

WEST OXFORDSHIRE DISTRICT COUNCIL
LICENSING PANEL: THURSDAY 9 APRIL 2015
APPLICATION FOR A PREMISES LICENCE
UNDER THE LICENSING ACT 2003

REPORT OF THE SHARED HEAD OF PUBLIC PROTECTION AND REGULATION

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

I. 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:

- Star Kebab, Red Lion Car Park, Eynsham (Appendix A)

The application is for Late Night Food Refreshment on Sunday to Thursday 1700hours-Midnight and Friday and Saturday 1700hrs to 0130hrs.

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 – 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 15 letters of objection from local residents as well as objections from Cllr Emery, Eynsham Parish Council and Thames Valley Police 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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Background Papers:

None