

Licensing Acts Panel Report



Report of Head of Legal & Democratic Services

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Wards affected: Abbey & Barton

To: Licensing Acts Panel

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Application for a variation of the premises licence for the Guildhall, Abbey Close, Abingdon-on-Thames

Recommendation

That the panel consider the application to vary a premises licence and the residents' objections to the application and decide whether to a) grant the application as applied for, b) grant the application with modified conditions or c) reject the application in whole or in part.

Purpose of Report

1. To present the facts and relevant representations received in respect of an application to vary a premises licence for the Guildhall, Abbey Close, Abingdon-on-Thames, under Section 34 of the Licensing Act 2003 to the Licensing Acts Panel in order that it can determine the application.

Strategic Objectives

2. The relevant strategic objective is that of 'building the local economy'. The relevant corporate priority is that of 'maintain low levels of crime and anti-social behaviour'.

Background

- 3.1 The Licensing Act 2003 ('the Act') has established a single integrated scheme for licensing premises which are used for the supply of alcohol, regulated entertainment, late night refreshment or permission to carry on some or all of these activities. In the Act these activities are referred to collectively as the 'licensable activities'.

Any assessment of licensable activities must consider and promote the following four statutory objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm.

3.2 Licences will normally be granted by the licensing officer under delegated powers but in the event of representations being received regarding the grant or variation of a premises licence, or in the case of an objection being received from Thames Valley Police with regard to personal licences, the application is then referred to the Licensing Acts Panel to be considered.

3.3 An application has been received to vary the existing premises licence (**Appendix 1**). The current licence can be seen at **Appendix 2**. The application seeks to vary the licence for regulated entertainment and sale of alcohol Monday – Sunday, as follows:

Licensable Activity	Current days & times	Proposed days & times
Indoors sporting events, Boxing or wrestling entertainments, Live music, Recorded music, Performance of dance, Anything of a similar description, Provision of facilities for making music, Provision of facilities for dancing, Provision of facilities of a similar description (Indoors)	<u>Monday – Sunday</u> 09:00-Midnight	<u>Monday – Sunday</u> 09:00-01:00
Sale of Alcohol (On and Off Sales)	<u>Monday – Saturday</u> 11:00-23:00 <u>Sunday</u> Noon-22:30	<u>Monday – Sunday</u> 11:00-01:00

3.4 Representation has been received from Thames Valley Police who have asked for the following conditions to be added to the licence, as follows:

- SIA door staff to be employed for any party that involves predominantly 15-21 year olds

- Where there are any events involving 15-21 year olds, 30 days written notice will be given to Thames Valley Police.

These conditions have been agreed by the applicant (**Appendix 3**)

3.5 Eight objection letters representing 13 local residents have been received (**Appendix 4**). The residents are concerned that increasing the hours for entertainment and sale of alcohol will mean they are disturbed by noise to a much later hour and increased anti-social behaviour. A map showing the location of the premises in relation to the residents can be seen at **Appendix 5**.

3.6 Local residents and a local member have also expressed concerns that the application may not have been made correctly as where the application asks for a brief description of the variation, page 2 states the changes are for a Friday and Saturday, however, the main part of the application, the blue notices and the newspaper advertisement all state the application to vary is for Monday – Sunday. The blue notice was checked by Licensing Officers and the newspaper advertisement is attached as **Appendix 6**.

Options

4.1 In determining the application the authority must give weight to:

- representations received from Responsible Authorities
- representations received from Interested Parties
- the Secretary of State's guidance issued under Section 182 of the Licensing Act 2003
- the council's statement of licensing policy and
- the steps necessary to promote the Licensing Objectives

4.2 In view of the above, the panel is requested to consider the application for the variation of the premises licence and decide whether to:

- (a) grant the application as applied for,
- (b) grant the application with modified conditions or
- (c) reject the application in whole or in part

Financial Implications

5. Should the applicant or any Interested Party wish to appeal against a decision of the council, they may do so to the Magistrates' Court. The council would incur costs should this occur, although the court may decide to award costs if the council's decision was upheld.

Legal Implications

- 6.1 The Human Rights Act 1988 requires public bodies to ensure everything they do is compatible with Convention Rights and makes it unlawful for a public authority to act incompatibly with those rights. When determining whether to grant the variation the panel will be aware of human rights considerations, specifically Part 1, Article 1, the right to a fair trial, Part 2, Article 1, the peaceful enjoyment of possessions (a licence is deemed to be a possession) and Article 8 the right to respect for private and family life for those making representations.
- 6.2 The hearing of all applications is subject to the principles of natural justice.
- 6.3 Section 17 of the Crime and Disorder Act 1988 states, 'without prejudice to any other obligation imposed on it, it shall be the duty of each authority to exercise its various functions with due regard to the likely effect of those functions and the need to do all that it reasonably can to prevent crime and disorder in its area'.
- 6.4 Under Schedule 5, Part 1 of the Licensing Act 2003, any person aggrieved by the decision in respect of the application may appeal to a Magistrates' Court within 21 days of the date of the decision.

Conclusion

- 7 This report provides information submitted by the applicant and local residents. The panel should determine this application with a view to promoting the four Licensing Objectives. It must, having had regard to all the relevant objections made and the evidence it hears, either a) grant the application as applied for, b) grant the application with modified conditions or c) reject the application in whole or in part.

Background Papers

- None.