 72	intel	info received that jo Vanni was having a big party upstairs in sig and kept sending people to sainsburys for alcohol
01/11/11	0.15	gen 40	domestic	Mr Vanni attacked his wife upstairs at sig. aggd said the sig did have people in it when they started to argue
				although they closed the sig then went upstairs and attack happened Mr Vanni has bail conditions not to enter sig
01/01/11	22.28	email	bail	email about bail conditions from domestic incident above.
01/11/11	0.32	URN 36	as above	domestic Cedar also
01/11/11		cid 72	intel	info received that jo came down from spending the evening upstairs at a party to close doors at 22.30 and let the
				people stay in the pub. The lads from the darts team had been serving behind thje abr all night as bar staff where at
				the party upstairs.
29/10/11		gen 40	check	licensing check AIO
21/10/11		check sheet	intel	spoke with LL is sorting out CCTV and expects to have it up and running once he has consulted licensing officer
16/10/11	0.54	URN 96	disorder	lge group of people stood in st chatting and drinking during call they walked off call from MOP
16/10/11	22.5	gen 40	Public order	2 females id by jo were loud and swearing in garden of sig jo told them to stop and that they had 10 mins til garden
			ABH	closed as jo walked away one of them punched unknown male LL broke it up one came back and assaulted both
			AWOI	Vanni's LL did not want to make complaint
16/10/11	23.03	URN 1459	AWOI	FIP against LL 09x1 for ABH, AWOI x2 and PO cedar also
07/10/11		cid 72	intel	sig was still open at 00.26 on Friday morning with perwsons o/s smoking and persons stood at bar
06/10/11		cid 72	underage	regularly serving under age drinkers at the weekend the LL knows they are underage but serves them and allows
				them to have lock ins
02/10/11	0.59	gen 40	disorder	MOP approached officers saying there was a fight at sig a group of males were movign away and those inside
				appeared like they were being restrained no complaints and no injuries Mr Vanni was behind bar and shouted
				aggressively at officers not wanting this to go against him. Officers explained they were just making sure no injured

				parties He then smashed glass behind bar
02/10/11	0.59	URN 130	disorder	shouting coming from sig incident there has been some handbags no one wants to talk or make a complaint
01/10/11	17.46	URN 1258	disorder	caller has had the L lady shouting abuse at caller from across the road caller is concerned for repercussions
22/09/11	19.51	urn 1311	intel	caller states LL has been issued a warning over his licence and caller and other residents have made complaints
				today a letter has been sent out id those who have made complaints and caller is concerned of repercussions
26/08/11		check sheet	EHO	Sgt attended at approx 23.30 to advise DPS to lower music as volume was too high complied and remained at
				acceptable level
19/08/11		check sheet	intel	officers were stood by town hall reviewing form and Mr vanni approached demanding to know why they were stood
				listening to noise from sig stated they were spying on him vanni was agitated but quickly calmed down when they
				explained that they had merely stopped to look at form.



ABH	1
AWOI	3
Bail	1

breach	5
check	1
disorder	6
domestic	1
drugs	1
EHO	2
intel	6
PO	1
Underage	5



Licensing Office
Thames Valley Police
E Block TVP HQ South
Oxford Road
Kidlington
OX5 2NX

Tel: **01865 846 150**
Laura.morris@thamesvalley.pnn.police.uk

Attn Licensee ONLY
Victoria
48 market place
Henley on thames
RG9 2AG

Dear Licensee

I am writing to you in relation to the drugs testing carried out at your premises on the 24th January 2012. Your results were as follows:

24/1/12	gents	Cocaine	4.22	high
		MDA	0.86	
	ladies kitchen	Cocaine	2.15	
		cocaine	1.10	
		MDMA	0.32	

Due to these results your premise is currently of serious concern.

Please see attached chart for what these results mean.

