

Licensing Acts Panel



Report of Head of Housing and Environment

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To: Licensing Acts Panel

DATE: 3 November 2020



Application for the grant of a premises licence for The Gin To My Tonic, 35 Marlborough Street, Faringdon, SN7 7JL

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 appropriate 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 The Gin To My Tonic, 35 Marlborough Street, Faringdon, SN7 7JL, 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 an even stronger economy'. The relevant corporate priority is that of 'reducing crime and tackling 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 As stated in Section 4 of the Act, a Licensing Authority must carry out its function under the Licensing Act with a view to promoting the four licensing objectives. The licensing objectives are:

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

In carrying out its functions, the Licensing Authority must also have regard to its statement of licensing policy which is required to be published by Section 5 of the Act and any guidance issued by the Secretary of State under Section 182 of the Act.

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, and where these representations cannot be resolved through any mediation process, the application is referred to the Licensing Acts Panel to be determined.

3.4 On 11 September 2020 an application for the grant of a new premises licence was submitted by The Gin To My Tonic Ltd for a premises proposed to be called 'The Gin To My Tonic' at 35 Marlborough Street, Faringdon, SN7 7JL. A copy of the application form and plan are attached at **Appendix A**. The applicant has applied for the activities and timings stated in the table below:

Licensable Activity	Proposed Days and Times
Supply of alcohol – on and off the premises	12:00 - 22:00 on Wednesday, Thursday, Sunday and Bank Holiday Monday 12:00 - 23:00 on Friday, Saturday and Christmas Eve 12:00 on New Year's Eve until 01:00 on New Year's Day
Hours premises open to the public	12:00 - 22:30 on Wednesday, Thursday, Sunday and Bank Holiday Monday 12:00 - 23:30 on Friday, Saturday and Christmas Eve 12:00 on New Year's Eve until 01:30 on New Year's Day

3.5 No representations have been received from any of the responsible authorities in respect of this application.

3.6 Four representations have been received from other persons as follows:

Name	Interest	Summary of representation
Peter & Margaret Whittingham (Appendix B)	Resident of Marlborough Street	Anti-social behaviour, crime and disorder and public nuisance
Mike Walton (Appendix C)	Resident of Marlborough Street	Anti-social behaviour, crime and disorder and public nuisance
Kay Boardman (Appendix D)	Resident of Marlborough Street	Anti-social behaviour, crime and disorder and public nuisance
Stephen Smith (Appendix E)	Town Councillor	Anti-social behaviour, crime and disorder and public nuisance

3.7 A map showing the location of the premises is attached at **Appendix F**. This map indicates the approximate residential location of any other persons who have made representations as indicated in the above paragraph.

Policy and guidance

4.1 The relevant sections of the council's statement of licensing policy are as follows:

4.0.3 When appropriate on application or review the licensing authority will consider the adequacy of proposed measures to remove or effectively manage the potential for public nuisance, anti-social behaviour and other crime which may impact on the promotion of the licensing objectives.

4.0.4 When an operating schedule does not sufficiently address the prevention of public nuisance the licensing authority will consider all reasonable conditions suggested by responsible authorities in any relevant representation to prevent public nuisance. In some locations it may be necessary to limit opening hours, the times of licensable activities or limit the types of licensable activities taking place.

4.3.1 Noise can come either directly or indirectly from licensed premises. Direct noise, such as that from entertainment activity, will be under the premises' direct control. Indirect noise, such as that from vehicles and customers coming to and from the premises may not be under direct control, but the premises can strongly influence it. Both direct and indirect noise will be of greater importance between 23:00 and 07:00.

4.5.1 The operating schedule should identify the control measures that will be taken to minimise the impact of the behaviour of customers on neighbouring

residents and businesses. This may include noise and disturbance from customers on the premises and customers in outdoor areas such as terraces, beer gardens and smoking areas. It will also include noise, disturbance and obstruction from customers in the vicinity of the premises including customers congregating outside premises to smoke or drink, customers arriving, leaving or queuing outside premises.

4.5.3 Noise and disturbance from people outside can cause public nuisance even when those people are not behaving badly. This will be of more significance in areas with residential accommodation and will usually, but not exclusively, be of greater importance between 23:00 and 07:00. However, it must be noted that noise and disturbance from customers out of doors can cause public nuisance outside these times.

