

Notice of Hearing



Listening Learning Leading

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Date: 28 May 2013

Website: <http://www.southoxon.gov.uk>

**A meeting of the Licensing Panel
will be held on
THURSDAY 13 JUNE 2013 AT 10.00 AM
in
COMMITTEE ROOM 4, SOUTH OXFORDSHIRE
DISTRICT COUNCIL OFFICES**

to consider the following matter:

the relevant representations received in connection with an application for a variation of

**Premises licence number 4027, Magoos, 22 Hart
Street, Henley on Thames RG9 2AU**

under the Licensing Act 2003.

The report of the Head of Legal and Democratic Services, information submitted by the licence holder, and copies of the relevant representations are attached to this notice and are available to view on the [council's website](#).

Any three members of the of the council's Licensing Acts Committee can form the Licensing Panel. The membership is expected to be:

Mrs Elizabeth Gillespie

Ms Lynn Lloyd

Mrs Pearl Slatter

If you would like a copy of these papers in large print, Braille or audio cassette or have any other special requirements (such as access facilities) please contact the officer named on this agenda. Please give as much notice as possible before the meeting

The procedure to follow at the hearing is attached

The chairman of the panel will be agreed before the start of the hearing

1 Magoos, Hart Street, Henley on Thames (Pages 5 - 58)

Purpose

To consider an application to vary the existing premises licence, which seeks to extend the hours for regulated entertainment, late night refreshment and supply of alcohol, extend non standard timings for licensable activities and to remove certain conditions.

Recommendation

That the panel considers the application to vary a premises licence and the residents' objections to the application and decide whether to:

- a) grant the application as applied for,
- b) grant the application with modified conditions, or
- c) reject the application in whole or in part.

Attendance

The hearing is open to the public.

Only the applicant, his representatives, local authority officers and those who wrote to the licensing authority (interested parties) during the consultation period may speak to the licensing panel.

MARGARET REED

Head of Legal and Democratic Services

Licensing Panel hearings - Procedure - General information

The Panel hearing is a quasi-judicial process. It is a formal hearing, not a public meeting or open discussion. This means that it must follow a set procedure to allow everyone a fair hearing and must conduct business in an orderly fashion.

The Panel can only decide on the premises licence application or review before it. They can take into account only what is legally allowed under the Licensing Act 2003. They cannot adjudicate or rule on anything which is not part of the premises licence application or relevant to the licensing objectives.

If you wish to circulate papers or photographs, please give these to the clerk before the meeting. All parties have to be given the chance to see these and agree that they can be taken as evidence before they can be considered by the Panel. It speeds up the hearing, and reduces the chance that your evidence will not be considered, if you send these to the clerk a few days before the hearing so that they can be sent to all parties.

The Chairman of the Panel is in charge of proceedings. If you wish to speak please raise your hand. You must only speak when the Chairman has invited you to do so. You must not speak to other people in the room without his/her permission. If you wish to talk to other people, please do so outside the room. Please turn off your mobile phone.

Please do not interrupt other speakers. Interruptions cause delays as well as being disrespectful. You would be rightly annoyed if others interrupted you, so please extend them the same courtesy.

If you are at the table, please do not leave without permission. If you are in the 'gallery' listening, you may leave and come back at any time. You do not have to stay for the whole hearing. If you need to leave before the end of the hearing, you can select someone to represent you during the next stages.

The procedure allows everyone to make their case in order. After each person has made their case, other parties can question them. You cannot make statements during the time for questions. Please do not use the question times to make your case as this only slows down the hearing. If you wish to ask a question, please put up your hand when the Chairman asks. Questions should be brief, to the point, and relate to the application.

Local residents (interested parties) get to make their case last, once they have had a chance to hear what the other parties have to say. You can only speak if you have made valid written representations to the Licensing Officer. Please do not speculate as to what might happen. Do not make personal attacks or accusations and do not introduce new or irrelevant issues.

Once everyone has spoken, each person can sum up their case.

The Panel will then retire to consider their decision in private. This usually takes an hour or longer. You should be prepared to wait for the decision to be announced as you may need to come back to answer questions or comment on proposed conditions, but you do not have to stay. You might like to go and stretch your legs or get a coffee, but then please wait in Reception to be recalled.

If the Panel are considering any changes from the hours and conditions proposed by the parties at the hearing, the hearing will be reconvened. The clerk to the Panel will read out the Panel's proposed hours and conditions, and all parties will then have the opportunity to consider and comment on these. The Panel will take into consideration all comments made by all parties when making a final decision.

When the Panel has made its decision, all parties will be called back. The Chairman will announce the Panel's decision. This concludes the hearing. There is no opportunity for further questions or comments to the panel, but officers may be able to answer your questions once the Panel members have left. The clerk generally aims to send the Panel's decision in writing to all parties within 10 working days of the hearing. The Licensing Officer will issue the licence.

Licensing Panel hearings – Procedure at the hearing

1. The Chairman introduces the Panel and officers and asks everyone to introduce themselves.
2. The Licensing Officer introduces the case then answers questions in turn from the :
 - Applicant
 - Environmental Health Officer and Thames Valley Police (if present)
 - Interested parties.
 - Panel.
3. Applicant speaks to present his case then calls any witnesses and/ or supporters to speak

then the applicant, witnesses and supporters answer questions in turn from the :

- Licensing Officer
 - Environmental Health Officer and Thames Valley Police (if present)
 - Interested parties
 - Panel
4. The Environmental Health Officer and Thames Valley Police (if present) present their cases in turn then answer questions in turn from the:
 - Licensing Officer
 - Applicant
 - Interested parties
 - Panel.
 5. The interested parties speak to present their case.
 - Each person speaks in turn. You may be questioned after you have spoken, or all together at the end of all the speeches. You must stick to the points you raised in your letter and not raise new matters.
 - Please do not repeat previous speakers and please be brief.
 - Please give your name and address before starting your speech.

Questions are asked by:

- Licensing Officer
- Applicant
- Environmental Health Officer and Thames Valley Police (if present)
- Panel.

6. Everyone sums up their case in the order above. The Panel can ask any final questions for clarification. Summing up should set out the main points, and any alterations to the application or suggested conditions that should be considered. It should not repeat the previous speeches.

7. The Panel withdraw from the room or ask everyone to leave. The Panel make their decision in private, accompanied by the clerk and the legal adviser to the panel.

