



WEST OXFORDSHIRE  
DISTRICT COUNCIL

Council name

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Name and date of Committee	LICENSING PANEL – 11 <sup>th</sup> August 2022
Report Number	Agenda Item 5
Subject	APPLICATION FOR A NEW PREMISES LICENCE
Wards affected	North Leigh
Accountable member	Licensing Panel – Councillors: Norman MacRae, Mike Cahill and Michael Brooker
Accountable officer	Andrea Thomas, Licensing Officer Tel: 01993 861000 Email: andrea.thomas@publicagroup.uk
Summary/Purpose	To determine a new premises licence.
Annexes	ANNEX A - Copy of the application – Exempt paper ANNEX B – Plan of premises and location ANNEX C – Comments from North Leigh Parish Council ANNEX D – Copy of representation from local resident ANNEX E – Hearing Procedures
Recommendation/s	That the Licensing Sub-Committee is asked, in light of the representations received, to consider the application and determine whether to:- <ul style="list-style-type: none"><li>• grant the application as requested;</li><li>• grant the application subject to such conditions that are necessary to promote the licensing objectives;</li></ul> refuse the application in whole or in part where it is necessary in order to promote the licensing objectives.
Corporate priorities	Ensure that services delivered by the Council are delivered to the highest standard
Key Decision	NO
Exempt	NO
Consultees/ Consultation	A 28 day consultation has been undertaken with all Responsible Authorities, Ward Member, Town Council and advertised in accordance with the Licensing Act 2003

## 1. BACKGROUND

1.1. The Licensing Act 2003 (“the Act”) allows applicants to apply for new Premises Licences, Premises Licence variations, Club Premises Certificates and Personal Licences. This application is for a new Premises Licence.

1.2. The application was received on the 20<sup>th</sup> June 2022.

1.3. The Licensing Authority is satisfied that the application was duly made, the correct notification process was followed and the application was appropriately advertised. The advertisement appeared in the Witney Gazette on the 29<sup>th</sup> June 2022 and a Site Notice advertising the application was placed at the site for 28 days.

1.4. The application sought a Premises Licence for the following licensable activities and times:

- Supply by retail of alcohol on the premises
  - Monday to Sunday 0600hrs to 2200hours
- Hours open to the public
  - Monday to Sunday 0600hrs to 2200hours

The supply by retail of alcohol on the premises hours have now been amended to Monday to Sunday 0600hrs to 2000hrs

1.5. A copy of the application is attached at **Annex A**. Exempt Paper

## 2. SITE DESCRIPTION

2.1. A copy of the site plan and location is attached at **Annex B**.

## 3. AGREED CONDITIONS

3.1. If the licence is granted the following conditions detailed in the Operating Schedule will form part of the licence.

1. CCTV shall be installed to cover all areas where dancing will take place in addition to the front entrance. All cameras shall be continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 28 days with the date and time stamping. Tape recordings shall be made available to an Authorised Officer of the Licensing Authority or a police officer together with facilities for viewing. The recordings for the proceeding two events shall be made available immediately on request, and recordings outside this period shall be made available on 24 hours notice.

2. All staff shall be suitably trained in the operating procedures for refusing service to any person who is drunk or is underage or appears to be underage.

3. All staff shall be suitably trained for their job function in the operating standards for the premise. The training shall be under constant review.

4. The premises shall adopt a policy of requiring the production of "proof of age" before sales of alcohol are made. All operators and staff have both a duty and responsibility to ensure that only those who are of age are provided with intoxicants.

5. A Daily Premises Register shall be kept at the premise. This register will be maintained and kept for a minimum of 12 months. This register should record the person in a position of responsibility for the premise. The Premise Daily Register shall record all calls made to the premises where there is a complaint made by a resident or neighbour of noise, nuisance or anti social behaviour by persons attending or leaving the premises. This shall record the details of the caller, the time and date of the call and the time and date of the incident relating to the call and any actions taken to deal with the call. The Daily Premises Register will be readily available for inspection by either the police or authorised officer throughout the trading hours of the premises.

#### **4. REPRESENTATIONS**

##### **Responsible Authorities under the Licensing Act 2003**

4.1. There have been no representations made by any of the Responsible Authorities under the Act.

##### **Other persons**

##### **Parish Council**

4.2. Comments were received from North Leigh Parish Council and can be found in **Annex C**.

##### **Residents**

4.3 There has been 1 representation from a local resident received in relation to this application and can be found in **Annex D**.

The Licensing Authority is unable to take the following in account when looking at the application,

- Car Parking – this is dealt with under Planning Law and not a matter for the Licensing Committee. 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.
- Need for another commercial premises in the area.

#### **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 in the Licence.

## **6. PROCEDURES**

**6.1.** A copy of the procedure for the Meeting is attached at **Annex E**.

## **7. FINANCIAL IMPLICATIONS**

**7.1.** There are no financial implications arising directly from the consideration of this application. However, any appeal to the Magistrates' Court against the refusal of the application or against the imposition of Conditions could result in the Council having to bear the legal costs of defending its decision.

## **8. 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 the Conditions imposed on the Licence.

## **9. BACKGROUND DOCUMENTS**

**9.1.** West Oxfordshire District Council's Statement of Licensing Policy – 2021

**9.2.** Home Office S.182 Statutory Guidance published April 2018.