



WEST OXFORDSHIRE
DISTRICT COUNCIL

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Name and date of Committee	LICENSING PANEL – 5 SEPTEMBER 2022
Report Number	AGENDA ITEM No 4
Subject	APPLICATION FOR A NEW PREMISES LICENCE
Wards affected	Witney
Accountable member	Licensing Committee
Accountable officer	Andrea Thomas, Licensing Officer Tel: 01993 861000 Email: andrea.thomas@publicagroup.uk
Summary/Purpose	To determine a new premises licence application made by Samuel Chaloner on behalf of Blind Tiger Limited
Annexes	ANNEX A - Copy of the application ANNEX A I - Dispersal Policy ANNEX B - Plans ANNEX B I - Plans ANNEX C - Witney Town Council comments ANNEX D - Representations from Local Residents ANNEX E - Hearing Procedures
Recommendation/s	<i>That the Licensing Sub-Committee is asked, in light of the representations received, to consider the application and determine whether to:-</i> <ul style="list-style-type: none">• <i>grant the application as requested;</i>• <i>grant the application subject to such conditions that are necessary to promote the licensing objectives;</i> <i>refuse the application in whole or in part where it is necessary in order to promote the licensing objectives.</i>
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
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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 8th July 2022. The Applicant is Mr Samuel Chaloner, for Blind Tiger Limited.
- 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 13th July 2022 and a Site Notice advertising the Application was placed at the site for 28 days.
- 1.4. The Application is for a Premises Licence for the following licensable activities and times:
- Supply by retail of alcohol on the premises
Sunday to Wednesday Midday to Midnight
Thursday to Saturday Midday to 0200hrs
 - Live Music and Recorded music
Sunday to Wednesday Midday to 0030hrs
Thursday to Saturday Midday to 0230hrs
 - Hours open to the public
Sunday to Wednesday Midday to 0030hrs
Thursday to Saturday Midday to 0230hrs
- 1.5. A copy of the redacted application is attached at **Annex A**, along with a Dispersal Policy at **Annex A1**

2. SITE DESCRIPTION

- 2.1. A copy of the site plan and location is attached at **Annex B and Annex B1**

3. AGREED CONDITIONS

- 3.1. The following conditions were suggested by Thames Valley Police and the Environmental Team at West Oxfordshire District Council. These conditions have been agreed by the Applicant.

- 3.2.** Thames Valley Police suggested the following conditions be attached to the Licence:
1. Supply of alcohol and the time that the premises will close to the public, Sunday to Wednesday – Midnight and Thursday to Saturday 0200hrs
 2. CCTV systems must record, while the premises is open to the public and retain footage for 30 days and must be available on request from TVP or other authorised person.
 3. Last entry to new customers on Thursday, Friday and Saturdays will be 0100hrs.
 4. If the premises is open past midnight there will be at least 2 x SIA licensed door staff on duty from 220hrs until 30 minutes after closing.
 5. There must be a refusal/incident log on the premises and the SIA staff will record details their names and SIA badge numbers when booking on duty.

3.3 Environmental Health – West Oxfordshire District Council suggested the following conditions be attached to the Licence:

1. After 2300hrs all external doors and windows must be kept closed, other
 - than for access and egress, when amplified music is taking place.
2. The volume of any music at the premises shall be controlled to prevent nuisance to neighbouring properties.
3. The Management shall receive and respond to any complaints throughout the duration of all events.
4. Prominent, clear notices shall be displayed at all exits requesting customers
 - to respect the needs of local residents and leave the premises and the area quietly
5. The volume and bass frequencies (low frequency content at 63Hz and 125Hz octaves) of recorded and live music shall be specifically controlled to prevent nuisance at neighbouring premises.
6. If justified complaints are received the West Oxfordshire District Council will require a noise limiter to be installed, fitted, working and maintained at all times, in such a manner as to control all sources of amplified music or speech (live and recorded) at the premises. This should be set at a limit that has been agreed by the Council's Technical Pollution Services Team.
7. All speakers to be mounted on isolation mounts. Speakers should not be attached to party walls or the ceiling.

4. REPRESENTATIONS

Responsible Authorities under the Licensing Act 2003

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

Other persons

Parish Council

- 4.2.** Comments were received from Witney Town Council and can be found in **Annex C**.

Residents

- 4.3** There have been 2 representations from a local resident received in relation to this Application and can be found in **Annex D**.

The Licensing Panel is unable to take the need for another commercial premises in the area into account.

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

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.