This usually takes an hour or longer. You can go at this point, or wait for the decision to be announced. The Panel may reconvene the hearing to clarify facts or discuss proposed conditions or changes to operating hours.

8. When the Panel has made its decision, all parties will be called back into the meeting.

9. The Chairman will announce the decision without further discussion. This concludes the hearing.

Licensing Acts Panel



Report of Head of Legal & Democratic Services

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To: Licensing Acts Panel

DATE: 13 June 2013



Application for a variation of the premises licence for Magoos, 22 Hart Street, Henley-on-Thames RG9 2AU

Recommendation

That the panel consider the application to vary a premises licence and the residents' objections to the application and decide whether to a) grant the application as applied for, b) grant the application with modified conditions or c) reject the application in whole or in part.

Purpose of Report

- 1 To present the facts and relevant representations received in respect of an application to vary the premises licence for Magoos, 22 Hart Street, Henley-on-Thames, RG9 2AU 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 strategic objective is that of 'building the local economy'. The relevant corporate priority is that of 'maintain low levels 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
- the protection of children from harm.

3.2 Licences will normally be granted by the licensing officer under delegated powers but in the event of representations being received regarding the grant or variation of a premises licence, or in the case of an objection being received from Thames Valley Police with regard to personal licences, the application is then referred to the Licensing Acts Panel to be considered.

3.3 An application has been received to vary the existing premises licence (**Appendix 1**). The current licence can be seen at **Appendix 2**. The application seeks to vary the licence to extend the hours for regulated entertainment, late night refreshment and supply of alcohol, to extend non standard timings for licensable activities and to remove certain conditions, as follows:

Licensable Activity	Current days & times	Proposed days & times
Live Music Indoors	Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday from 21:00 to 00:00 Non Standard timings: until 0200 during Henley Regatta. From the end of permitted hours on New year's Eve to the beginning of the permitted hours on New Year's Day	No Change
Recorded Music Indoors	Thursday, Friday and Saturday from 22:00 to 01:00 Non Standard timings: until 0200 during Henley Regatta. From the end of permitted hours on New year's Eve to the beginning of the permitted hours on New	Sunday, Monday, Tuesday and Wednesday from 21:00 to 01:00 Thursday, Friday and Saturday from 21:00 to 02:00 Non Standard timings: Until 02:30 on a Friday, Saturday or Sunday preceding a Bank Holiday and on Christmas Eve and Boxing Day, until 03:00

Licensable Activity	Current days & times	Proposed days & times
	Year's Day	during Henley Regatta week and on New Year's Eve.
Performance of Dance Indoors	None	Sunday, Monday, Tuesday and Wednesday from 21:00 to 01:00 Thursday, Friday and Saturday from 21:00 to 02:00 Non Standard timings: Until 02:30 on a Friday, Saturday or Sunday preceding a Bank Holiday and on Christmas Eve and Boxing Day, until 03:00 during Henley Regatta week and on New Year's Eve.
Anything of a similar description to that falling within live music, recorded music or performance of dance Indoors	None	Sunday, Monday, Tuesday and Wednesday from 21:00 to 01:00 Thursday, Friday and Saturday from 21:00 to 02:00 Non Standard timings: Until 02:30 on a Friday, Saturday or Sunday preceding a Bank Holiday and on Christmas Eve and Boxing Day, until 03:00 during Henley Regatta week and on New Year's Eve.
Provision of entertainment facilities for dancing Indoors	Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday from 22:00 to 01:00 Non Standard timings: until 0200 during Henley Regatta. From the end of permitted hours on New year's Eve to the beginning of the	No Change except; Non Standard timings: Until 02:30 on a Friday, Saturday or Sunday preceding a Bank Holiday and on Christmas Eve and Boxing Day, until 03:00 during Henley Regatta week and on New Year's

Licensable Activity	Current days & times	Proposed days & times
	permitted hours on New Year's Day.	Eve.
Late Night Refreshment	<p>Indoors and Outdoors</p> <p>Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday from 23:00 to 01:00</p> <p>Non Standard timings: until 0200 during Henley Regatta. From the end of permitted hours on New year's Eve to the beginning of the permitted hours on New Year's Day</p>	<p>Indoors</p> <p>Sunday, Monday, Tuesday and Wednesday from 23:00 to 01:00 Thursday, Friday and Saturday from 21:00 to 02:00</p> <p>Non Standard timings: Until 02:30 on a Friday, Saturday or Sunday preceding a Bank Holiday and on Christmas Eve and Boxing Day, until 03:00 during Henley Regatta week and on New Year's Eve.</p>
Supply of alcohol for consumption On or Off the premises	<p>Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday from 11:00 to 01:00</p> <p>Non Standard timings: until 01:30 during Henley Regatta. From the end of permitted hours on New year's Eve to the beginning of the permitted hours on New Year's Day</p>	<p>Sunday, Monday, Tuesday and Wednesday from 11:00 to 01:00 Thursday, Friday and Saturday from 11:00 to 02:00</p> <p>Non Standard timings: Until 02:30 on a Friday, Saturday or Sunday preceding a Bank Holiday and on Christmas Eve and Boxing Day, until 03:00 during Henley Regatta week and on New Year's Eve.</p>
Hours premises open to the public	<p>Monday, Tuesday, Wednesday, Thursday, Friday and Saturday from 09:30 to 01:30 Sunday from 12:00 to 01:30</p> <p>Non Standard timings: until 0200 during Henley Regatta. From the end</p>	<p>Sunday, Monday, Tuesday and Wednesday from 10:00 to 01:30 Thursday Friday and Saturday from 10:00 to 02:30</p> <p>Non Standard timings: Until 03:00 on a Friday, Saturday or Sunday</p>

Licensable Activity	Current days & times	Proposed days & times
	of permitted hours on New year's Eve to the beginning of the permitted hours on New Year's Day	preceding a Bank Holiday and on Christmas Eve and Boxing Day, until 03:30 during Henley Regatta week and on New Year's Eve.

The application also seeks to remove following conditions from the existing licence;

Condition 7 (Annex 3 of the current licence):
Late night refreshment shall not be served beyond 01:00 Monday to Sunday except when non-standard hours apply.