6.2.2 Any conditions will relate to the premises and other places being used for licensable activities, and the impact of those activities in the vicinity. In this regard the licensing authority primarily focuses on the direct impact of any activities taking place on those living, working, or otherwise engaged, in the area concerned.

6.2.4 The licensing authority may impose conditions following a hearing. These conditions must not be disproportionate or overly burdensome. The licensing authority does not implement any standard conditions. Conditions may be attached as appropriate given the circumstances of each individual case. Conditions will not be attached where adequate legislative control exists.

6.6.5 The licensing panel will determine each case on its individual merits whilst taking into consideration the legislation, the Secretary of State's guidance and the terms of this policy document. Where the licensing panel determines that it is necessary to attach conditions to a licence or certificate it will ensure that those conditions are focused on the direct impact of the activities taking place at the premises concerned. Such conditions will be proportionate to the activity to be controlled and will only be imposed in the interests of the licensing objectives.

4.2 The relevant sections of the Secretary of State's guidance (latest version dated April 2018) issued under section 182 of the Licensing Act 2003 are as follows:

1.5 The legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:

- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;

1.16 Licensing conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. They should be proportionate, justifiable and be capable of being met.

2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and

responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

8.41 In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives.

8.42 Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
- any risk posed to the local area by the applicants' proposed licensable activities; and
- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

9.37 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas.

10.4 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.

10.8 The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not

necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.

- 4.3 The High Court in *East Lindsey District Council v Abu Hanif* (2016) reaffirmed how licensing authorities and courts should approach the promotion of the licensing objectives. It reaffirms that they require a “prospective consideration of what is warranted in the public interest, having regard to the twin considerations of prevention and deterrence.”
- 4.4 *R (on application of Hope and Glory Public House Ltd) v City of Westminster Magistrates’ Court and Others* (2011) EWCA Civ 312 also states how licensing authorities should approach licensing decision making:

“They involve an evaluation of what is to be regarded as reasonably acceptable in the particular location. In any case, deciding what (if any) conditions should be attached to a licence as necessary and proportionate to the promotion of the statutory licensing objectives is essentially a matter of judgment rather than a matter of pure fact.”

<https://www.gov.uk/government/publications/alcohol-licensing-using-case-law/alcohol-licensing-using-case-law>

Options

- 5.1 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 appropriate to promote the licensing objectives
- 5.2 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 appropriate 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, and/or
 - (e) reject the application.

Financial Implications

- 6 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

- 7.1 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.
- 7.2 The hearing of all applications is subject to the principles of natural justice.
- 7.3 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'.
- 7.4 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

- 8 This report provides information submitted by the applicant and other persons who have submitted representations. 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, determine the application using the options outlined in section 5 of this report.

Background Papers

Appendix A – Application form, site plan and location plan

Appendix B – Representation (Peter Whittingham, resident)

Appendix C – Representation (Mike Walton, resident)

Appendix D – Representation (Kay Boardman, resident)

Appendix E – Representation (Stephen Smith, councillor)

Appendix F – Map showing location of premises

Appendix A - Application

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I/We THE GIN TO MY TONIC LTD

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description 35 Marlborough Street			
Post town	Faringdon	Postcode	SN7 7JL
Telephone number at premises (if any)		[REDACTED]	
Non-domestic rateable value of premises		£8,100	

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i as a limited company/limited liability partnership | <input checked="" type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |
| f) a health service body | <input type="checkbox"/> | please complete section (B) |
| g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales | <input type="checkbox"/> | please complete section (B) |
| ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England | <input type="checkbox"/> | please complete section (B) |
| h) the chief officer of police of a police force in England and Wales | <input type="checkbox"/> | please complete section (B) |

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or
- a function discharged by virtue of Her Majesty's prerogative

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name THE GIN TO MY TONIC LTD
Address 2 CATKINS CLOSE
Registered number (where applicable) 10734752
Description of applicant (for example, partnership, company, unincorporated association etc.) LIMITED COMPANY
Telephone number (if any) [REDACTED]
E-mail address (optional) paul.hudsonjones@thegintomytonic.com

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

The property is located over three floors with a small amount of outdoor space to the front of the building. The business will operate across all three floors.

Ground Floor

- The main bar area will be situated on this floor to the rear.
- Seated arrangements for tables and chairs will be located on this floor and table service will be provided to customers.

