

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 The Square Henley Limited, 10 Market Place, Henley-on-Thames, RG9 2AH

Recommendation

That the panel consider the application to vary a premises licence and the relevant representations 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 The Square Henley Limited (formerly Chef Peking) 10 Market Place, Henley-on-Thames, RG9 2AH 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 include regulated entertainment, late night refreshment and extend the hours for supply of alcohol; the application also seeks to extend non standard timings for licensable activities, as follows:

Licensable Activity	Current days & times	Proposed days & times
Recorded Music Indoors	None	Sunday, Monday, Tuesday, Wednesday and Thursday from 11:00 to 00:00. Friday and Saturday from 11:00 to 02:00 Non standard timings: To be extended by an hour during Regatta week, Christmas Eve and New Year's Eve.

Licensable Activity	Current days & times	Proposed days & times
<p>Anything of a similar description to that falling within live music, recorded music or performance of dance</p> <p>Indoors</p>	<p>None</p>	<p>Sunday, Monday, Tuesday, Wednesday and Thursday from 11:00 to 00:00. Friday and Saturday from 11:00 to 02:00</p> <p>Non standard timings:</p> <p>To be extended by an hour during Regatta week, Christmas Eve and New Year's Eve.</p>
<p>Late Night Refreshment</p> <p>Indoors</p>	<p>None</p>	<p>Sunday, Monday, Tuesday, Wednesday and Thursday from 23:00 to 00:00. Friday and Saturday from 23:00 to 02:00</p> <p>Non standard timings:</p> <p>To be extended by an hour during Regatta week, Christmas Eve and New Year's Eve.</p>
<p>Supply of alcohol</p>	<p>Supply of alcohol for consumption on the premises</p> <p>Monday, Tuesday, Wednesday, Thursday, Friday and Saturday from 11:00 to 23:00 and Sunday from 12:00 to 22:30</p>	<p>Supply of alcohol for consumption on or off the premises</p> <p>Sunday, Monday, Tuesday, Wednesday and Thursday from 09:00 to 00:00. Friday and Saturday from 09:00 to 02:00</p> <p>Non Standard timings:</p> <p>To be extended by an hour during Regatta week, Christmas Eve and New Year's Eve.</p>

Licensable Activity	Current days & times	Proposed days & times
Hours premises open to the public	Not applicable	Sunday, Monday, Tuesday, Wednesday and Thursday from 09:00 to 00:00. Friday and Saturday from 09:00 to 02:00 Non Standard timings: To be extended by an hour during Regatta week, Christmas Eve and New Year's Eve.

3.4 Following a meeting with Thames Valley Police, the applicant has agreed to the following conditions to be added to the licence:

1. If the premises has licensable activities occurring after 1am, a minimum of two SIA registered door supervisors shall be employed from 23:00
2. CCTV of evidential quality will be in place covering the entire premises. This will be provided to any licensing authority on request and will be kept for a minimum of 28 days.

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

3.6 A representation has been received from a member of the public. This can be seen at **Appendix 4**.

3.7 The blue notice and the newspaper advertisement have been checked by Licensing Officers.

3.8 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.

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