Condition 8 (Annex 3 of the current licence):
Live music shall be permitted between the hours of 2100 and 0000 on no more than three days in any one week (Monday to Sunday)

Condition 9 (Annex 3 of the current licence):
Dancing shall be permitted in the back bar between the hours of 22:00 and 01:00 on no more than twelve occasions in the year. The Licensing Authority to be notified in writing at least two weeks before such an event occurs.

3.4A representation has been received from Environmental Protection. This can be seen at **Appendix 3**.

3.5 Seven representations were received from members of the public. These can be seen at **Appendix 4**.

3.6 The blue notice and the newspaper advertisement were checked by Licensing Officers.

3.7 A location map of the premises can be seen at **Appendix 5**.

Options

4.1 In determining the application the authority must give weight to:

- representations received from Responsible Authorities
- representations received from members of the public
- the Secretary of State's guidance issued under Section 182 of the Licensing Act 2003
- the council's statement of licensing policy and
- 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 variation of the premises licence and decide whether to:
- (a) grant the application as applied for,
 - (b) grant the application with modified conditions or
 - (c) reject the application in whole or in part

Financial Implications

- 5 Should the applicant or responsible authorities or members of the public who made representations wish to appeal against a 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 was upheld.

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 whether to grant the application the panel will be aware of human rights considerations, specifically Part 1, Article 6, the right to a fair trial, Part 2 and Article 8 the right to respect for private and family life for those making representations.
- 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 on, 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 application may appeal to a Magistrates' Court within 21 days of the date of the decision.

Conclusion

- 7 This report provides information submitted by the applicant and members of the public and responsible authorities. The panel should determine this application with a view to promoting the four Licensing Objectives. It must, having had regard to all the relevant objections made and the evidence it hears; a) grant the application as applied for, b) grant the application with modified conditions or c) reject the application in whole or in part.

Background Papers

- None.

Appendix 1

LICENSING
17 APR 2013
REC INC COM

Application to vary a premises licence 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 Laurence Gordon

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 4027

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Magoos, 22 Hart Street			
Post town	Henley on Thames	Postcode	RG9 2AU
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£26000	

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address			
Post town		Postcode	

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

To extend the hours for licensable activities until 02:00 on Thursdays-Saturdays, until 02:30 on a Friday, Saturday or Sunday preceding a Bank Holiday; to extend the hours for licensable activities during the Regatta week until 03:00. To amend the opening hours and days for regulated entertainment

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both -- please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon				<u>Please give further details here</u> (please read guidance note 4)	
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4) As existing – no change		
Mon	21:00	00:00			
Tue	21:00	00:00	State any seasonal variations for the performance of live music (please read guidance note 5)		
Wed	21:00	00:00			
Thur	21:00	00:00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri	21:00	00:00			
Sat	21:00	00:00			
Sun	21:00	00:00			

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	21:00	01:00	<u>Please give further details here</u> (please read guidance note 4)		
Tue	21:00	01:00			
Wed	21:00	01:00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Thur	21:00	02:00			
Fri	21:00	02:00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6) Until 02:30 on a Friday, Saturday or Sunday preceding a Bank Holiday and on Christmas Eve and Boxing Day; during the Regatta week until 03:00 and on New Year's Eve until 03:00		
Sat	21:00	02:00			
Sun	21:00	01:00			

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	21:00	01:00	<u>Please give further details here</u> (please read guidance note 4)		
Tue	21:00	01:00			
Wed	21:00	01:00	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur	21:00	02:00			
Fri	21:00	02:00	<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6) Until 02:30 on a Friday, Saturday or Sunday preceding a Bank Holiday and on Christmas Eve and Boxing Day; during the Regatta week until 03:00 and on New Year's Eve until 03:00		
Sat	21:00	02:00			
Sun	21:00	01:00			

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)</p>	Indoors	<input checked="" type="checkbox"/>
Mon	21:00	01:00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	21:00	01:00	<p><u>Please give further details here</u> (please read guidance note 4)</p>		
Wed	21:00	01:00	<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)</p>		
Thur	21:00	02:00	<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)</p>		
Fri	21:00	02:00	<p>Until 02:30 on a Friday, Saturday or Sunday preceding a Bank Holiday and on Christmas Eve and Boxing Day; during the Regatta week until 03:00 and on New Year's Eve until 03:00</p>		
Sat	21:00	02:00			
Sun	21:00	01:00			

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	23:00	01:00			
Tue	23:00	01:00			
			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Wed	23:00	01:00			
Thur	23:00	02:00			
			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)		
Fri	23:00	02:00			
			Until 02:30 on a Friday, Saturday or Sunday preceding a Bank Holiday and on Christmas Eve and Boxing Day; during the Regatta week until 03:00 and on New Year's Eve until 03:00		
Sat	23:00	02:00			
Sun	23:00	01:00			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			<u>Will the supply of alcohol be for consumption – please tick</u> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5)		
Mon	11:00	01:00			
Tue	11:00	01:00			
Wed	11:00	01:00			
Thur	11:00	02:00			
Fri	11:00	02:00			
Sat	11:00	02:00			
Sun	11:00	01:00	<u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 6) Until 02:30 on a Friday, Saturday or Sunday preceding a Bank Holiday and on Christmas Eve and Boxing Day; during the Regatta week until 03:00 and on New Year's Eve until 03:00		
Thur	11:00	02:00			
Fri	11:00	02:00			
Sat	11:00	02:00			
Sun	11:00	01:00			
Mon	11:00	01:00			
Tue	11:00	01:00			

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	10:00	01:30	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)</p> <p>Until 03:00 on a Friday, Saturday or Sunday preceding a Bank Holiday and on Christmas Eve and Boxing Day; during the Regatta week until 03:30 and on New Year's Eve until 03:30</p>
Tue	10:00	01:30	
Wed	10:00	01:30	
Thur	10:00	02:30	
Fri	10:00	02:30	
Sat	10:00	02:30	
Sun	10:00	01:30	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

~~Conditions 28-30 inclusive~~

Conditions 7-8-9 Annex 3
 Space Philip Smeates and
 C. Limited. 17/05/2013 BN

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

Premises licence will be submitted by the premises licence holder

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

There are a substantial number of conditions in place on the premises licence which seek to promote all four licensing objectives. No additional steps over and above the existing conditions, have been identified at this time.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
I have not made or enclosed payment of the fee because this application has been made in
relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where
applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be
rejected.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING
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 5 – Signatures (please read guidance note 11)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	16/4/13
Capacity	Solicitors and Agents for Applicant