Second Floor

- Further seating will be located on the second floor with table service provided to customers.
- Bathrooms are also located on the second floor, we would improve the current offering and expand the bathroom area.

Third Floor

- Private gin tasting experiences that are booked in advance by customers with limited availability. These may be seated or interactive events.

PLEASE NOTE: The property is currently granted classification A1 retail, and a planning application has been submitted separate to change its use from A1 to A4 Drinking Establishment, separate to this premises license application.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises? (please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)
- Provision of late night refreshment** (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – <u>please tick</u> (please read guidance note 8)	On the premises	<input type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Mon			<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5) N/A		
Tue					
Wed	12.00	22.00			
Thur	12.00	22.00			
			<u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 6) Bank Holiday Monday – Follow Sunday Hours Christmas Eve – Follow Friday/Saturday Hours New Year’s Eve – License Extended until 1.00am		
Fri	12.00	23.00			
Sat	12.00	23.00			
Sun	12.00	22.00			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name PAUL HUDSON-JONES	
Date of birth [REDACTED]	
Address [REDACTED]	
Postcode	SN7 7FA
Personal licence number (if known) PERS/1501/V	
Issuing licensing authority (if known) VALE OF WHITE HORSE DISTRICT COUNCIL	

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9). N/A</p>
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L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5) N/A
Day	Start	Finish	
Mon			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6) Bank Holiday Monday – Follow Sunday Hours Christmas Eve – Follow Friday/Saturday Hours New Year's Eve – License Extended until 1.30am
Tue			
Wed	12.00	22.30	
Thur	12.00	22.30	
Fri	12.00	23.30	
Sat	12.00	23.30	
Sun	12.00	22.30	

M

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

The license holder shall ensure that there is sufficient numbers of competent staff on duty for the purpose of fulfilling the terms and conditions of the license, and for preventing crime and disorder.

The license holder shall ensure that all staff will undertake training in relation to the sale of alcohol, particularly in-regards to anti-social behaviour and underage persons. Records will be kept of training and refresher training.

b) The prevention of crime and disorder

1. Any incidents of a criminal nature that may occur on the premises will be reported to the Police.
2. CCTV will be installed, operated and maintained at all times whilst the premises is trading.
3. CCTV images will be retained for 31 days and be produced on the request of the police.
4. A4 sized warning notices will be displayed in public areas of the premises and at all entrances advising that CCTV is in operation.
5. An incident book will be maintained with full details of all occurrences of disorder and refused alcohol sales. The incident book will be kept on the premises and will be made available for inspection by the local council or the police.
6. No, one carrying open or sealed bottles or glasses will be admitted to the premises at any time.
7. No customers will be permitted to take open containers of alcoholic or soft drinks from the premises.
8. The licence holder will ensure that all staff receive appropriate training about emergency and general safety precautions and procedures.
9. The licence holder will ensure that all staff are aware of their social and legal obligations, and their responsibilities regarding the sale of alcohol.
10. Free drinking water will be made available at all times the premises is open to the public.
11. The telephone numbers of local taxi operators will be prominently displayed at the premises for the benefit of customers.

12. All bottles, glasses and rubbish will be removed from public areas on a regular and frequent basis, with regular cleaning also taking place.
13. All appliances, including the gas system, will be inspected annually with relevant documentation kept on file and made available for inspection by officers of relevant bodies.
14. The fire safety measures provided on the premises will be maintained to good working condition, including fire extinguishers (foam, H2O and CO2), fire blanket, internally illuminated fire exit signs, and smoke detectors. Their adequacy will be determined on a regular basis, by the carrying out of a fire risk assessment.
15. All emergency exits shall be kept free from obstruction at all times.

16. An adequate and appropriate supply of first aid equipment and materials will be available on the premises.

d) The prevention of public nuisance

1. Staff will regularly patrol the premises both indoors and outdoors to supervise the orderly conduct of customers.
2. Windows and doors will be kept close to help with noise, whenever appropriate, whilst keeping in mind appropriate ventilation within the building.
3. Prominent, legible notices requesting people to leave the premises and the area quietly will be displayed.
4. No live entertainment will be used within the venue. No music will play via external speakers. No bright lights will be placed outside the venue. All out of respect for neighbours.
5. To minimise the effect of littering, we will provide litter bins both inside and directly outside the premises.
6. No drinks will be consumed outdoors.
7. No waste will be placed outside the building, unless refuse collection day. Excess waste will be disposed off-site.