Our suggestions would be to

Monitor the premises, keeping a watchful eye for signs of drug dealing and use, so that you take appropriate action early on and prevent a drugs culture developing. Useful tips for effective monitoring include:

- Frequent glass collecting, emptying ashtrays or wiping tables provides “cover for surveillance
- Combine careful monitoring with sociability, get to know customers and make sure they know you
- Make regular checks on the toilets (ladies and disabled as well), car park and garden

- Train staff in unobtrusive monitoring techniques and the signs to look out for. (make sure all staff training is logged in your training manuals)
- Ensure that staff inform you immediately, but discreetly, if they see or hear anything suspicious.
- Grease the flat surfaces in your toilets (NOT with WD40, vegetable oil is currently the favourite but any greasy substance will work) Use must however regularly check your toilets as if someone does try to take drugs from those surfaces they will leave drug residue behind and you would not like your non drug taking customers to find this.
- If greasing is not for you then you need to eradicate the flat surfaces in your toilets you can do this by blocking in cisterns, creating a 45 degree angle on top of your cisterns, removing toilet lids, there are many other creative ideas over the years so please speak to your local licensing officer for tips.
- If the main issue is in your disabled toilet then the best option is to lock this with a note on the bar and the toilet to ask a member of staff for a key.

These suggestions should help to improve your drugs results. If you choose not to implement them and there is no improvement, this could then lead to your premises licence being reviewed on the basis of bad management.

If you have any questions regarding your results or for advice and information as to how to combat against drugs please feel free to contact the licensing department or your local neighbourhood team.

Yours sincerely

Laura Morris
Licensing Officer
Thames Valley Police

Reading	Grading	Explanation
0-0.9	Trace	Possible cross contamination
1-1.9	Low	Possible concern dependant of day and location of swab
2-2.9	Medium	Of concern
3+	High	Serious concern

Exception is heroin which we will only be concerned about if it is over 3 due to some cleaning products giving false positives.



Listening Learning Leading

NOTICE OF REVIEW APPLICATION LICENSING ACT 2003

South Oxfordshire District Council as the Licensing Authority gives notice that an application for a review of the Premises Licence for:

**VICTORIA T/AS VICTORIA VIBES
48 Market Place, Henley on Thames RG9 2AG
Premises Licence No. 4251**

has been received by South Oxfordshire District Council.

The grounds for review are as follows:

Thames Valley Police is applying for a review under the prevention of crime and disorder and the protection of children from harm objectives of the Licensing Act 2003.

Any representation in relation to this application by either an interested party or a relevant authority must be made in writing under the guidelines of the Licensing Act 2003 to:

The Licensing Team Leader
Legal and Democratic Services, South Oxfordshire District Council,
Benson Lane, Crowmarsh Gifford, Wallingford, OX10 8ED

Tel: 01491 823209

Email: licensing@southoxon.gov.uk

By Date: 06 March 2012

A record of the review application may be inspected between 09.00am and 4.00pm Monday to Friday at the Council Offices.

Date of Notice: 07 February 2012

It is an offence to knowingly or recklessly make a false statement in connection with an application, and a person convicted of such an offence will be, liable to a fine up to £5000 based on a summary of conviction.

PREMISES LICENCE LICENSING ACT 2003



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Premises licence number

4251

Premises details Victoria Vibes 48 Market Place, HENLEY-ON-THAMES, RG9 2AG	Telephone Number 01491 575628
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Name, (registered) address of holder of premises licence Ms Joanne Helen Townsend The Victoria 48 Market Place HENLEY-ON-THAMES Oxon RG9 2AG

Registered number of company or charity if applicable Not applicable
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Name address and telephone number of designated premises supervisor: Ms Joanne Helen Townsend The Victoria 48 Market Place HENLEY-ON-THAMES RG9 2AG
--

Personal licence number and issuing authority of personal licence held by designated premises supervisor ; Licence Ref : PL/274 Authority : West Oxfordshire District Council
--

Licensable activities and the times the licence authorises the carrying out of licensable activities			
Activity	Day(s)	Start	End
Indoor Sports	Mon Tue Wed Thu Fri Sat Sun	11:00	00:00
Live Music Indoor	Mon Tue Wed Thu Fri Sat Sun	12:00	00:00
Recorded Music Indoor	Mon Tue Wed Thu Fri Sat Sun	12:00	00:00
Like Live Music, Recorded Music, Dance Performance Indoor	Mon Tue Wed Thu Fri Sat Sun	12:00	00:00
Late Night Refreshment Indoor	Mon Tue Wed Thu Fri Sat Sun	23:00	00:30
Alcohol On and Off	Mon Tue Wed Thu Fri Sat Sun	09:00	01:00
Opening Hours of the Premises	Mon Tue Wed Thu Fri Sat Sun	09:00	01:30

