

WEST OXFORDSHIRE DISTRICT COUNCIL

LICENSING PANEL

3RD SEPTEMBER 2021

DETERMINATION OF AN APPLICATION FOR A NEW 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 for a new Premises Licence in relation to a one day event run by Witney Music Festival Ltd to take place on Church Green, 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 the application and plan

Annex B – Response from Environmental Health

Annex C – Noise Management Plan

Annex D – Response from Oxfordshire Fire Authority

Annex E – Objections from members of the public and the Local Ward Member

Annex F – Copy of the Licensing Panel procedures

4. BACKGROUND

- 4.1. The Licensing Act 2003 (“the Act”) allows applicants to apply for new Premises Licences.
- 4.2. A new Premises Licence application was submitted by Eric Marshall on behalf of Witney Music Festival Ltd on 12th July 2021 (copy at Annex A) to provide entertainment and the sale of alcohol (on the premises) from midday to 2200hrs (alcohol sales to cease at 2145hrs) on the 25th September 2021 on Church Green, Witney for up to 5000 people.
- 4.3. Thames Valley Police did not make any objections to the application.
- 4.4. Mr Neil Shellard, Senior Officer, from the Council's Technical Pollution Services Team submitted a representation with regard to the application (copy at Annex B) The Applicant has now submitted a Noise Management Plan (Annex C).

4.5. During the consultation Oxfordshire Fire Authority contacted the Applicant requesting further information (copy at Annex D). At the time of writing this report the Fire Officer had not been provided with any further information from the Applicant.

4.6 Objections have also been received from 11 local residents and the Local Ward Member, Councillor Harvey (copies at Annex E). The main concerns raised in the objections are as follows;

- Traffic , including road safety
- Parking
- Crime and Disorder emanating from alcohol
- Lack of toilet facilities

The Licensing Authority is unable to accept the following concerns due to the following reasons;

Traffic, Parking, Toilet Facilities and Conservation Area

These concerns cannot be taken into consideration under the Act and would be dealt with under Planning Law. Planning and Licensing are two separate jurisdictions and it is up to the business operator to ensure that they adhere to both and have necessary requirements in place. As the application is for a one day event Planning Consent is not required.

Crime and Disorder concerns

The Police Licensing Officer has not objected to the application.

5. NATIONAL GUIDANCE

5.1 The Secretary of State's Guidance requires licensing authorities, following receipt of relevant representations, to make judgements about what constitutes public nuisance and what is necessary, in terms of conditions attached to a specific Premises Licence, to prevent it.

5.2 Where the Act provides for mandatory conditions to be included in a Premises Licence, it is the duty of the Licensing Authority issuing the Licence to include those conditions of the Licence

6. PROCEDURES

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.

7. OPTIONS

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

- 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.

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)

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

8. FINANCIAL IMPLICATIONS

There are no direct financial implications arising from the consideration of the 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.

9. LEGAL IMPLICATIONS

There is a right of appeal to the Magistrates' Court within 21 days of the Council's decision should the Council refuse the application or against conditions imposed on the Licence.

9.1 BACKGROUND DOCUMENTS

West Oxfordshire District Council's Statement of Licensing Policy – 2018

S.182 Secretary of States Guidance April 2018

Group Manager of Resident Services
(Author: Andrea Thomas, Tel: (01993) 861000; email: andrea.thomas@publicagroup.uk)
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