

APPLICATION FOR A PREMISES LICENCE 'THE OXFORD ARMS HOTEL , DUKE STREET, KINGTON, HR5 3DR' - LICENSING ACT 2003

Report By: Head Of Environmental Health And Trading Standards

Wards Affected:

Kington Town

1. Purpose

To consider an application a premises licence in respect of The Oxford Arms Hotel, Duke Street, Kington, HR5 3DR.

Background Information

Applicant	Mr Hogarth .	
Agent	Mr Robin Mence Sidney Phillips Ltd , Eaton Bishop, Hereford, HR2 9UA.	
Type of application:	Date received:	28 Days consultation
	18/7/07	14/8/07

The advertisement for the premises has been seen and accepted.

2. Licence Application

The previous licence lapsed when the owners of the business became insolvent a number of years ago. The new owner now wishes to re-open the premises and has applied for a new premises licence. Details of the previous licence are contained within the background papers. The application has received representations from responsible authorities and local residents

3 Summary of Application

Licensable activities applied for are :-

Films,

Live Music,

Recorded Music,

Anything of a similar description

Provision of facilities for making music, dancing, entertainment of a similar description.

Supply of Alcohol

4 The Following hours have been applied for in respect of, films (indoors)

Monday – Saturday 11.00 – 23.00

Sunday 12.00 – 23.00

- 5 The following hours have been applied for in respect of, live music, dancing , anything of a similar description, provision of facilities for making music, dancing entertainment of a similar description (All indoors) and recorded music (indoors and outdoors):-

Monday – Thursday	11.00 – 23.00
Friday – Saturday	11.00 – 01.00
Sunday	12.00 – 23.00

- 6 The following hours have been applied for in respect of the supply of alcohol on and off the premises:-

Monday – Thursday	11.00 – 23.00
Friday – Saturday	11.00 – 01.00
Sunday	12.00 – 23.00

- 7 The hours the premises are to be open to the public:-

Monday – Thursday	11.00 – 23.30
Friday – Saturday	11.00 – 01.00
Sunday	12.00 – 23.30

8 **Non Standard hours**

None

9 **Summary of Representations**

There are 21 public representations in objection to the extension of hours. The Concerns are in respect of late night noise and drink fuelled crime and disorder. Copies of these representations can be found within the background papers. Summaries of licences for some of the other licensed premises in Kington have been attached in the background papers.

West Mercia Police

Have made representation in respect of the prevention of crime & disorder.

Environmental Health

The Environmental Health Officer has made a number of representations in relation to the application in respect of the prevention of noise nuisance.

Fire Authority.

The fire authority has made no comment.

10 **Interested Parties**

The Local Authority has received twenty two (22) letters of representation in respect of the application from local residents.

11 Issues for Clarification

This Authority has requested that the applicant confirm the name of the premises supervisor. The person named on the application form does not hold a personal licence.

12 Herefordshire Council Licensing Policy

In making its decision the committee will be obliged to have regard to its own policy, the DCMS guidance and have regard to all documents specified within the DCMS Guidance.

13 Options: -

It is for the committee to take such steps below as it considers necessary for the promotion of the licensing objectives:

- Grant the licence subject to conditions that are consistent with the operating schedule accompanying the application and the mandatory conditions set out in the Licensing Act 2003.
- Grant the licence subject to modified conditions to that of the operating schedule where the committee considers it necessary for the promotion of the licensing objectives and add mandatory condition set out in the Licensing Act 2003.
- To exclude from the scope of the licence any of the licensable activities to which the application relates.
- To refuse to specify a person in the licence as the premise supervisor
- To reject the application.

14. Background Papers

- Police Comments
- Environmental Health & Trading Standards Comments
- Application Form

Background papers are available for inspection in the Council Chamber, Brockington, 35 Hafod Road, Hereford, 30 minutes before the start of the hearing.

NOTES**Licensing Authorities power to exercise substantive discretionary powers.**

The British Beer and Pub Association (2) The Association of Licensed Multiple Retailers (3) The British Institute of Inn keeping V Canterbury City Council.

Contesting the validity of the Licensing policy that asks for certain requirements before the application has been submitted. In the summing up the Judge states; The scheme of the legislation is to leave it to applicants to determine what to include in their applications, subject to the requirements of Section 17 and the Regulations as to the prescribed form and the inclusion of a statement of specified matters in the operating schedule. An applicant who makes the right judgement, so that the application gives rise to no relevant representations, is entitled to the grant of a licence without the imposition of conditions. The licensing authority has no power at all to lay down the contents of an application and has no power to assess an application, or exercise substantive discretionary powers in relation to it, unless there are relevant representations and the decision – making function under section 18 (3) is engaged.

Guidance issued under section 182 of the Licensing Act 2003

Section 6 deals with guidance relating to opening hours of shops and supermarkets and Section 3.51 provides advice regarding planning and other regulatory functions linked to planning see background papers document.