Non Standard Timings / Seasonal Variation for licensable activities authorised by the licence

Activity	Details
Indoor Sports	December 24th 12:00-02:00 On the weekend of Henley Regatta, hours for this licensable activity Thurs to Saturday 09:00-01:00
Live Music	December 24th 12:00-02:00 On the weekend of Henley Regatta, hours for this licensable activity Thurs to Saturday 09:00-01:00
Recorded Music	December 24th 12:00-02:00 On the weekend of Henley Regatta, hours for this licensable activity Thurs to Saturday 09:00-01:00
Like Live Music, Recorded Music, Dance Performance	December 24th 12:00-02:00 On the weekend of Henley Regatta, hours for this licensable activity Thurs to Saturday 09:00-01:00
Late Night Refreshment	December 24: Terminal hour extended to 02:00 On the weekend of Henley Royal Regatta, hours for supply of hot food will be Thursday to Saturday, 09:00 - 02:00
Alcohol On and Off	December 24: 09:00 - 01:30 On the weekend of Henley Royal Regatta, hours for supply of alcohol will be Thursday to Saturday, 09:00 - 02:00 On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day.
Opening Hours	December 24 : 09:00-02:00 On the weekend of Henley Royal Regatta, the premises will be open Thursday to Saturday from 09:00-02:30

Signed: _____

Margaret Reed, Head of Legal & Democratic Services

Dated: 24 November 2011

Annex 1 – Mandatory conditions

Supply of alcohol

1. No supply of alcohol may be made under the premises licence—
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3.
 - 1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - 2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
 - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - I. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - II. drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
 - I. the outcome of a race, competition or other event or process, or
 - II. the likelihood of anything occurring or not occurring;
 - e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be

considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
6.
 - 1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - 2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
7. The responsible person shall ensure that—
 - a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - I. beer or cider: ½ pint;
 - II. gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - III. still wine in a glass: 125 ml; and
 - b) customers are made aware of the availability of these measures.

Door supervision (where applicable)

1. All individuals at the premises to carry out a security activity must be licensed by the Security Industry Authority.
2. For the purposes of this section—
 - a) “security activity” means an activity to which paragraph 2(1)(a) of The Private Security Industry Act 2001
 - b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Annex 2 – Conditions consistent with Operating Schedule