e) The protection of children from harm

1. A challenge 25 policy will be used where individuals who appear to be under the age of 25 attempt to purchase alcohol. The only type of ID that will be accepted is PASS accredited ID, passport or photo driving licence.
2. All staff will be trained for underage sales prevention regularly.
3. No glassware will be permitted off the premises.
4. Any restrictions on the admission of children to the premises will be displayed outside the premises.
5. No adult entertainment will take place onsite.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

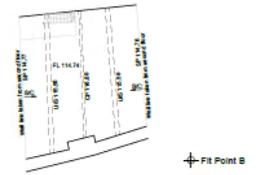
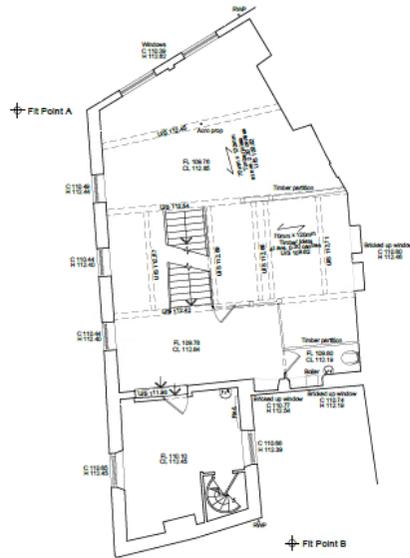
IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none">• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 1)
Signature	
Date	9 TH SEPTEMBER 2020
Capacity	CO-FOUNDER, THE GIN TO MY TONIC LTD



Appendix B – Representation from Peter Whittingham

From: Peter Whittingham

Sent: 22 September 2020 06:39 PM

To: Licensing Vale <Licensing.unit@whitehorsedc.gov.uk>

Subject: Licensing application for 35 Marlborough St, Faringdon, Oxon. SN7

We are hearing from neighbours that the old Cafe next door is applying for a Gin licence and wants to remain open at night till 11 o'clock the same as Pub hours.....we live at no [redacted] adjacent with a main bus stop between us. This area suffers regularly with noisy Anti Social behaviour at nights and weekends particularly at Pub closing times fro Town Centre which can be supported by residents frequent complaints to Police !....my Wife and I have no problems with no 35 remaining as a Cafe or shop with normal opening hours, but giving it a licence to sell late night alcohol will surely increase the Anti Social problemsthere's also a public walkway between our two properties which frequently at night is prone to graffiti and damage to our Garden wall with bottles and takeaway food being thrown over the wall into our garden. Will we be given in the planning process an opportunity to object to this proposal ?.....and what are the procedures during the Covid crisis when we are both shielding because of our age 76 and 73. The Town Council have told me to contact you direct.

Peter and Margaret Whittingham [redacted] Marlborough St Faringdon, Oxon SN7 [redacted]

Appendix C - Representation from Mike Walton

From: mike walton
Sent: 23 September 2020 04:57 PM
To: Licensing Vale <Licensing.unit@whitehorsedc.gov.uk>
Subject: license application 35 Marlborough Street Faringdon

Dear Sir.

Ref.: The Gin To My Tonic Ltd. licensing application

I wish to record my strong objections to the licensing application that has been submitted to the Council by "The Gin To My Tonic Ltd." for the premises at 35 Marlborough Street.

No.35 is positioned at the end of a short cul de sac of 5 houses in an area of residential properties behind and alongside that has restricted parking for residents.

Already we suffer with non-residents parking in front of our homes, usually to visit the shop at the end of the road, which prevents either access to our parking area or blocking the entrance to, or departure from, the residents only parking area

"The Gin To My Tonic" owners state that they wish to open a spirits bar with gin experiences, tastings and gin schools which will obviously result in large numbers of visitors resulting in further parking problems in an area where there is no adjacent public car park and limited on road parking spaces which are usually fully occupied.

During the time that The Rookery coffee shop at No. 35 was operating there were numerous occasions when vehicles regularly blocked access for the residents and that business did not operate at night time and was not open every day

In addition to the parking issue the thought of noisy revelers passing the front of the our lounge window late at night fills us with dread

I am not against the idea of a new licensed business opening in Faringdon and applaud the initiative.

