

Licensing Acts Panel



Report of Head of Housing and Environment

Author: Shankar Sivashankar. Interim Team Leader

Telephone: 01235 422561

Textphone: 18001 012354

E-mail: Shankar.sivashankar@southandvale.gov.uk

To: Licensing Acts Panel

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Application for a variation of a premises licence for The Great Hall, Fair Mile, Cholsey, Wallingford, OX10 9GW

Reason for Report

The application to vary a premises licence issued under the Licensing Act 2003 to The Great Hall, Fair Mile, Cholsey, Wallingford, OX10 9GW has attracted representations from one Responsible Authority and four Other Persons. As per the Council's Licensing Policy and delegation of Licensing functions, all applications with unresolved representations are to be dealt with by the Licensing Panel.

1.0 Purpose of Report

1.1 To present the facts and relevant unresolved representations received in respect of an application for a variation of a premises licence for The Great Hall to the Licensing Acts Panel in order that it can determine the application under Section 35 of the Licensing Act 2003.

2.0 Strategic Objectives

2.1 The relevant strategic objective is that of 'building the local economy'. The relevant corporate priority is 'maintain low levels of crime and anti-social behaviour'.

3.0 Background

3.1 The Licensing Act 2003 ('the Act') 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'.

3.2 Any assessment of licensable activities must consider and promote the four licensing objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

3.3 An application for a licence (or variation) where representations have been resolved will be granted by the licensing officer under delegated powers, but in the event of relevant representations being received and remaining unresolved, the application is then referred to the Licensing Acts Panel for determination.

3.4 An application has been made by Cholsey Community Development Trust to vary a premises licence in respect of The Great Hall, Fair Mile, Cholsey, Wallingford, OX10 9GW ('the Premises'). The current licence and the application are attached to this report. **(Appendix 1)**.

3.5 The Premises currently has the benefit of a Premises Licence which was granted in 2016. The current Premises Licence authorises Sale of Alcohol and Films to be shown at the premises. The current licence also erroneously states Plays, Recorded Music, Live Music and Performance of Dance as authorised activities, and these will be removed to reflect the correct position as to premises licensed for Sale of Alcohol.

3.6 The application (as amended) in front of the Panel seeks to vary the licence as follows:

	Sale of Alcohol		Hours Open to Public	
	Current Hours	Application	Current Hours	Application
Sunday	1000-2130	No change	1000-2130	0900-2230
Monday	1000-2200	No change	1000-2200	0900-2230
Tuesday	1000-2200	No change	1000-2200	0900-2230
Wednesday	1000-2200	No change	1000-2200	0900-2230
Thursday	1000-2200	1000-2230	1000-2200	0900-2230
Friday	1000-2230	1000-2300	1000-2230	0900-2300
Saturday	1000-2230	1000-2300	1000-2230	0900-2300

The additional condition relating to Regulated Entertainment requested by Environmental Protection has been withdrawn as Regulated Entertainment is not a licensable activity on this licence.

3.7 No representation has been received from Thames Valley Police.

3.8 A representation has also been received from Environmental Protection asking for certain amendments and conditions to be added to the licence. **(Appendix 2)** These conditions have been agreed by the applicant. **(Appendix 3)**

3.9 Details of representations of Any Other Persons are attached. **(Appendix 4)**

Options

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

- representations received from Responsible Authorities
- relevant representations received from other persons
- 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 Having considered those relevant matters, the Licensing Panel is required to take such of following steps (if any) as it considers appropriate for the promotion of the licensing objectives –

- a. To modify the conditions of the licence (only in case of grant of this variation as any conditions will only have effect on the varied part of the licence)
- b. To reject the whole or part of the application;

and for this purpose, the conditions of the licence are modified if any of them are altered or omitted or any new condition(s) added.

It should be noted with all options that –

- Clear reasons should be given for the decision.
- Any additional or modified conditions should be practical and enforceable.
- The applicant and any person who made relevant representations would have the right of appeal to a magistrates' court on one of the grounds provided in Schedule 5 to the Licensing Act 2003.

Financial Implications

5.1 Should the applicant or any other person 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.

Background Papers

None.