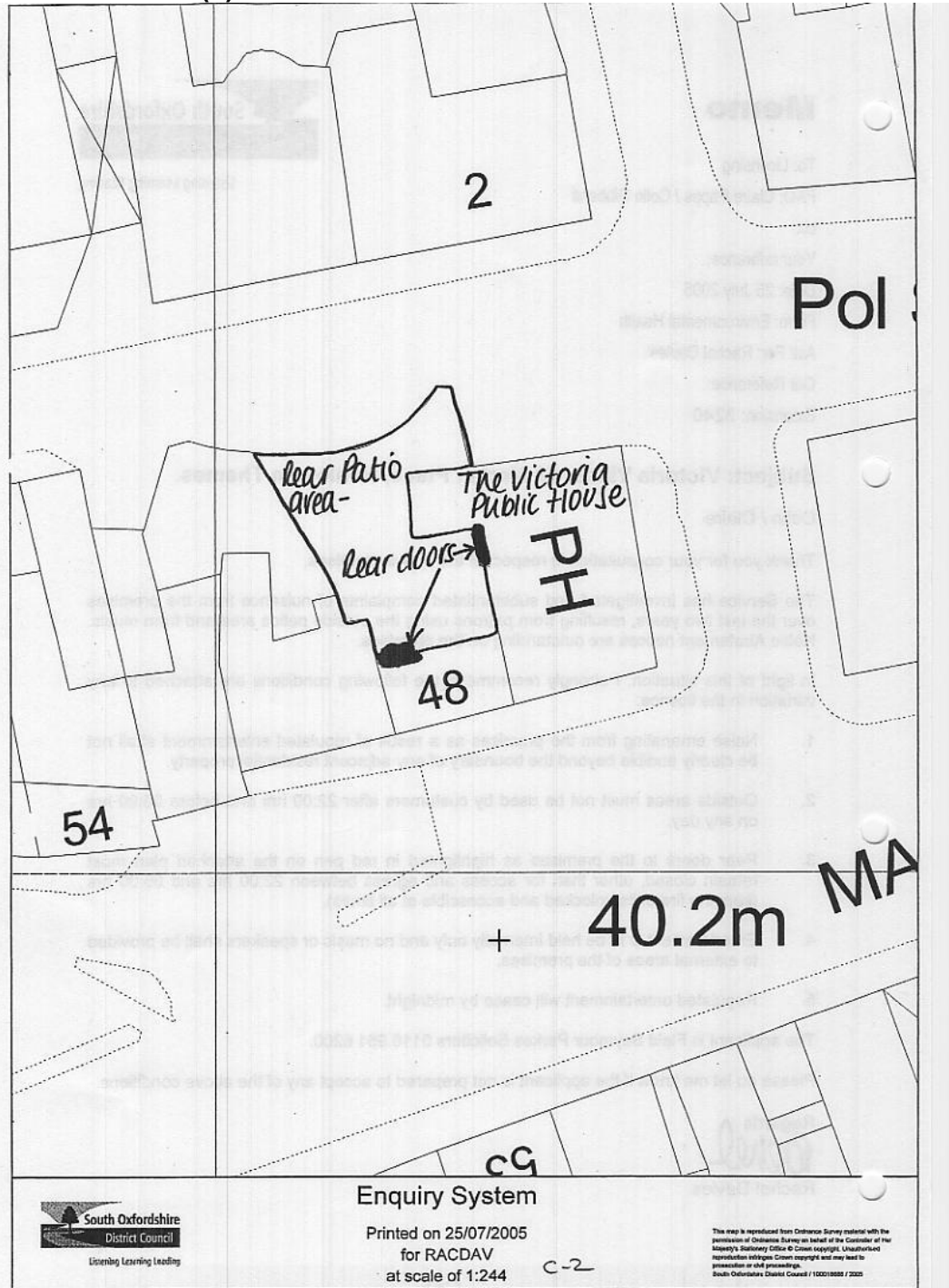
- 1 The premises will be a member of the Pubwatch scheme for the local area.
- 2 A personal licence -holder will be on the premises whenever an event involving live and/or recorded music is taking place.
- 3 All staff involved in the service of alcohol will be trained in relation to the law regulating the supply of alcohol and the conditions of this licence prior to commencing their duties and at 6 monthly intervals thereafter.
- 4 A log will be kept of all staff training, such records to be retained for at least 12 months. The record will be available upon reasonable notice to the Police and/or the licensing authority.
- 5 There will be CCTV in operation to enable staff at the bar to observe areas not directly visible from the bar.
- 6 The duty manager will respond promptly to any reasonable complaint received regarding the conduct of the premises and will take appropriate action.
- 7 There will be a Proof of Age policy in force in the premises, to the satisfaction of the Police and the Licencing Authority.
- 8 Signs will be displayed regarding prohibition of sales to persons under 18 years of age or those purchasing on their behalf.
- 9 Signs will be displayed on or in the immediate vicinity of the AWP machines stating that no person under the age of 18 years old may play on the machine.

