

Licensing Acts Panel Report



Report of Head of Legal & Democratic Services

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Wards affected: Abingdon Abbey and Barton

To: Licensing Acts Panel

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Application for a premises licence for Wetherspoons (Former Post Office), 25 High Street, Abingdon-on-Thames

Recommendation

That the panel consider the application for a premises licence and the relevant representations and decide whether to a) grant the licence as applied for, b) grant the licence after modifying any conditions to such extent as the authority considers necessary for the promotion of the licensing objectives, c) exclude from the scope of the licence any of the licensable activities to which the application relates, d) refuse to specify a person in the licence as the premises supervisor or e) reject the application.

Purpose of Report

1. To present the facts and relevant representations received in respect of an application for a premises licence for Wetherspoons, 25 High Street, Abingdon-on-Thames, under Section 18 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 for a new premises licence (**Appendix 1**). The application is for the sale of alcohol and late night refreshment Monday – Sunday, as follows:

Licensing Activity	Proposed Days and Times
Late night refreshment (inside and outside)	Sunday – Wednesday 23:00-00:00 Thursday - Saturday 23:00-01:00 Christmas Eve/Boxing Day/Maundy Thursday/Sundays preceding Bank Holiday Mondays – an additional hour New Year's Eve 23:00 – 05:00
Sale of alcohol (on and off the premises)	Sunday – Wednesday 08:00-00:00 Thursday - Saturday 08:00-01:00 Christmas Eve/Boxing Day/Maundy Thursday/Sundays preceding Bank Holiday Mondays – an additional hour New Year's Eve from the end of permitted hours until the start of permitted hours on New Year's Day

Hours premises are open to the public	<p>Sunday – Wednesday</p> <p>07:00-00:30</p> <p>Thursday - Saturday</p> <p>07:00-01:30</p> <p>Christmas Eve/Boxing Day/Maundy Thursday/Sundays preceding Bank Holiday Mondays – an additional hour</p> <p>New Year’s Eve from the end of permitted hours until the start of permitted hours on New Year’s Day</p>
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3.4 A representation has been received from Thames Valley Police who have asked for the following conditions to be added to the licence:

- the premises licence holder will erect signage adjacent to the front entrance to the premises requesting that customers smoke in the dedicated smoking area at the rear of the premises; and
- a minimum of two door supervisors individually registered by the SIA will be employed at the premises from 21:00 to 01:00 on every Friday and Saturday evening. In addition to this requirement, the premises licence holder will risk assess the need for door supervisors at all times when the premises is open to the public and employ such door supervisors at such times and in such numbers as deemed necessary by the risk assessment.

These conditions have been agreed by the applicant. (**Appendix 2**)

3.5 A representation has also been received from Environmental Protection asking for the following conditions to be added to the licence:

- there shall be no consumption of food or drink in any external areas of the premises after 22:00; and
- there shall be no external heating in any external areas of the premises.

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

3.6 A representation has been received from two ward councillors who have concerns about the sale of alcohol beginning at 08:00 seven days a week and the nuisance that may be caused by people being intoxicated on the streets at an early hour. (**Appendix 4**)

3.7 There has also been a representation from another interested party who has expressed concerns regarding anti-social behaviour. The panel will want to consider the content of this objection and determine what weight they wish to give to it, bearing in mind the four licensing objectives and the location of the premises. (**Appendix 5**)

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 a premises licence and decide whether to:

- (a) grant the licence as applied for,
- (b) grant the licence after modifying any conditions to such extent as the authority considers necessary for the promotion of the licensing objectives
- (c) exclude from the scope of the licence any of the licensable activities to which the application relates,
- (d) refuse to specify a person in the licence as the premises supervisor,
- (e) reject the application.

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 1998 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 application the panel will be aware of human rights considerations, specifically Part 1, Article 1, the right to a fair trial, Part 2 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 representations and the evidence it hears, decide whether a) grant the licence as applied for, b) grant the licence after modifying any conditions to such extent as the authority considers necessary for the promotion of the licensing objectives, c) exclude from the scope of the licence any of the licensable activities to which the application relates, d) refuse to specify a person in the licence as the premises supervisor or e) reject the application

Background Papers

- None.