

Licensing Acts Panel



Report of Head of Legal and Democratic Services

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To: Licensing Acts Panel

DATE: 27 May 2014

Application for a premises licence for One Stop Stores, 3-4 Cherry Tree Close, Southmoor, Oxon, OX13 5BB

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 One Stop Stores, 3-4 Cherry Tree Close, Southmoor, to the Licensing Acts Panel in order that it can determine the application under Section 18 of the Licensing Act 2003.

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') 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'.

3.2 Any assessment of licensable activities must consider and promote the four licensing objectives:

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

3.3 Licences will normally be granted by the licensing officer under delegated powers but in the event of relevant representations being received regarding the grant of a premises licence the application is then referred to the Licensing Acts Panel to be considered.

3.4 An application has been received for a new premises licence (**Appendix 1**). There is already a business called 'Southmoor Food and Wine' that operates at the address which is in the process of being sold to the applicant. The applicant is applying for a new premises licence rather than transferring the existing one. The application is for the supply of alcohol, as follows:

Licensing Activity	Existing Days and Times	Proposed Days and Times
Supply of Alcohol	Monday to Saturday 0830-2130, Sunday 0830-2030	Monday – Sunday 06:00-23:00
Hours premises are open to the public	Monday to Saturday 0830-2130, Sunday 0830-2030	Monday – Sunday 06:00-23:00

3.5 No representation has been received from Thames Valley Police.

3.6 No representation has been received from Environmental Protection.

3.7 Two representations have been received. The first is from Kingston Bagpuize with Southmoor Parish Council which is objecting to the hours for the sale of alcohol. The parish council's objections are under the prevention of crime and disorder and the prevention of public nuisance objectives. Specifically the parish council is of the opinion that the long opening hours are likely to increase anti-social behaviour in the village and cause a nuisance and disturbance to neighbours. The second representation comes from a local resident who is objecting under the prevention of public nuisance objective. Specifically they object to the hours for the sale of alcohol as they are of the opinion they will be disturbed by increased traffic flows and people congregating outside the store until 11pm. Details of the representations can be seen in **Appendix 2**.

Options

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

- representations received from Responsible Authorities
- relevant representations received from other persons
- 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 other person 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 6, 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 1998 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 on, 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, Kingston Bagpuize with Southmoor Parish Council and a local resident. 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 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.

Background Papers

None.