

WEST OXFORDSHIRE DISTRICT COUNCIL

LICENSING PANEL: THURSDAY 5 JUNE 2014

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

REPORT OF THE SHARED HEAD OF PUBLIC PROTECTION AND REGULATION

(Contact: Kate Bishop, Tel: (01993) 861631)

I. 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:

- White Hart, Eynsham, Witney (Appendix A)

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 Head of Community Services 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
- 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. Two objections have been received from local residents during the consultation period, copies of which are attached as Appendix B.

3.7. The existing premises licence permits the following:-

Live music

Monday to Sunday 1900hrs to 2330hrs
Sunday 1900hrs to 2230hrs

Recorded Music

Monday to Friday 1200hrs to 1530hrs
1800hrs to 2330hrs
Saturday 1200hrs to 0000hrs
Sunday 1200hrs to 2230hrs

Supply of alcohol

Monday to Friday 1200hrs to 1500hrs
1800hrs to 2330hrs
Saturday 1200hrs to 0000hrs
Sunday 1200hrs to 2230hrs

Opening hours

Monday to Friday 1200hrs to 1530hrs
1800hrs to 0000hrs
Saturday 1200hrs to 0030hrs
Sunday 1200hrs to 2300hrs

- 3.8. Also attached are the current conditions to the existing premise licence (Attached as Appendix C).
- 3.9. The application seeks a variation of the above conditions for:-
- Recorded music 1200hrs to 2330hrs Monday to Friday
 - Supply of alcohol 1200hrs to 2330hrs Monday to Friday
 - Opening hours 1000hrs to 2330hrs Monday to Friday, 1000hrs to 0000hrs Saturday and 1000hrs to 2230hrs Sunday

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.

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Shared Head of Public Protection and Regulation

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Background Papers:

None