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)

Davenport Lyons Solicitors
30 Old Burlington Street

Post town	London	Post code	W1S 3NL
Telephone number (if any)	0207 468 1505		

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)
psomarakis@davenportlyons.com

Appendix 2

PREMISES LICENCE LICENSING ACT 2003

Premises licence number

4027

Premises details Magoos 22 Hart Street, HENLEY-ON-THAMES, RG9 2AU	Telephone Number
--	-------------------------

Name, (registered) address of holder of premises licence Mr Laurence Gordon 22 Hart Street HENLEY-ON-THAMES Oxon RG9 2AU

Registered number of company or charity if applicable Not applicable
--

Name address and telephone number of designated premises supervisor, where the premises licence authorises the supply of alcohol:- Mr Laurence Gordon 22 Hart Street, HENLEY-ON-THAMES, Oxon, RG9 2AU Tel : 01491574595

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol Licence Ref : 241 Authority : South Oxfordshire District Council
--

Opening Hours of the Premises		
Day	Start	End
Monday	09:30	01:30
Tuesday	09:30	01:30
Wednesday	09:30	01:30
Thursday	09:30	01:30
Friday	09:30	01:30
Saturday	09:30	01:30
Sunday	12:00	01:30

Licensable activities and the times the licence authorises the carrying out of licensable activities			
Activity	Day(s)	Start	End
Live Music Indoor	Mon Tue Wed Thu Fri Sat Sun	21:00	00:00
Recorded Music Indoor	Thu Fri Sat	22:00	01:00
Dancing Facilities Indoor	Mon Tue Wed Thu Fri Sat Sun	22:00	01:00
Late Night Refreshment Indoor & Outdoor	Mon Tue Wed Thu Fri Sat Sun	23:00	01:00
Alcohol On and Off	Mon Tue Wed Thu Fri Sat Sun	11:00	01:00

- Non Standard Timings/Seasonal Variation for licensable activities authorised by the licence**
1. Regulated Entertainment, Opening Hours and Late Night Refreshment can be extended until 0200 during Henley Regatta
 2. Sale of Alcohol can be extended until 0130 during Henley Regatta
 3. All licensable activities and opening hours can be extended from the end of permitted hours on New year's Eve to the beginning of the permitted hours on New Year's Day

Signed: _____

Margaret Reed, Head of Legal & Democratic Services

Dated: 02 August 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

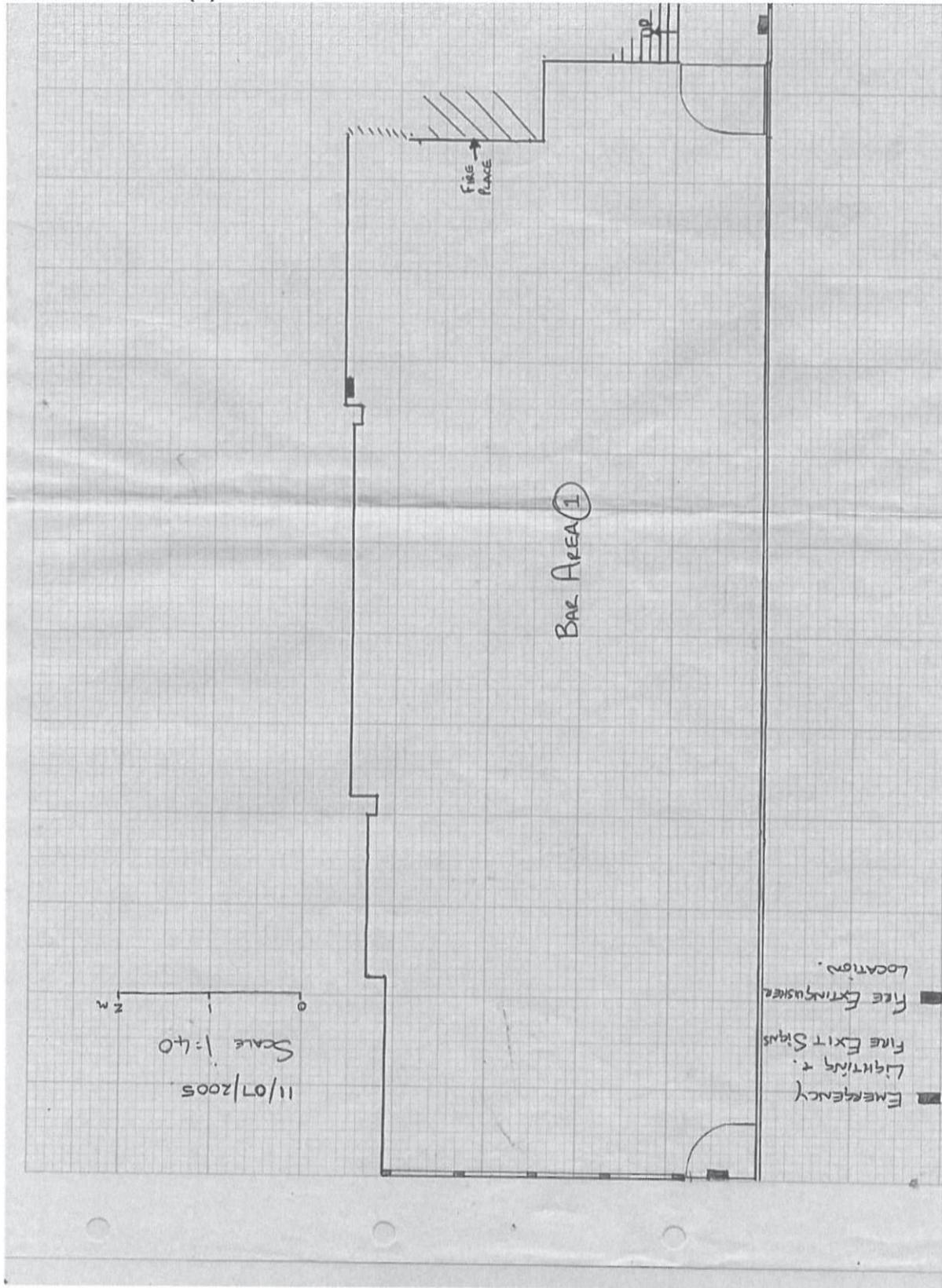
1. Registered Door Supervisors will be provided from 22.00 until close.
2. Staff training carried out on licensing issues.
3. CCTV installed.
4. Drugs Policies notices displayed
5. Adequate lighting provided
6. Emergency lighting provided
7. Additional escape routes provided
8. First Aid provided
9. Noise patrols of local area
10. Music kept to a reasonable level/outside background music only to cease at 22.00
11. Litter clearance carried out
12. Considerate loading/unloading arrangements
13. Noxious odours from cooking controlled
14. External areas not used for live music
15. Doors/windows closed while licence being used
16. Visible notices asking customers to leave quietly
17. Provision of children's areas.
18. Proof of age cards
19. Prevention of access to gaming machines
20. Limit on hours during which children can be on premises
21. All children must be accompanied by an adult.

