

WEST OXFORDSHIRE DISTRICT COUNCIL
LICENSING PANEL: TUESDAY 1 NOVEMBER 2016
APPLICATION FOR A VARIATION OF A PREMISES LICENCE
UNDER THE LICENSING ACT 2003
REPORT OF GROUP MANAGER FOR ENVIRONMENTAL AND REGULATORY
SERVICES

(Contact: Michelle Bignell Tel: (01993) 861000)

1. PURPOSE

To consider and determine an application made to the Council in its capacity as Licensing Authority for a variation to an existing 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 to an existing premises licence:

- Old Swan and Minster Mill, Minster Lovell, Witney OX29 0RN (Appendix A)
The application is for :-
Recorded Music (Indoors) – Every Day – 07.00 – 01.00 hours
Late Night Refreshment – Every Day – 23.00 – 05.00 hours (residents)
Late Night Refreshment – Every Day – 23.00 – 00.00 hours (non-residents)
Supply by Retail of Alcohol – Every Day – 10.00 – 01.00 hours (On and Off sales)
Supply by Retail of Alcohol – 24 hours for hotel residents
Opening hours to the public – 07.00 – 01.30 hours

(A copy of the original premises licence is attached at Appendix B).

(A location plan is attached at Appendix C).

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 Group Manager for Environmental and Regulatory Services does not have delegated authority to grant a licence as objections 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 – Licensing
 - 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 13 representations from residents (Other Persons) during the consultation period (attached at Appendix D). A representation was also made by Minster Lovell Parish Council (attached at Appendix E).
- 3.7. A summary of comments is included at Appendix F.
- 3.8. No representations were made by any of the Responsible Authorities under the Act. A condition was agreed by the Council's Environmental Health Officer:
 'All doors and windows shall be kept shut other than for access and egress after 23:00 hours, whenever there is recorded music entertainment'.
- 3.9. At the time of writing this report, a residents meeting is scheduled to be held on 18 October in an attempt to mediate. Any agreements will be circulated prior to the Licensing Panel date.

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.

Group Manager for Environmental and Regulatory Services

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Date: 17 October 2016

Background Papers:

None