

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	<p>Sunday, Monday, Tuesday and Wednesday from 21:00 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>
Anything of a similar description to that falling within live music, recorded music or performance of dance Indoors	None	<p>Sunday, Monday, Tuesday and Wednesday from 21:00 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>
Provision of entertainment facilities for dancing Indoors	<p>Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday from 22:00 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</p>	<p>No Change except;</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</p>

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.