

WEST OXFORDSHIRE DISTRICT COUNCIL

LICENSING PANEL

9 AUGUST 2021

DETERMINATION OF AN APPLICATION TO VARY A PREMISES LICENCE

REPORT OF THE GROUP MANAGER OF RESIDENTS' SERVICES

(Contact: Andrea Thomas, Tel: (01993) 861000)

(The Panel's decision on this matter will be a resolution.)

1. PURPOSE

To determine An application to vary of a Premises Licence in relation to Cineworld, Marriotts Walk, Witney.

2. RECOMMENDATION

- To grant the application as requested;
- To grant the application subject to such conditions that are necessary to promote the Licensing Objectives.
- Refuse the application in whole or in part where it is necessary to promote the Licensing Objectives

3. ANNEXES

Annex A – Copy of Application

Annex B – Noise Management Plan

Annex C – Response from EHO Neil Shellard

Annex D – Objection from Mr Nellist

Annex E – Location of premises.

4. BACKGROUND

4.1. The Licensing Act 2003 allows applicants to apply for new premises licences, premises licence variations, club premises certificates and personal licences. This application is to make a variation to an existing premises licence.

4.2. The application (Annex A) is to remove the following condition from the Operating Schedule which forms part of the Premises Licence;

The designated premises supervisor or duty manager is to ensure the effective overall management of regulated entertainment from the cinema auditoria to ensure that noise from such activities is effectively inaudible inside neighbouring premises at all times.

And to replace it with;

The premises will operate in accordance with the noise management plan submitted to and agreed with the Senior Environmental Health Officer on 1st October 2020.

- 4.3. A Noise Management Plan has been agreed by Senior EHO Neil Shellard from West Oxfordshire District Council and this can be seen attached at Annex B.
- 4.4. Mr Shellard has also submitted a response to the Variation application and this can be seen at Annex C.

Site Description

- 4.5. The premises is situated in the shopping centre called Marriott's Walk in Witney as seen on the plan at Annex D.

4.6. REPRESENTATION

The Council has received one objection during the consultation period. This has been made by a local resident. A copy of their objection can be seen at Annex E. Their address has been marked on the plan.

NATIONAL GUIDANCE

- 4.7. The Secretary of State's Guidance requires Licensing Authorities, following receipt of an Objection, to hold a hearing to determine whether the removal of the condition would undermine the licensing objectives and whether the new condition would promote the licensing objectives.

4.8 PROCEDURES

5. THE CHAIRMAN WILL OUTLINE THE PROCEDURE FOR THE MEETING AT THE START OF THE MEETING. ALL PARTIES WILL BE GIVEN AN OPPORTUNITY TO ADDRESS THE PANEL AND ANSWER QUESTIONS FROM MEMBERS. OPTIONS

5.1. That the Licensing Panel is asked, in light of the information provided, to consider the Variation application and determine whether to:-

- to permit the request made in the application;
- to permit the request as stated in the application but subject to imposing relevant conditions that are imposed on the Premises Licence that are necessary to promote the licensing objectives;
- to refuse the variation application.

5.2 The Panel must consider the following when determining the application:

- The Licensing Act 2003
- Guidance issued under Section 182 of the Licensing Act 2003 (April 2018)
- The Councils Statement of Licensing Policy (October 2018)

5.3 The Panel may attach reasonable conditions to the licence that address the licensing Objectives which are:

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

- Prevention of crime and disorder

6. LEGAL IMPLICATIONS

The Secretary of State's Guidance requires Licensing Authorities, following receipt of an Objection, to hold a hearing to determine whether the event would undermine the licensing objectives and whether the condition can be removed and replaced.

7. 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. Any appeal to the Magistrates' Court could result in the Council having to bear the legal costs to defend its action.

Group Manager of Resident Services

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