However, I believe that any such venture should look to locate in the part of the town where other licensed premises already exist and where there are empty units nearby that have access to public car parking areas rather than in a quiet residential area

I look forward to your acknowledgement of my objection in due course

Yours faithfully

M. Walton

[redacted] Marlborough Street,
Faringdon
Oxfordshire
SN7 [redacted]

Appendix D – Representation from Kay Boardman

From: Kay Boardman
Sent: 07 October 2020 10:25 AM
To: Licensing Vale <Licensing.unit@whitehorsedc.gov.uk>
Subject: 35 Marlborough St, Faringdon

Dear Sir/Madam

I wish to record my strong objection to the licensing application for The Gin To My Tonic at 35 Marlborough St, Faringdon.

I live at [redacted] Marlborough St and have serious concerns about the property at 35 Marlborough St having a license to trade alcohol.

My main concern is that 35 Marlborough St has no parking. The parking that is on Alfreds Mound is private for the residents and we already encounter issues caused by the motor-spares shop at the other end of the street. This includes people parking in front of our houses or blocking the entrance to the road so we cannot access the parking in front of our own homes. I truly believe that this would be exasperated by 35 Marlborough St opening as a bar. The extended opening hours mean that I could get home at night to find someone parked either in front of my house or blocking my route to my house. Should the owner of the car have had too much to drink then the car would have to stay. A similar scenario could happen should a car be parked, blocking egress, which could then not be moved until the day after and would therefore stop me being able to get to work or any of the other residents getting out.

I know that the proposed licence holder has confirmed that there will be a sign installed to advise on the private parking but I don't see how they will police this to ensure that the residents do not get affected. In addition the proposal to hold gin tasting sessions implies larger groups of people for extended stays which I can only see making any parking issues worse.

There is also the issue of noise late at night when they close. The space outside the property is not large and should the venue be at full capacity at closing time, there would be every reason that people would end up congregating in front of the adjacent houses and this would inevitably cause noise, public nuisance and potential anti-social behaviour.

There are many other more appropriate vacant properties in the centre of the town around the town square. This would be a much more suitable location for the venture as there is adjacent parking, fewer immediate residents and more footfall for passing trade.

I would be grateful if my objections can be taken into account when reviewing the licence application.

Kind regards

Kay Boardman

Appendix E – Representation from Cllr Stephen Smith

From: Stephen Smith

Sent: 29 September 2020 10:12 PM

To: Licensing Vale <Licensing.unit@whitehorsedc.gov.uk>

Subject: Objection to granting an alcohol licence for 'The Rookery' 35 Marlborough Street

FTAO Licencing Team, VoWH District Council

I would like to lodge an objection to the granting of an alcohol licence for The Rookery (35 Marlborough St., Faringdon SN7 7JL) on the following grounds:

1.The premises has recently been a hairdressers occupying the top 2 floors, with a coffee shop on the ground floor. The daily hours for the coffee shop varied, but did not extend beyond 6pm. Late evening hours, as requested in the licence application, would be disruptive to the neighbourhood and particularly 3 adjacent houses, one of which shares a wall with the property and has a front door only 6 feet from the front door of The Rookery.

2.The licence asks for hours until 10pm on 3 nights and 11pm on 2 nights. This is potentially (in my view highly probably) disruptive and noisy, particularly for residential property adjacent to and immediately behind the Rookery. This would also significantly impact residents of Marlborough Street, White Hart House on Gravel Walk and Bromsgrove: I estimate over a dozen houses would be negatively impacted by granting the licence, which would mean that late night noise and activity would be at least possible (in my view highly probable) five nights out of seven.

3.To my knowledge the premises has never been used as a pub and therefore residents could not have reasonably expected this to become one. It would also significantly devalue local property if granted.

4.The nearest parking to the premises is in Southampton Street, a five minute walk away. Granting a licence significantly raises the possibility of further illegal parking nearer to the premises, particularly on Marlborough Street.

5.The bus stop adjacent to the premises has bench seating and is set back from the road. If a licence were to be granted, this would become a very attractive location for customers to loiter in and gather after hours, further disrupting the peace of local residents.

6.I would therefore object, in all circumstances, to the granting of a licence to serve alcohol which went beyond 8pm on any evening.

I look forward to hearing from you and have copied in both of Faringdon's District Councillors for their information.

Yours faithfully,

Cllr Stephen Smith

[redacted]

Lechlade Road

Faringdon

SN7 [redacted]

Appendix F – Map showing location of premises