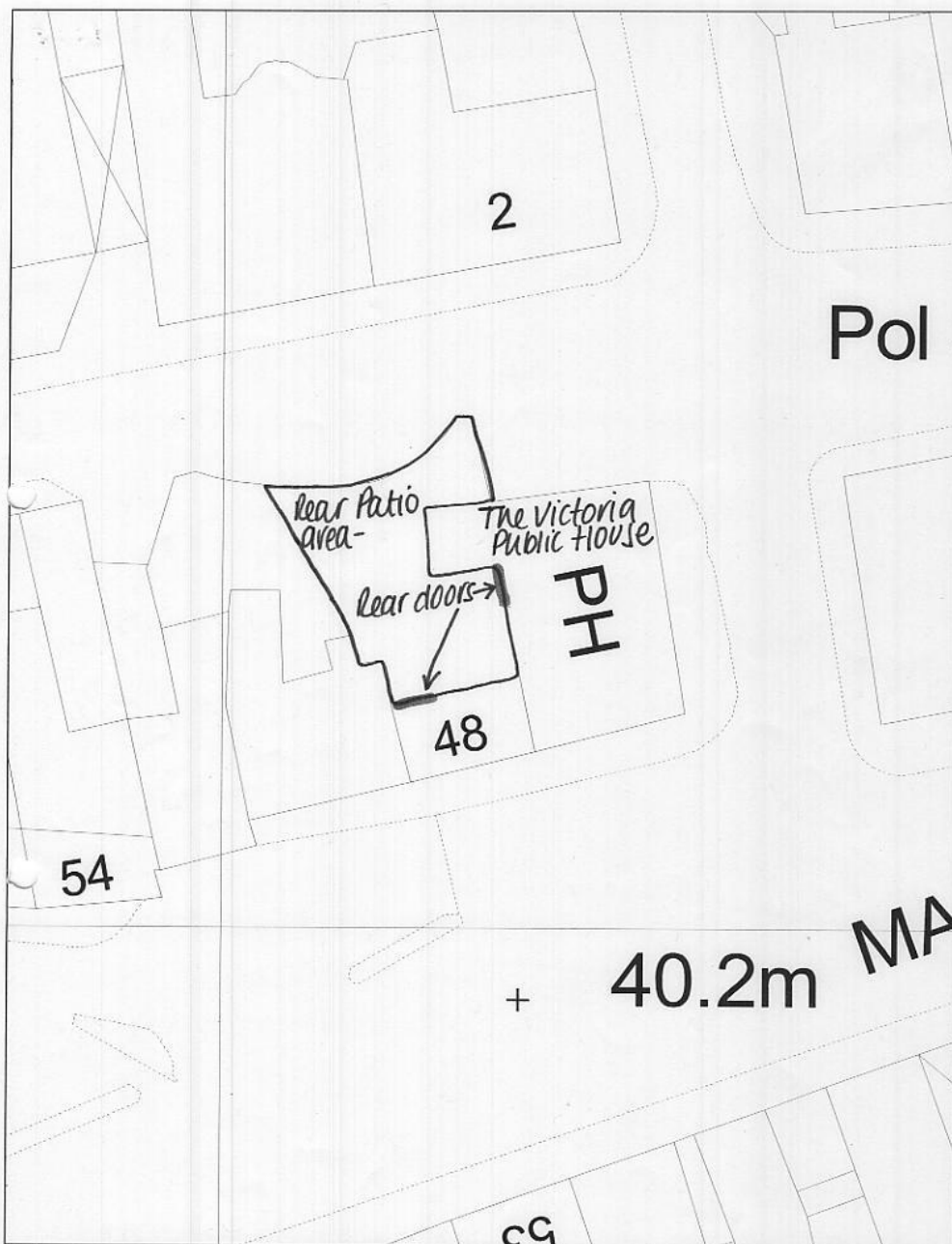
Annex 3 – Conditions attached after a hearing by the licensing authority

- 1 The Premises Licence is granted for the area shown on the plans submitted to the Licensing Officer.
- 2 The premises shall comply with the operating schedule as set out in the application.
- 3 There shall be no admissions or readmissions to the premises after midnight every day of the year.
- 4 Rear doors to the premises (as highlighted in red pen on the attached plan) must remain closed, other than for access or egress between 22:00 hours and 06:00 hours on any day.

- 5 Prominent, clear notices shall be displayed at [all exits / in the beer garden] requesting that customers respect the needs of local residents and leave the premises and the area quietly.
- 6 Outside areas must not be used by customers after 23:00 hours and before 06:00 hours on any day.
- 7 Entertainment is to be held internally only and no music or speakers shall be provided to external areas of the premises.
- 8 Noise emanating from the premises as a result of regulated entertainment shall not be clearly audible within the premises known as 50 Market Place or at the boundary of any nearby residential premises.

Annex 4 – Plan(s)





Enquiry System

Printed on 25/07/2005
for RACDAV
at scale of 1:244

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South Oxfordshire District Council / 100018058 / 2005

Response from Environmental Protection

Memo

To: Licensing.

Date: 17 February 2012

From: Environmental Health

Ask For: Trevor Dean

Our Ref: AD:16564

Extension: 3229



Listening Learning Leading

RE: Application to Review Premise License
AT: The Victoria, 48 Market Place, Henley

Thank you for consulting this Service regarding the above application.

The current licence conditions are felt to be adequate to control noise emanating from the premises, and were recommended by the Environmental Protection Team at the time of the application for the Premises Licence.

