

Licensing Sub-Committee

Premise Licence Determination Hearing

09 November 2011

Report of Head of Service 6

PURPOSE OF REPORT

To provide an outline of an application to for the grant of a Premises Licence in relation to a petrol filling station Shell Chase, London Road, Bicester and detail the representations received from Responsible Authorities and Interested Parties that has resulted in the need for a hearing to determine the application.

This report is public

Recommendations

There is no recommendation. In considering the representations received and what is appropriate for the promotion of the licensing objectives, the options open to the Sub-Committee are, in broad terms:

- (1) approve the application for the grant of a premises licence as submitted
- (2) reject the application for the grant of premises licence in whole or part
- (3) place conditions on the grant of premises licence and/or require changes to the details of the permissions sought.

Executive Summary

Introduction

- 1.1 On 19 September 2011, the Licensing Authority received an application for the grant of a premises licence to permit provision of Late Night Refreshment and Sale by Retail of Alcohol at Shell Chase, London Road, Bicester.
- 1.2 The Licensing Act 2003 provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.
- 1.3 The licensing objectives are:
 - The prevention of crime and disorder.
 - Public safety.

- The prevention of public nuisance.
- The protection of children from harm.

The Guidance issued under Section 182 of the Licensing Act 2003 states:

Each objective is of equal importance. It is important to note that there are no other licensing objectives, so that these four objectives are paramount considerations at all times. But 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:

- *the necessary protection of local residents, whose lives can be blighted by disturbance and anti-social behaviour associated with the behaviour of some people visiting licensed premises of entertainment;*
- *the introduction of better and more proportionate regulation to give business greater freedom and flexibility to meet customers' expectations;*
- *greater choice for consumers, including tourists, about where, when and how they spend their leisure time;*
- *the encouragement of more family friendly premises where younger children can be free to go with the family;*
- *the further development within communities of our rich culture of live music, dancing and theatre, both in rural areas and in our towns and cities.*

1.4 For the Licensing Authority to accept a representation as relevant, it must firstly address one or all of the four licensing objectives and the likely effect of the grant of the premises licence upon the promotion of those objectives. The licensing authority must then determine whether or not the representation may be deemed frivolous, vexatious or repetitious and that they have been received within the relevant timescales. The licensing authority can take whole or part of a representation and deem it as relevant, therefore excluding the irrelevant part from the proceedings.

1.5 During the consultation period the Licensing Authority received representations from a number of Responsible Authorities and Interested Parties in the vicinity of the premises. Full details of all relevant representations received are included at paragraph 2 of this report.

Proposals

1.6 The applicant has proposed to provide the following regulated activities for the days and times specified:

Late Night Refreshment;

Saturday – Thursday inclusive from 23:00 to 05:00 following morning inclusive

Friday from 23:00 to Midnight inclusive
indoors only

Sale(by retail) of Alcohol;

Monday – Sunday inclusive from 00:00 to Midnight inclusive (24 hrs)
For consumption off the premises only

1.7 The applicant has proposed the following opening hours for the premises:

Monday – Sunday inclusive from 00:00 to Midnight inclusive (24 hrs)

Background Information

- 2.1 A full copy of the application, including any photos and/or plans of the location to be licensed submitted by the applicant is attached at Appendix 1.
- 2.2 During the consultation period, a total of 9 representations were received in respect of this application. All 9 of these representations have been deemed relevant.
- 2.3 On 20 September 2011, the Licensing Authority received a response to the application from Rob Lowther, Anti Social Behaviour Manager advising they had no objections to the application. A copy of the correspondence is attached at Appendix 2.
- 2.4 On 20 September 2011, the Licensing Authority received a response to the application from Laura Morris, Oxfordshire Licensing Officer with Thames Valley Police advising they had no objections to the application. A copy of the correspondence is attached at Appendix 3.
- 2.5 On 27 September 2011, the Licensing Authority received a response to the application from Trading Standards advising they had no objections to the application. A copy of the correspondence is attached at Appendix 4.
- 2.6 On 12 September 2011 the Licensing Authority received 6 relevant representations from Interested Parties.
- 2.7 All 6 of these Interested Party representations were from the residents of the 6 properties that form Alchester Terrace, London Road, Bicester. The representations were in the form of a single letter signed by the residents of the six properties. A copy of their correspondence is attached at Appendix 5.
- 2.8 A Map showing the location of the premises in relation to the location of the Interested Party properties is attached at Appendix 6.

Key Issues for Consideration/Reasons for Decision and Options

- 3.1 The Licensing Act 2003 states that all licensing matters must promote the four Licensing Objectives, they are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm

3.2 Representations received have stated concerns in relation to potential issues in respect of the prevention of crime and disorder and the prevention of public nuisance.

