

Licensing Acts Panel

Report of Head of Legal & Democratic Services

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To: Licensing Acts Panel

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Application for a variation of the premises licence for La Bobina, 1 Bromsgrove, Faringdon. OX7 7JF

Recommendation

That the panel consider the application to vary the premises licence and the representations 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 La Bobina, 1 Bromsgrove, Faringdon, OX7 7JF to the Licensing Acts Panel in order that it can determine the application under Section 35 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 representations being received regarding the grant or variation of a premises licence the application is then referred to the Licensing Acts Panel to be considered.

3.4 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 the licensable activities and opening hours, as follows:

Licensable Activity	Current days & times	Proposed days & times
Plays (indoors)	Not currently permitted	Monday to Thursday 0900-2330: Friday to Saturday 0900 – 0130: Sunday 1000-2230
Films (indoors)	Not currently permitted	Monday to Thursday 0900-2330: Friday to Saturday 0900 – 0130: Sunday 1000-2230
Indoor sporting events	Not currently permitted	Monday to Thursday 0900-2330: Friday to Saturday 0900 – 0130: Sunday 1000-2230
Live music (indoors)	Tuesday to Saturday 1830-2300: Sunday 1100 - 1430	Monday to Thursday 0900-2330: Friday to Saturday 0900 – 0030: Sunday 1000-2230: New Year's Eve 0900-0200
Recorded music (indoors)	Tuesday to Saturday 1800-0000: New Year's Eve 1800-0200	Monday to Thursday 0900-2330: Friday to Saturday 0900 – 0200: Sunday 1000-2300: New Year's Eve 0900-0400
Performance of dance (indoors)	Tuesday to Saturday 1800-0000: New Year's Eve 1800-0200	Monday to Thursday 0900-2330: Friday to Saturday 0900 – 0030: Sunday 1000-2230: New

		Year's Eve 0900-0200
Late night refreshment (indoors)	Not currently permitted	Monday to Thursday 2300-0000: Friday to Saturday 2300 – 0130: New Year's Eve 2300-0400
Sale of alcohol – on premises only	Tuesday to Thursday 1800-0000: Friday to Saturday 1800-0130: Sunday 1100-1500: New Year's Eve 1100-0200	Monday to Thursday 1200-0000: Friday to Saturday 1200 – 0130: Sunday 1100-2230: New Year's Eve 1200-0400
Hours premises open to the public	Tuesday to Thursday 1800-0030: Friday to Saturday 1800-0200: Sunday 1100-1530: New Year's Eve 1100-0230	Monday to Thursday 0900-0030: Friday to Saturday 0900 – 0200: Sunday 1000-2300: New Year's Eve 0900-0430

3.5 No representations have been received from Thames Valley Police

3.6 No representations have been received from Environmental Protection although they have reminded the applicant of the conditions inserted into Annex 2 of the current licence in the variation dated 20 March 2012.

3.7 One representation has been received from a member of the public. This is attached at Appendix 3.

3.8 The blue notice was checked by licensing officers and the newspaper advertisement is attached as Appendix 4.

Options

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

- representations received from Responsible Authorities
- representations received from another person
- 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 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 and responses to the application. The panel must 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, 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.