The Environmental Protection Team has received many complaints relating to noise emanating from the premises. I have listed below a breakdown of the complaints received since 2006 and the outcome of each complaint

In most instances we sent out diary sheets to log the events and gather evidence of a statutory nuisance, we did not receive any diary sheets back from any complainants therefore we were unable to pursue these complainants further. We did respond to calls using our 'out of hours' noise service to visit complainants however the noise had subsided by the time we had arrived and we were unable to substantiate the complaints. We therefore have no direct evidence to confirm the noise complaints we received since 2006.

I visited the Victoria on 5 June 2009 with the previous licensing manager, Alistair Dearling and spoke with Mr Vanni and Ms Townsend on the importance of maintaining control of the premises with regard to noise and licensing objectives. However, after a few minutes when we gave examples of the problems that needed improvements on; such as patrons being noisy at the front of the premises and failing the underage drinking test, Ms Townsend became verbally abusive towards us and told us to leave, we therefore ended the meeting and left. Mr Vanni telephoned to apologise and asked to us to return, however we did not see any value in revisiting the premises as we had given the intended advice and discussed the elements that needed improving albeit briefly .

I have just received a complaint regarding the noise from the Kareoke nights at the Victoria Vibes, we are currently investigating that issue and as yet have not confirmed the degree of disturbance arising from this activity.

In response to the comment made previously by the police, which advises that the problems of smoking on the front may be alleviated by opening the back garden longer, the council has served a notice on previous tenants of the premises, in 2003 prohibiting use of the back garden after 23:00 due to unreasonable noise levels experienced by neighbouring properties. Therefore we would advise that this will not be a suitable solution to the noise problem and that better control over the patrons of the premises in general is required.

If you have any queries regarding the above then please do not hesitate to contact me.

Regards

Trevor Dean
Environmental Health Officer

Complaint History			
Date	Nature of Complaint	Action Taken	Results
27 June 2006	Loud Music	Diary Sheets and Letters sent	Diary Sheets not returned
11 July 2006	Loud Music	Diary Sheets and Letters sent	Diary Sheets not returned
28 July 2006	Loud Music	Diary Sheets and Letters sent	Diary Sheets not returned
3 August 2006	Loud Music	Diary Sheets and Letters sent	Noise levels reduced
29 Sept 2006	Loud Music	Diary Sheets and letters sent	Not pursued
12 March 2007	Loud music	Telephoned complainant, left message to call back	No response, not pursued
5 August 2007	Patrons outside making noise	Diary sheets and letters	Diary sheets had only two entries; one in August one in June. Not sufficient to pursue
4 Feb 2008	Doors left open music noise very loud until 01:00	Diary sheets and letters	Diary Sheets not returned
1 May 2009	Loud Noise from people outside front of premises	Letters and Diary Sheets sent out	Became quieter so Withdrawn by complainant.
27 May 2009	Drum and Bass Noise	Letters and Diary Sheets sent. Matter referred to Parish Council, TVP and licensing team. Late night visits to complainant's house.	Unsubstantiated.
26 Dec 2009	Loud music	Letters and Diary sheets sent	Diary sheets not returned. Closed
5 August 2010	Loud Music until 00:40	Letters and diary sheets sent, licensing advised on breach of licence conditions	No further contact able to be established with complainant. Closed
6 Sept 2010	Loud Noise	Letters and Diary sheets sent	Diary sheets not returned Case closed
17 April 2011	Loud Music	Advice given	Not pursued
9 May 2011	Loud music	Advice given	Not pursued
12 May 2011	Loud music noise	Diary sheets sent out	Diary sheets not returned
13 May 2011	Loud music noise	Diary sheets sent out	Diary sheets not returned

Response from Interested Parties (1)

50 Market Place,
Henley-on-Thames,

RG9 2AG

Jennifer Thompson,
Democratic Services Officer,
Oxon, SODC

15/02/12

Victoria Vibes Licence Review.

Dear Ms Thompson,

As the owner/occupier of 50 Market Place, which is situated next to the Victoria Pub, I would like to let you know of some of the problems I have had with the pub over the years, with regards to noise and late-night drinking etc.

