

WEST OXFORDSHIRE DISTRICT COUNCIL

LICENSING PANEL

TUESDAY 3 JULY 2018 AT 1000HRS

**APPLICATION FOR A NEW PREMISES LICENCE
UNDER THE LICENSING ACT 2003**

REPORT OF GROUP MANAGER OF PROFESSIONAL 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 new 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 new premises licence:

- Grapes and Tomatoes Trading Company, 3 Alvescot Road, Carterton OX18 3JG (Appendix A)

The application is for :-

Sale by retail of alcohol (on sales)

Monday to Wednesday and Sunday 10.00 – 23.00 hours

Friday and Saturday 10.00 – 01.00 hours

In the application, the applicant completed the live and recorded music activities. Under the Deregulation Act 2014 and the Live Music Act 2012, any recorded/live music taking place when the sale of alcohol is available is unregulated until 23.00 hours. Also, the application states that the recorded music will be background level once live music ends (23.00 hours). Background music is classed as an unlicensed activity. Any nuisance emanating from these activities would need to be addressed under the Environmental Protection Act 1990.

The panel is, therefore, asked to determine the application for the sale by retail of alcohol only.

3.2. (A location plan and plan of the premises are attached at Appendix B).

3.3. The application has been processed in accordance with the Licensing Act 2003 Regulations.

- 3.4. The application is being brought before the Panel because the Group Manager of Professional Services does not have delegated authority to grant a licence as an objection has been made during the consultation process.
- 3.5. 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
- 3.6. 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.
- 3.7. West Oxfordshire District Council has received 1 representation from a resident (Other Persons) during the consultation period (attached at Appendix C).
- 3.8. No representations were made by any of the Responsible Authorities under the Act. Conditions were agreed by the Council's Environmental Health Officer:
- I note that there is a residential flat above and you will undertake to improve the sound insulation of the separating partition
 - All external doors and windows shall be kept closed whenever there is regulated entertainment being provided after 23:00 hours
 - All regulated entertainment shall terminate at 01:00 hours on Friday and Saturdays and 23:00 on Sundays and Thursdays 00:00 hours
- 3.9. Conditions were also agreed with Thames Valley Police. Please see Appendix D.

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 of Professional Services

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Date: 14 June 2018

Background Papers:

None