

WEST OXFORDSHIRE DISTRICT COUNCIL
LICENSING PANEL: THURSDAY 27 AUGUST 2015
APPLICATION TO VARY A PREMISES LICENCE
UNDER THE LICENSING ACT 2003

REPORT OF THE SHARED HEAD OF PUBLIC PROTECTION AND REGULATION

(Contact: Nicola Neyhaul Tel: (01993) 861377)

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 to vary a premises licence:

The Plough Inn, Kelmscott (Appendix A)

The application is to include a proposed new garden bar as shown on the deposited plans. The requested hours of operation for the proposed garden bar do not extend beyond those of the current premises licence and no other changes are proposed to the existing licence which gives permission for:-

Live music

Sat 2030hrs to 0200hrs

Recorded music

Sun – Thurs 0900hrs to midnight

Fri and Sat 0900hrs to 0200hrs

Sale of alcohol

Mon – Thurs 1100hrs to midnight

Fri and Sat 1100hrs to 0200hrs

Sun 1200hrs to 2300hrs

Standard 36 hour New Year's Eve/ New Year's Day deregulation

And opening hours of:-

Mon – Thurs 1100hrs to midnight

Fri – Sat 1100hrs to 0200hrs

Sun 1200hrs to midnight

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 5 letters of objection 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

(Author: Nicola Neyhaul Tel: (01993) 861377;
Email: community.services@westoxon.gov.uk)

Date: 7 August 2015

Background Papers:
None