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

1. No regulated entertainment shall take place until an acoustic survey has been carried out by an independent person who is qualified to be at least an associate member of the Institute of Acoustics. This survey shall be used to design a scheme to prevent noise emanating from the premises and affecting neighbouring properties. This scheme must be submitted for approval by the local authority (Environmental Protection team). Once approved the scheme must then be carried out in accordance with the approved details to the satisfaction of the local authority.
(Note: the occupier of 24A Hart Street requested that the acoustic survey include his property)

2. A sound limiting device shall be fitted to the amplification system and shall be located in a separate lockable cabinet which is remote from the volume control, set at a level to be agreed with the local authority. The operational panel of the noise limiter shall then be secured to the satisfaction of the council. No alteration or modification to any existing sound system should be effected without the prior agreement of the council.
3. No additional sound generating equipment shall be used on the premises without being routed through the sound limiting device.
4. The rear beer garden shall not be used after 2300 until 0800 the following day.
5. After 2000 the external noise levels shall be checked a minimum of three times throughout the performance of regulated entertainment at the rear of the premises to ensure that noise breakout is not clearly audible. These checks shall be logged with the time and date they were carried out and signed by the person responsible for managing the event.
6. The Premises Licence is granted for the area shown on the plans submitted to the Licensing Officer with the application of 24 April 2011.
7. Late night refreshment shall not be served beyond 01:00 Monday to Sunday except when non-standard hours apply.
8. Live music shall be permitted between the hours of 2100 and 0000 on no more than three days in any one week (Monday to Sunday)
9. Dancing shall be permitted in the back bar between the hours of 22:00 and 01:00 on no more than twelve occasions in the year. The Licensing Authority to be notified in writing at least two weeks before such an event occurs.
10. 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.
11. Noise emanating from the premises as a result of regulated entertainment shall not be clearly audible at the boundary of any adjacent residential property.
12. No live music to be held outside.
13. There shall be no admittance to the premises beyond one hour before closing.
14. Noise patrols shall be carried out every 15 minutes.
15. No external speakers shall be placed in the garden or anywhere external to the buildings curtilage.
16. No children are to be permitted on the premises after 19:00.

Annex 4 – Plan(s)



Appendix 3

Bhavdip Nakum - Magoos, 22 Hart Street, Licence variation 4027

From: Trevor Dean
To: Bhavdip Nakum; Licensing South
Date: 10/05/2013 10:20
Subject: Magoos, 22 Hart Street, Licence variation 4027

Dear Colleagues,

Thank you for consulting me on this application, I am familiar with this premises and the location in question.

There are no current issues with this premises regarding noise, since the new extension has been built and additional improvements have been made to the noise limiter and acoustic insulation inside this premises.

I have no objection to the proposed standard times.

I recommend that the non standard times should be adjusted slightly downwards, so that the Sunday prior to a Bank Holiday Monday closes at 01:00 as normal. I have no objection to increasing Fridays and Saturdays to 02:30.

Please note that these times refer to Bank Holidays only, and does not include Public Holidays, so this may need to be confirmed.

I have no objections to the extended hours for Regatta Week, Boxing Day, Christmas Eve and New Year as the majority of premises in Henley town centre are open for similar times during these periods.

Please clarify what conditions 28 - 30 inclusive are as the list conditions on licence 4027 only go as far as 16. However, I recommend all conditions relating to noise controls be retained on the amended licence.

If you have any questions do not hesitate to contact me.

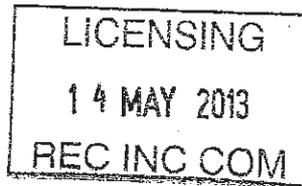
Regards

Trevor Dean MCIEH AMIOA
Environmental Health Officer
Environmental Protection team
Health and Housing

Tel (DD) 01491 823229
Switchboard 01491 823000
Fax 01491 823201

South Oxfordshire District Council
Benson Lane
Crowmarsh Gifford
Wallingford
OXON
OX10 8NL
Visit us at www.southoxon.gov.uk

Appendix 4



Kevin and Caroline Wood
30c Hart Street
Henley-on-Thames
Oxon RG9 2AU
Tel 01491 577187

13th May 2013

Re: Extension of the opening hours of Magoos and other variations to Magoos License, 22 Hart Street, Henley, Oxon, Premises license number 4027, License reference 241

Dear Mr Nakum,

We are residents at number 30c Hart Street and our property is on the first floor overlooking the garden and the rear of the Magoos bar, 22 Hart Street. We have suffered nuisance noise from Magoos for the last **eight years**. Therefore we are strongly opposed to any extension of its opening hours and other changes, as it will increase this nuisance.

Our objection falls under the **Prevention of Public Nuisance Licensing Objective**.

As will be seen from talking to the SODC Environmental Service Department (Trevor Dean and before him Ben Coleman, Simon Hill and Craig Miller) the current owner has had several Noise Abatement Notices served on him and many letters of warning from the Council.

The owner of Magoos is still regularly breaching the conditions stating that “**noise emanating from the premises as a result of regulated entertainment shall not be clearly audible at the boundary of any adjacent residential property**”.

My wife is so upset by the continuing noise from Magoos that from Thursday to Sunday night she cannot sleep in our bedroom and prefers instead to sleep on the floor of one of our daughter's bedrooms since it is on the side of our home away from Magoos and more likely to give her the opportunity of uninterrupted sleep. I myself use ear plugs so as to reduce the chance of being woken up. SODC officers have a long case file regarding our complaints about Magoos. Where we are at the moment is that the officers agree that Magoos activities are audible but SODC consider that they are not at a level with which they are prepared to call it a Statutory Nuisance. That leaves us with the matter unresolved.

