

WEST OXFORDSHIRE DISTRICT COUNCIL
LICENSING PANEL - TUESDAY 15 JANUARY 2019
APPLICATION FOR A REVIEW OF A PREMISES LICENCE
UNDER THE LICENSING ACT 2003
REPORT OF GROUP MANAGER OF PROFESSIONAL SERVICES
(Contact: Michelle Bignell Tel: (01993) 861000)

I. PURPOSE

To consider and determine an application made to the Council in its capacity as Licensing Authority for a review of a 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 review of a premises licence:
- Witney Polish Deli, 62 Corn Street, Witney OX28 6BS (Appendix A)
- 3.2. The application has been made by Oxfordshire Trading Standards under the prevention of crime and disorder objective of the Licensing Act 2003.
- 3.3. (A location plan is attached at Appendix B).
- 3.4. A copy of the current premises licence is attached at Appendix C.
- 3.5. The application has been processed in accordance with the Licensing Act 2003 Regulations.
- 3.6. The application is being brought before the Panel because the Group Manager of Professional Services does not have delegated authority to determine the application.
- 3.7. 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
- 3.8. In addition, the licensing authority has advertised the application by way of a notice displayed at the premises for 28 consecutive days.
- 3.9. West Oxfordshire District Council has received 2 representations from during the consultation period (attached at Appendix D).

- 3.10. Thames Valley Police made no comments as there were no incidents of crime and disorder recorded against the premises. There has been no positive test purchase, the most recent being Summer 2018. However, they made the comment that they were fully supportive of the work that the Trading Standards team are doing.

4. 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 options for the Panel are:

- To take no action
- To modify the hours/conditions of the premises licence
- To remove the Designated Premises Supervisor (DPS)
- To suspend the premises licence for a period of up to 3 months
- To revoke the licence

- 4.3. Any conditions added to the premises licence must address the one or more of the licensing objectives:

- The protection of children from harm
- Public safety
- Prevention of public nuisance
- Prevention of crime and disorder

And must not duplicate any other legal requirements.

- 4.4. 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: 20 December 2018

Background Papers:

Copy of the application

Copy of representation made during the consultation period