

To: Licensing and Gambling Acts Sub-Committee
Date: 16th October 2017
Report of: Head of Community Services
Title of Report: Faucet Inn Limited - Application for a New Premises Licence: KuPP Rooftop Restaurant At John Lewis, The Westgate, Oxford, OX1 1PB
Application Ref: 17/03575/PREM

Summary and recommendations	
Purpose of report:	To inform the determination of the Faucet Inn Limited application for a New Premises Licence for the KuPP Rooftop Restaurant At John Lewis, The Westgate, Oxford, OX1 1PB
Corporate Priority:	A vibrant and sustainable economy
Recommendation(s):	That the Licensing and Gambling Acts Sub-Committee resolves to:
	1. determine the Faucet Inn Limited's application taking into account the details in this report and any representations made at this Sub-Committee meeting.

Appendices	
Appendix 1	Application for a New Premises Licence
Appendix 2	Representation from Interested Party
Appendix 3	Location Map

Introduction and background

1. This report is made to the Licensing & Gambling Acts Casework Sub- Committee so it may determine in accordance with its powers and the Licensing Act 2003 whether to grant a Premises Licence to Faucet Inn Limited.

Application Summary

2. An application for a New Premises Licence has been submitted by Faucet Inn Limited. A summary of the licensable activities applied for and the time proposed for these activities can be found detailed below:

Supply of Alcohol (On and Off Sales), Films, Live Music, Recorded Music, Performance of Dance, Similar Entertainment to Music or Dance (Indoors Only):

Monday to Thursday	08:00 hours until 00:30 hours
Friday to Saturday	08:00 hours until 01:00 hours
Sunday	08:00 hours until 00:30 hours
New Year's Eve	08:00 hours until 01:00 hours

Late Night Refreshment (Indoors and outdoors):

Monday to Thursday	23:00 hours until 01:00 hours
Friday to Saturday	23:00 hours until 01:30 hours
Sunday to Saturday	23:00 hours until 01:00 hours
New Year's Eve	23:00 hours until 01:30 hours

3. Both the application and the steps that the applicant intends to take to promote the licensing objectives (as set out in the operating schedule) can be found at **Appendix One**.

Relevant Representations

4. No representations have been received from the Responsible Authorities.

Responsible Authority	Response	Licensing Objective(s)
Thames Valley Police	No Representation	
Fire and Rescue Service	No Representation	
Environmental Health	No Representation	
Health and Safety	No Representation	
Planning	No Representation	
Trading Standards	No Representation	
Child Safeguarding	No Representation	
Licensing Authority	No Representation	

5. Valid representations have been received from an Interested Party as detailed in the table below. A copy of this representation is attached at **Appendix Two**.

Name	Address	Licensing Objective(s)
Mr J B Barnard	8 Thames Street, Oxford	Crime and Disorder, Public Nuisance

Location

6. A map is attached at **Appendix Three** showing the general location of the applicant's premises, and the proximity to the premises of those who have raised objections to the application.

Statement of Licensing Policy

7. The Sub-Committee is referred to the Council's Statement of Licensing Policy. In particular, the following paragraphs have a bearing upon the application:

Relevant Policy Matters	Section	Policy
Crime & Disorder:	8.5.1 to 8.5.3	OS9
Public Nuisance:	7.3.1 to 7.3.6	LA3 to LA5
	7.3.8	
	7.3.10	
	7.5.1 to 7.5.2	

8. A copy of the Statement of Licensing Policy may be obtained from the Council Offices or found online at:
https://www.oxford.gov.uk/downloads/file/1303/statement_of_licensing_policy

Home Office Statutory Guidance

9. Members are also referred to the statutory guidance issued by the Home Office. Of particular relevance to this application are the following matters:

Relevant Sections	Relevant Paragraph
Crime & Disorder:	2.1 to 2.5
Public Nuisance:	2.14 to 2.20

10. A copy of the Home Office Statutory Guidance may be found online at:
www.gov.uk/government/publications/revised-guidance-issued-under-section-182-of-the-licensing-act-2003

Other Relevant Considerations

11. The Sub-Committee is reminded of its responsibilities under the Crime and Disorder Act 1998 (to co-operate in the reduction of crime and disorder in Oxford) and the Human Rights Act (which guarantees the right to a fair hearing for all parties in the determination of their civil rights, and also provides for the protection of property, which may include licences in existence, and the protection of private and family life) when considering the fair balance between the interests of the

applicant and the rights of local residents. Any decision taken by the Sub-Committee must be necessary and proportionate to the objectives being pursued.

12. Members are reminded that whenever they make a decision under the Licensing Act 2003, they have a duty to act with a view to promoting the licensing objectives.
13. When considering any representations, only those issues relating to the four licensing objectives should be considered and appropriate weight given to the importance and relevance of each representation.
14. In making its decision, Members must also have regard to the Home Office statutory guidance issued under section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy.
15. The Sub-Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
 - a) **Grant the licence in accordance with the application.**
 - b) **Modify the conditions of the operating schedule by altering or omitting or adding to them.**
 - c) **Exclude or restrict from the scope of the licence any of the licensable activities to which the application relates.**
 - d) **Reject the whole of the application.**

The Sub-Committee may also grant the licence subject to different conditions for different parts of the premises or the different licensable activities.

16. Members are asked to note that they may not modify the conditions or reject whole or part of the application merely because they consider it desirable to do so. It must be appropriate to do so in order to promote the licensing objectives. Any such step must relate to a relevant representation made.
17. If Members grant the application, the details of the operating schedule will be incorporated into the licence as conditions. The licence will also be subject to certain mandatory conditions.
18. Members should note that the applicant or persons making representations have the right of appeal against the decision made by the Sub-Committee.

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