We feel very strongly about this case. Therefore we are willing to appear before any council committee or panel in regard to Magoos and would like to be kept informed of any decision on the same matter. With this application for a 2am (effectively 2.30am with drinking up time) license Magoos is clearly trying to become an after normal hours drinking venue destination for late night drinkers.

With the application to have dancing on every day of the year (which was previously one of Magoos Licensable Activities for 12 nights per year) and the longer opening hours Magoos will at night in effect become a nightclub. This is beyond the scope of their original License Conditions.

This is clearly going to lead to increased nuisance noise for the neighbours. Hart Street is after all one of the most densely populated residential areas in Henley. In fact there are six new residential units being renovated at number 20 Hart Street (formerly The White Lotus) which will be even closer to Magoos than we are and will presumably be more directly affected upon completion.

Magoos have a track record of not keeping to their previous or existing agreements on their premises license.

In particular we would like to draw your attention to the Licensing Panel Hearing of 23rd June 2011 where Magoos applied for and were **refused** similar extensions to the opening hours and other conditions we would like to make the following points.

Hearing Decision Notice, Page 3 Point 2. "The design of the extension sought to alleviate noise problems through soundproofing". This has not been achieved by the extension which had been described to us as a "room within a room" concept that would stop the break out of nuisance noise. This has been witnessed by SODC. Some rudimentary tests were done with SODC officers and a single drum played within Magoos was clearly audible within our bedroom.

Page 5, Point 2. "A sound limiting device shall be fitted to the amplification system and shall be located in a separate lockable cabinet which is remote from the volume control, set at a level to be agreed with the local authority. The operation panel of the noise limiter shall then be secured to the satisfaction of the council. No alteration or modification to any existing sound system should be effected without the prior agreement of the council."

Approximately one whole year was spent with the Magoos provided sound limiter set to the wrong level and still able to play recorded and live music to levels clearly audible in our bedroom. Live music is currently still audible and sometimes recorded music also.

According to Trevor Dean of SODC, the type of sound limiter that Magoos utilise is one which requires a continuous high volume to trigger a cut-off on the PA system. However the beat from a drum kit (which is a series of peaks and troughs) is not continuous and therefore will not trigger the cut-off of the signal to the amplifiers of the PA system.

Page 5, Point 3. "No additional sound generating equipment shall be used on the premises without being routed through the sound limiting device". The musicians who play live in Magoos on Thursdays and Sundays use their own amplifiers which are not routed through the PA system.

In the application Magoos are asking permission to hold Live Music between 21.00 and 00.00 every night of the year, even though they have entered into an agreement with SODC officers to cease Live Music by 23.00. Given that Magoos know this is one of the sensitive areas of their license it seems amazing to us that it should be put on the agenda again after causing so much trouble in the past. As the agreement with SODC Environmental Protection Department stands Magoos should finish at 23.00 latest. We know for a fact that they frequently over run this cut-off time by as much as half an hour.

We look forward hearing from you.

Yours sincerely

Kevin and Caroline Wood

HENLEY MUNICIPAL CHARITIES

Chairman: Mr M N Forsdike
Clerk: Mrs J E Pickett

Rear 24 Hart Street,
Henley-on-Thames,
Oxon,
RG9 2AU

Treasurer: Mr A Bunce

Tel/Fax 01491 – 412360
e-mail address
henleymcharities@aol.com

15 May 2013

Legal & Democratic Services,
Vale of White Horse District Council,
Abbey House,
Abbey Close,
ABINGDON,
Oxon,
OX14 3JE

For the attention of Licensing (Case) Officer – Bhavdip Nakum

Dear Sirs,

Re: Licence 4027 – Magoos, 22 Hart Street, Henley on Thames RG9 2AU

The Trustees for the Henley Municipal Charities understand that an application has been made to vary the above licence to extend the opening hours and the use. The Charities' own the adjacent property ie 24 Hart Street and wish to make particular reference to the residential flat at these premises where the current tenant, Ms C Boughen, and her two young sons are suffering from the extremely high sound levels emanating from Magoos – inability to sleep and even converse; pounding of high volumes of music causing furniture/pictures to shake.

Cont.....

Reference is made to the last request for a variation to the above licence placed before the licensing panel for the South Oxfordshire District Council's Licensing Panel on 23 June 2011 and comment on /query the hearing decision notice issued thereafter as follows:-

- Condition 1 was an acoustic survey carried out if so what was the resulting requirement to ensure that sound levels in a new building were contained from residential neighbours? The sound levels remain high
- Condition 2 is the sound limiting device in situ and is it checked during the busiest times of the facility ie Fridays/ Saturdays/Sundays? The new premises opened to the public this year how often has a Licensing or Environmental Health Officer checked that sound levels are contained?
- Condition 3 visiting groups bring their own amplifiers to the venue but the resulting high volume of music is not "sound limited"
- Condition 4 the clientele of the premises who wish to smoke after the hour of 2300 walk through the bar area and out of the front of the premises to smoke/ talk/use mobile telephones with no staff member appointed to ensure minimum disturbance to local residents
- Condition 5 were these checks carried out if so what are the dates and times together with the results of checking external noise levels for the requested 3 times?
- Condition 32 "noise emanating from the premises as a result of regulated entertainment shall not be clearly audible at the boundary of any adjacent residential property"
- this condition is very clearly not being met – sound levels in 24A Hart Street are unacceptable, indeed sitting in a vehicle in Hart Street opposite Magoos the music can be heard

Cont.....

The Trustees' objection falls within the "Prevention of public nuisance licensing objective" ie as stated in Condition 32 – "noise emanating from the premises as a result of regulated entertainment shall not be clearly audible at the boundary of any adjacent residential property" which is supported by the definition of a statutory nuisance ie "a matter which is unreasonable and causes substantial interference in the use and enjoyment of a person's property". It is inconceivable that the high sound levels emanating from Magoos do not break both of the aforementioned definitions and as such warrant an in depth investigation by the South Oxfordshire District Council in order to prevent continued breaches of the licence which are being carried out with impunity – such checks to be made on an ad hoc basis and recorded for reference purposes and to include levels of sound taken from nearby residential premises.

The promises made to achieve permission for the building of a new extension at Magoos have not been met – the sound system installed to reduce sound pressure is inadequate and should be the subject of expert investigation.