3.3 Details of how the applicant intends to promote the four licensing objectives in general in addition to specifically related to promotion of the prevention of crime and disorder objective and the promotion of the prevention of public nuisance objective is given below:

Objective	Applicants response
General	<ul style="list-style-type: none"> • CCTV System with recording facilities in place at site, images can be made available upon reasonable request by a relevant officer of a Responsible Authority. • Appropriate Staff Training to be satisfactorily completed and recorded. Training Records can be made available upon reasonable request by a relevant officer of a Responsible Authority. • Refusals Book will be operated and maintained. • Challenge 25 Policy will be operated at the premises, acceptable forms of proof of age will be a passport, a photo card driving licence or PASS accredited identification card.
Prevention of crime & disorder	<ul style="list-style-type: none"> • CCTV System with recording facilities in place at site, images can be made available upon reasonable request by a relevant officer of a Responsible Authority. • Spirits located behind the counter. • Appropriate Staff Training to be satisfactorily completed and recorded. Training Records can be made available upon reasonable request by a relevant officer of a Responsible Authority.
Prevention of public nuisance	<ul style="list-style-type: none"> • Appropriate Staff Training to be satisfactorily completed and recorded. Training Records can be made available upon reasonable request by a relevant officer of a Responsible Authority.

3.4 The relevant sections of the Guidance and Licensing Authority Policy issued under the Licensing Act 2003, which are applicable to the representations for this case are as follows:

GUIDANCE ISSUED UNDER SECTION 182 OF THE LICENSING ACT 2003, OCTOBER 2010:

Pages 82 – 85	Sections 10.11 – 10.18	Imposed Conditions, Proportionality, Duplication with other statutory provisions
Page 85	Sections 10.19 – 10.21	Hours of Trading
Pages 18 – 21	Sections 2.1 – 2.18	Crime & Disorder
Pages 23 – 25	Sections 2.32 – 2.40	Public Nuisance
Pages 133 – 137	Annex D	Part 1. Conditions relating to the prevention of crime & disorder
Pages 144 – 145	Annex D	Part 4. Conditions relating to the prevention of public nuisance

CHERWELL DISTRICT COUNCIL STATEMENT OF LICENSING POLICY, JANUARY 2010:

Page	Policy	Sections	Objectives
1	GN1	1.1.1 – 1.1.2	Objectives
Pages 3 - 4	N/A	Sections 2.5.1 – 2.5.13	Fundamental Principles
Pages 6 - 8	Policy GN15	Sections 2.9.1 – 2.9.3	Determination of applications – conditions
Page 8	N/A	Sections 2.10.1 – 2.10.2	Non-Licensing Issues
Pages 12-14	Policies LH1 – LH8	Sections 5.1 – 5.7	Licensing Hours
Pages 19-21	Policies LA4 – LA6	Sections 7.3.1 – 7.3.13	General Prevention of Public Nuisance including Addressing Local Concerns and General Management and Control
Page 25	Policy PP 4	Sections 7.5.9 – 7.5.10	Garages and Service Areas
Pages 26 – 27	Policy PP 9	Sections 7.5.16 – 7.5.19	Late Night Refreshment
Pages 27 - 28	Policies PP11 – PP12	Sections 7.5.20 – 7.5.25	Supply of alcohol for consumption off the premises & Safe drinking-vessels
Pages 32 - 38	Policies OS1 – OS18	Sections 8.1.1 – 8.8.2	Operating Schedules including addressing Crime & Disorder and Public Nuisance
Pages 39 - 40	N/A	Section 9.2.1	Other Controls

The following options have been identified. The approach in the recommendations is believed to be the best way forward

- Option One** Approve the application for the grant of a premises licence as submitted
- Option Two** Reject the application for the grant of premises licence in whole or part
- Option Three** Place conditions on the grant of premises licence and/or require changes to the details of the permissions sought.

Consultations

The applicant carried out a full consultation in accordance with the requirements of the Licensing Act 2003 for a period of 28 days ending at midnight on 17 October 2011.

Implications

- Financial:** There are no financial implications of this report
Comments checked by Denise Taylor, Service Accountant, 01295 221982
- Legal:** The decision must comply with relevant legislation and Council Policy.
All parties have a right of Appeal to the Magistrates Court against the decision
Comments checked by Paul Manning, Solicitor, 01295 221691
- Risk Management:** There is a risk that if policy and legislation has not been correctly followed, any resulting appeal could be successful.
Comments checked by Claire Taylor, Corporate Performance Manager, 01295 221563

Wards Affected

Bicester South Ward

Document Information

Appendix No	Title
1	Application for a premises licence to be granted under the Licensing Act 2003 in respect of the Shell Chase, London Road, Bicester
2	Representation from Rob Lowther of the Anti-Social Behaviour Team at Cherwell District Council
3	Representation from Laura Morris of the Licensing Team at Thames Valley Police
4	Representation from Hollie Franks of the Trading Standards Service at Oxfordshire County Council
5	6 Interested Party representations from residents of the Alchester Terrace, London Road, Bicester.
6	Map showing the location of the Interested Party properties in relation to the premises.
Background Papers	
Members have been issued with copies of the Guidance, the Statement of Licensing Policy and the Council's pool of conditions and are asked to bring them to the meeting.	
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