

WEST OXFORDSHIRE DISTRICT COUNCIL

LICENSING PANEL

THURSDAY 26 FEBRUARY 2015

**APPLICATION FOR VARIATION OF A PREMISES LICENCE
UNDER THE LICENSING ACT 2003**

REPORT OF THE SHARED HEAD OF PUBLIC PROTECTION AND REGULATION

(Contact: Andrea Thomas Tel: (01993) 861637)

1. PURPOSE

To consider and determine an application made to the Council in its capacity as Licensing Authority for a variation of premises licence under the Licensing Act 2003.

2. RECOMMENDATION

That the Panel considers and determines the application made to the Council, outlined in the Appendix attached to this report.

3. BACKGROUND

3.1. The Council has received the following application for a variation of premises licence:

- Churchill Heath Farm, Kingham, OX7 6UJ (Appendix A)

The application is to increase regulated entertainment and sale of alcohol as follows;

Provision of Live Music

Friday	1000hrs to 2300hrs	(currently midday to 2300hrs)
Saturday	1000hrs to Midnight	(currently 1000hrs to midnight)
Sunday	1000hrs to 2300hrs	(currently 1100hrs to 2000hrs)

Provision of Recorded Music

Friday	1000hrs to 0100hrs	(currently midday to 2300hrs)
Saturday	1000hrs to 0200hrs	(currently 1000hrs to midnight)
Sunday	1000hrs to Midnight	(currently 1000hrs to 2200hrs)

Provision of Dance

Friday	1000hrs to 0100hrs	(currently midday to 2300hrs)
Saturday	1000hrs to 0200hrs	(currently 1000hrs to midnight)
Sunday	1000hrs to Midnight	(currently 1100hrs to 2000hrs)

Sale of alcohol

Friday	1000hrs to 0030hrs	(currently Midday to 0130hrs)
Saturday	1000hrs to 0130hrs	(currently 1100hrs to 0130hrs)
Sunday	1000hrs to 2330hrs	(currently 1100hrs to 2230hrs)

Hours open to the public

0700hrs Friday to 1100hrs Monday (currently Fri 1000hrs to Monday Midday)

- 3.2. The application has been processed in accordance with the Licensing Act 2003 Regulations.
- 3.3. The application is being brought before the Panel because the Shared Head of Public Protection & Regulation does not have delegated authority to grant a licence as representations have been made during the consultation process.
- 3.4. Consultation has taken place with:
 - the local ward councillor(s)
 - Oxfordshire County Council - Fire and Rescue Service
 - Oxfordshire County Council – Trading Standards
 - NHS
 - Thames Valley Police
 - The relevant Town and or Parish Council(s)
 - West Oxfordshire District Council – Environmental Health
 - West Oxfordshire District Council – Planning Services
- 3.5. In addition, the applicant has advertised the application by way of a notice displayed at the premises for 28 consecutive days and published notice of the application in a local publication within ten days of making the application.
- 3.6. West Oxfordshire District Council has received 7 objections during the consultation period. (Attached as Appendix B).

4. ALTERNATIVES/OPTIONS

- 4.1. The Panel must consider the following when determining the application:
 - The Licensing Act 2003
 - Guidance issued under Section 182 of the Licensing Act 2003
 - Regulations issued under the Licensing Act 2003
 - The Councils Statement of Licensing Policy
- 4.2. The Panel may attach reasonable conditions to the licence that address the licensing objectives, i.e.:
 - The protection of children from harm
 - Public safety
 - Prevention of public nuisance
 - Prevention of crime and disorder
- 4.3. Any party has a right of appeal to the Magistrates Court against the decision of the Panel in respect of an application. Not only does this include an appeal against refusal, it also includes the right to appeal against the imposition of one or more conditions.

5. FINANCIAL IMPLICATIONS

There are no direct financial implications arising from the consideration of the variation application. However, any appeal to the Magistrates' Court against conditions imposed or

against the refusal of any application or against a refusal to vary conditions could result in the Council having to bear the legal costs incurred in defending its decision.

Shared Head of Public Protection and Regulation

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Date: 4 February 2015

Background Papers:

Copy of the application

Copy of the representations made during the consultation period