Mr L Wilson, the proprietor of Magoos Limited, is a tenant of the property at 22 Hart Street the freehold of which is owned by a Mr D Wells – is the licence personal to Mr Wilson and not the premises does the freeholder have to abide by all the licensing conditions implemented on the use of his property? In any case Mr Wilson should be asked to ensure that the conditions of the licence are being met failing which corrective measures should be implemented.

The Trustees cannot endorse any variation to the above Licence – the sound levels from Magoos are unacceptable to residents of the flat at 24 Hart Street which in turn makes it extremely difficult to find tenants. Residents in the area continue to have their lives blighted by the inconsiderate use of the premises at 22 Hart Street which also makes for great difficulties in the area for obtaining/retaining tenants in residential properties/finding purchasers for residential properties thereby denying businesses the opportunity to thrive.

Residential premises have long existed in Hart Street and were well established prior to the introduction of Magoos Limited which has proved to be a detrimental neighbour and unfortunately an increasing regular blight on residents and their **right to enjoy their homes unaffected by outside interference.**

Yours sincerely,

Mrs J E Pickett
Clerk to the Trustees of the Henley Municipal Charities

Appendix 4 Agenda Item 1

Licensing South - Licence Application - Magoos, Hart Street, Henley

From:
To: <licensing@southoxon.gov.uk>
Date: 15/05/2013 22:54
Subject: Licence Application - Magoos, Hart Street, Henley

Dear Sir,

We are writing to object to this application for extension of and/or additional licensing hours at the above premises, on the grounds that such extensions etc are neither necessary nor appropriate, and indeed will become a cause of nuisance and disturbance to the residents of the immediate vicinity.

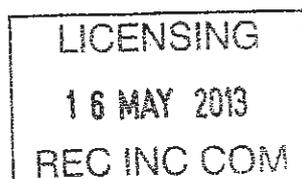
We live at Forge Cottage, 33 Hart Street which is situated on the other side of the street from and approximately opposite the subject premises. We have had experience before of premises in Hart Street operating under licences which allow the sale of alcohol into the early hours of the morning, and in particular of the noise, rowdiness, vandalism and sometimes even violence which goes along with activities operating under such licences.

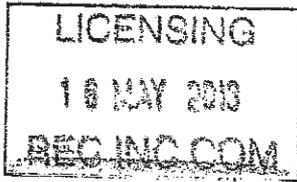
We have no doubt that these current applicants will offer assurances that their operations will be better conducted than those of the past. However, the plain truth of the matter is that while they *may* have better control within their premises, they *cannot* control what goes on in the street outside, either in terms of the amount of traffic and congestion which their activities will generate, nor, and more particularly, in terms of the behaviour of their patrons, or would-be patrons who may have been turned away or ejected.

At present, the cultural and social life "after dark" of Henley's town centre co-exists reasonably comfortably alongside those who live in that central area. Proposals to develop the sort of "nightlife" extending into the small hours of the morning, such as one might expect to find in larger towns such as Oxford, Reading or High Wycombe, are not desirable, and we object strongly to them.

Yours sincerely,

Frank and Cleone Augur





Longlands House,
39,Hart street,
Henley-on-Thames,
Oxfordshire
RG92AR
01491576242

Reference to the application for extended houses for "Magoos" Bar

For the attention of the licensing officer SODC

Dear Sirs,

As neighbours living in the same street a few yards away I strongly object to the application for extending the license hours for "Magoos" bar.

The main reason for my objection is clients come out of the premises in an inebriated state already and if we as a private resident would like the hours restricted not extended.

The inebriated clients are extremely noisy , drunk and create havoc in Hart street already by extending the hours all you would be doing is increasing alcohol content and consequent mayhem.

Finally in the summer months its even worse

Please kindly acknowledge

Yours sincerely

Clive Hemsley

15/5/2013

Bhavdip Nakum - Magoos

From: MikeShem.
To: <Bhavdip.Nakum@southandvale.gov.uk>
Date: 14/05/2013 22:59
Subject: Magoos

Dear Mr Nakum,

We live at The Old Foundry, 47, Friday Street, Henley-on-Thames, RG9 1AN. Our garden extends almost up to the back of the La Bodega restaurant & is very close to the garden of Magoos.

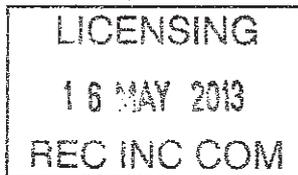
We wish to register a strong objection to any extension of the licensing hours of Magoos in Hart Street Henley. Their garden is used by their customers, particularly during the summer months & already they permit customers to stay beyond the agreed times & we suffer from the loud noises they make. The rear of Magoos & its garden is surrounded by residential properties & their gardens & any further extension of the use of their property into the early morning hours would be intolerable because of the noise factor.

The noise problem from commercial concerns with gardens behind Hart street has been recognised & acknowledged by the Planning Authorities in their treatment of the La Bodega restaurant whose frequent applications to use their garden have been rejected. We entreat you, the Licensing Authorities, to take a similar stance & reject the Application by Magoos for an extension to their licensing hours.

Yours sincerely
Michael & Ann Shemilt

Appendix 4 Agenda Item 1

Charlotte Boughen
 24a Hart Street
 Henley-on-Thames
 Oxon RG9 2AU
 T: 01491 571262
 M: 07846712086



13 May 2013

To whom it may concern,

Re: Magoos, 22 Hart Street, Application for Extension of Opening Hours

I, along with my two sons, reside at 24a Hart Street which lies next to Magoos on the first floor above Jonkers (the book shop). We have lived here for 18 months and have experienced throughout this period nuisance noise from Magoos. I therefore write to oppose the application for extension of opening hours and would in fact like to suggest that opening hours be reduced.

Prior to and post the recent refurbishment and extension of the premises we have endured unacceptable levels of noise from recorded music, live music and people both inside and outside of the premises as well as disturbances to our property. I will address each issue individually below.

Our living room and my son's bedroom is directly next to Magoos. On a Friday and Saturday night we regularly hear very loud music which comes through the PA system – I believe there are two speakers on the wall which is shared with my living room/my son's bedroom. I can confirm that not only is there a very clear bass line that resonates through our property but we can clearly hear the words of each song. As the volume of people in Magoos increases (11.00pm onwards) so too does the volume of the music along with customers' voices. Whilst sitting on our sofa we can clearly hear conversations that people are having in the front bar.

