

Licensing Acts Panel



Report of Head of Legal & Democratic Services

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To: Licensing Acts Panel

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Application for a variation of the premises licence for Oxford Thames Four Pillars Hotel, Henley Road, Sandford-on-Thames, OX4 4GX

Recommendation

That the panel consider the application to vary a premises licence and the 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 a premises licence for Oxford Thames Four Pillars Hotel, Henley Road, Sandford-on-Thames, OX4 4GX 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 licence two courtyard areas for the retail sale of alcohol and to provide regulated entertainment. Both these areas are shown in red on the plans provided with the application. The application does not seek to increase the existing hours of the licensable activities.

Licensable Activity	Current days & times	Proposed days & times
Live Music	9:00 to 01:00 Monday to Sunday Indoors	9:00 to 01:00 Monday to Sunday Indoors and Outdoors
Recorded Music	9:00 to 01:00 Monday to Sunday Indoors	9:00 to 01:00 Monday to Sunday Indoors and Outdoors
Provision of facilities for dancing	9:00 to 01:00 Monday to Sunday Indoors	9:00 to 01:00 Monday to Sunday Indoors and Outdoors
Late Night Refreshment	23:00 to 01:00 Monday to Sunday Indoors	23:00 to 01:00 Monday to Sunday Indoors and Outdoors
Supply of Alcohol	11:00 to 01:00 Monday to Saturday 12:00 to 01:00 Sunday For consumption On or Off the premises	11:00 to 01:00 Monday to Saturday 12:00 to 01:00 Sunday For consumption On or Off the premises

3.4 A representation has been received from Environmental Protection asking for the following conditions to be added to the licence: **(Appendix 3)**

Boundary noise limit

1) To avoid nuisance to residential premises, noise emanating from the licensed premises as a result of regulated entertainment shall not be clearly audible at the (external) boundary of any residential premises. If it is possible to determine where the noise is coming from and speech, lyrics, melody or bass components are distinguishable at the monitoring point (external boundary of any residential premises) then the noise will be considered to be clearly audible.

Boundary noise checks

2) At least twice during each occasion when regulated entertainment takes place outside the person in charge shall undertake an assessment of noise emanating from the premises as a result of regulated entertainment at the boundary of the site nearest residential premises. If the assessment indicates a potential problem exists arising from excessive noise levels then immediate action must be taken to reduce the noise level and a further check conducted to ensure that the noise levels have been sufficiently reduced. A written record shall be kept of each noise assessment and of any remedial action taken. Records of such checks shall be made available to the Licensing Authority for inspection at any reasonable time.

These conditions have been agreed by the applicant.

3.5 Two valid representations have been received from local residents. They can be seen at **Appendix 4**.

3.6 A subsequent representation has been received from a local resident which was outside of the statutory consultation period. This can be seen at **Appendix 5**.

3.7 The blue notice was checked by Licensing Officers and the newspaper advertisement is attached at **Appendix 6**.

Options

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

- representations received from Responsible Authorities
- representations received from local residents
- 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 any Interested Party 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, local residents 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.