In the licensing document it states that no noise from music or other entertainment should be heard at 50 Market Place, and that the rear of the premises should be closed at 2300. However, since the building of a lean-to at the rear of the premises as an outdoor smoking area, I have had to phone the pub on numerous occasions after 2330 to ask them to close this garden area as the noise was becoming unacceptable. Also the rear garden door has been used as a late night entrance and exit to the pub, also causing noise nuisance. Smokers have been throwing their cigarette ends into my back garden, and I have brought this to the attention of the landlord. Music from live bands, juke box and Karaoke can also be heard in all parts of my house. As we are often out of the country, I have tried to live with the situation, and have not complained too often. I bought the house knowing there was a pub next door, but sometimes it is more like living next to a nightclub. On occasions we have been woken up in the early hours by quite intoxicated and extremely noisy pub customers exiting the premises. My front window flower boxes were uprooted once and someone even urinated on the front wall of my house.

And on one occasion I found human excrement just outside my back garden gate on West

Street. These last three items maybe were not caused by Victoria Vibes customers, but the likelihood is that they were.

My son, who stayed here for 3 months last year, had to phone the Victoria on numerous occasions after 1100pm regarding the noise coming from the rear garden of the premises, and also noticed that the back gate was being used as an entrance and exit well after midnight.

I trust these points will be taken into consideration at the Victoria Licence Review.

Yours sincerely

Ian wallace

Email sent on 20 February 2012

There were a couple of other occasions that I forgot to include in my last e-mail.

1) On 27th January we observed customers in the public bar of the Victoria at approximately ten past midnight.

2) On 11th February there was extremely loud Karaoke and singing which we could hear all through our house, and after midnight the front door of the pub was open with customers standing in the street and being extremely loud and noisy.

Regards

Ian Wallace

Response from Interested Parties (2)



GOSSCHALKS
SOLICITORS

Legal & Democratic Services
South Oxfordshire District Council
Benson Lane
Crowmarsh Gifford
Wallingford
OX10 8NW

Our ref: MCJ/axr/98454.15935.0
Your ref:
Date: 2nd March 2012
E-Mail: mcj@gosschalks.co.uk
Direct Fax: 0870 600 5947

By post & email: licensing@southoxon.gov.uk

Dear Sirs

re: The Victoria, 48 Market Place, Henley-On-Thames, RG9 2AG
Application for Review
Representation on behalf of an interested party

We act for Enterprise Inns PLC who are the freehold owners of these premises. Enterprise Inns PLC owns around 7000 public houses in England and Wales. It does not however, operate any of them. Every premise that is open and trading does so under a Lease/Tenancy Agreement by which the tenant operates his/her/its business out of our client's premises.

These premises are the subject of a 21 year lease. The tenants are Cristiano Vanni and Joanne Helen Townsend (now Joanne Vanni-Townsend) with Joanne Vanni-Townsend being the Premises Licence holder.

In the circumstances, our client, as freehold owner, is an interested party by virtue of Section 13 (3) (c) of the Licensing Act 2003 and we would therefore be grateful if you would accept this letter as a formal representation on behalf of our client as an interested party.

Paragraph 11.19 of the statutory guidance which deals with review states that "the Committee, in deciding which of its powers to invoke should so far as possible seek to establish the cause or causes of the concerns which the representations identify". The paragraph goes on to state that "the remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response". The Thames Valley Police have issued the review on the basis of the prevention of crime and disorder and the protection of children from harm and it is clear from the review papers that their concerns centre on the management and operation of the premises. In order to address these issues and to ensure that the licensing objectives are promoted Enterprise Inns PLC would respectfully suggest that the Committee, in determining the application for review, consider imposing conditions relating more specifically to the issues which are causing the Police concern. Enterprise Inns PLC would respectfully suggest that the Committee give

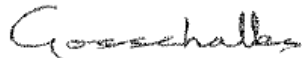
consideration to imposing conditions relating to: the creation of a drugs policy which would be formulated collaboratively by the licensee and the police and which would include regular toilet inspections by members of staff to ensure that drug taking is not occurring; and the adoption of a strict Challenge 25 policy in relation to the requirement for customers seeking to purchase alcohol.

We would submit that the imposition of such conditions would serve to promote the licensing objectives.

On the basis that this letter positively addresses how the licensing objectives can be promoted and consequently accords with paragraph 52 (7) of the Licensing Act 2003 and paragraph 11.7 of the Statutory Guidance we would be grateful if you would confirm that the representation is relevant and accepted.

We look forward to hearing from you.

Yours faithfully



GOSSCHALKS