We have given up watching movies on TV at the weekends as quite frankly it's so hard to concentrate unless the volume is turned up very high and it is impossible for us to sit as a family and relax quietly or read. We either have to have our own music playing or the TV on to drown out the noise from Magoos.

My eldest son wears earplugs to bed and from time to time has slept in the study as the music has been too loud for him to get to sleep. He is currently studying for his final GCSEs and as of this week has taken the first of many exams. I am considering moving him down to sleep in the study short term so he can get uninterrupted sleep in preparation for an exam.

Although on Thursdays and Sundays the band play live music at the back of the premises this is sometimes played through the PA system thus resulting in loud noise levels throughout the whole premises. I am slightly dubious as to whether the premises have been properly soundproofed as one can clearly hear the band when stood in our back yard. Both of my sons find Sunday nights particularly frustrating as they struggle to get to sleep due to noise levels inside Magoos and outside directly below their bedroom windows.

Since the completion of the extension resulting in the premises holding a larger number of people and the fact that people are not allowed out the back of Magoos after 11.00pm, the noise levels outside on the street and directly below our living room and my sons' bedrooms has increased dramatically. We endure every single Friday and Saturday night 20+ people standing outside smoking, shouting, swearing and sometimes fighting. The smoke permeates through the window seals and actually smells like someone is smoking in the house. We are unable to keep our windows open during the evening at the weekends.

Magoos customers regularly use our porchway as a place to urinate, vomit and smoke. It is clearly audible when someone enters the porchway as they need to open an iron gate which makes a loud noise. My bedroom lies directly above the porchway and this disturbs me in the night and makes me nervous.

We also experience Magoos customers loitering outside long after closing time and are quite often kept awake by drunken noise and behaviour. These customers are clearly not being encouraged to move on or respect local residents. I have noticed that the Henley Brew House is only permitted to stay open to 12.00 on the weekend and 11.00pm on weekdays due to the fact that there are flats above the premises. There are signs erected inside and out to encourage their customers to leave quietly and respect local residents. Magoos' management and customers have no respect for the fact that this is a residential area.

We have already experienced extended opening hours at Magoos as they have been granted a number of one-off licences to host private functions and can confirm that on every occasion I have had to go downstairs and ask them to turn the music down and keep the customers outside smoking quiet as we have not been able to sleep.

I would like to point out that I have in the past been asked to complete diary sheets, I have contacted the Out of Hours Officers and I have on numerous occasions tried to reason with the owner. The diary sheets are a pointless task and the Out of Hours Officer is not available when the noise levels are at their worst. The owner is very good at appeasing and promising to consider the fact that there is family living above but sadly I have come to realise that he really doesn't care.

Living in a town centre location I appreciate that there will be some level of noise but I never imagined that it would be to this extent. I am a very reasonable person and have been extremely patient and tolerant but feel the time has come to speak up for both my family and other local residents. I truly ask you to consider all that I have put forward and trust that you will take this into account when making your decision. This street is a beautiful residential area housing a number of families which is being blighted by Magoos which has somehow managed to transform from a small tea shop into a late night drinking den/club.

Yours faithfully,

Charlotte Boughen

27 Hart Street
Henley on Thames
RG9 2AR

14 May 2013

Mr B Nakum
South Oxfordshire District Council

**Magoos 22 Hart Street Henlèy on Thames.
Application to vary licence 4027**

Dear Mr Nakum,

I understand that you are the Case Officer in respect of this application. Please therefore place my objection before the Licensing Committee.

Unlike many local towns, the centre of Henley is residential. Even where ground floor premises are commercial, upper stories of buildings are flats, and significant infill building further increases the density of population.

Hart Street is an example of this situation. The electoral roll shows almost fifty residential properties. In the past year, houses have been built behind Barclays Bank, and current developments will see two further houses behind Café Rouge and the conversion of the failed White Lotus nightclub converted to several residential sites. The street also houses two upmarket hotels, whose residents pay dearly for the right to sleep in peace. All of this in a street which is no more than 200 metres in length – giving a population density far higher than the rest of the town.

The application by Magoos, if approved, will turn the premises into a night club. The history of attempted nightclubs in Hart Street is dismal. All of them closed because of numerous infringements of drinking laws, noise and drug abuse. I have sat through the initial licence applications of all of them. They were all promised to become respectable establishments where respectable citizens could relax in the late evening. Gradually they slipped into later and later hours, noisier and noisier music, higher and higher cocaine intake. (This is all evidenced in the various police reports from Thames Valley Police in applications to withdraw licences). You may recall the case of an ear bitten off outside the White Lotus.

An extension of hours will exacerbate a problem of 'booze cruising'. Drinkers fill up in less expensive establishments, then stagger into more expensive bars elsewhere in town to finish off their night – a very noisy process.

The simple fact is that Hart Street Henley is not a suitable location for a nightclub, and the residents are weary of trying to get that message to the appropriate authorities.

My property is immediately opposite Magoos, on the north side of Hart Street. After many years of suffering from excessive music noise, I was pleased that the owner moved his musical activities to the rear of his premises. The sad result is that my neighbors on the south side of the street have now inherited the problem.

Apart from the music noise, there is one major public order situation arising from activities in the bar, and this affects my family and, particularly in summer months.

As clients emerge from the bar, they congregate on the pavement, shouting, screaming, singing, occasionally urinating, and almost invariably very drunk.. They are in no hurry to leave. A hungry pack of taxis strive to secure their business. The taxis are uncontrolled, double parking, engines running, drivers shouting, and sounding horns, U turns abound.

The result of this is an untenable noise level in Hart Street in the early hours of the morning. All it takes to ruin a night's sleep is a shouted slanging match at 1 am under my bedroom window. It would be much more serious at 2.30 am.

The security staff of Magoos have no authority, nor interest, in what happens off their premises. On the occasions I have asked the police for help they have 'sent someone around if there's anyone available'. When they arrive some time later, the drunkards have gone, and my family is wide awake! The police are unwilling to tackle the problem of taxis flouting the law – they probably have far more important things to do.

I feel that this nuisance is caused by the availability of alcohol late at night in Magoos. The problem is acute even under the present licensing hours. To extend the hours and permit live music and dancing will encourage a younger, more volatile clientele and extend the well into the night.

I urge you to reject the application.

Yours sincerely,

John Louth

Appendix 5

