

**APPLICATION FROM THAMES VALLEY
POLICE UNDER THE LICENSING ACT 2003
FOR A REVIEW OF A PREMISES LICENCE
RELATING TO EMPERORS LOUNGE**

1. Details of review

Applicant(s): Supt. Richard List of Thames Valley Police

Premises: Emperors Lounge, 31 Buckingham Street, Aylesbury,
Buckinghamshire, HP20 2NQ

1.1 Application for a review of a premises licence

The application is for a Review of the Premises Licence under Section 51 of the Licensing Act 2003. Attached as Appendix 1 and Appendix 2 is a copy of the completed application form and an accompanying report detailing the evidence supporting the review of the premises licence.

The current permissions for these premises are summarized in Appendix 3 and the conditions attached to the current Premises Licence are attached as Appendix 4. A location plan of the premises is attached as Appendix 6. A plan of the premises will be made available at the Sub-Committee hearing.

The application for a review of the premises licence was served by Thames Valley Police on the Council and at the same time copies were served on the holder of the premises licence and each responsible authority.

The day following receipt of the application the Council advertised it by displaying a prominent notice outside the premises for at least 28 days.

During the consultation period we received one representation from an interested party. This is attached as Appendix 5.

3. NOTICE OF HEARING AND RESPONSES

Both parties were served Notices of Hearing on receipt of the application for a review along with the document, 'Licensing Act 2003 – The Procedure to be followed at Hearings'. The parties have therefore been notified of the consequences of failing to attend.

No further submissions have been received to date following service of the Notice of Hearing. Members will be notified of any further responses at the hearing.

4. GENERAL INFORMATION

The general information Members need to have regard to when determining applications made under the Licensing Act 2003 is set out in a separate document which is attached to the Agenda under cover of which this report has been published.

5 ISSUES RAISED BY THE APPLICATION

Members must have regard to the application and any relevant representations and take such steps as set out below, as it considers necessary for the promotion of the licensing objectives.

1. to modify the conditions of the licence
2. to exclude a licensable activity from the scope of the licence
3. to remove the designated premises supervisor
4. to suspend the licence for a period not exceeding three months
5. to revoke the licence

For this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added. As far as steps 1 and 2 are concerned, Members can decide that the modification or exclusion be permanent or for a temporary period not exceeding three months only. Members can of course decide that no action is necessary to promote the licensing objectives. Whatever Members decide, supporting reasons must be given. Members may also wish to note that there are rights of appeal to the Magistrates' Court arising from their decision and that it does not take effect until the end of the appeal period or, if the decision is appealed against, until the appeal is disposed of.

To assist Members and the parties further, The Licensing Services Manager will draw attention to any issues arising from this application at the hearing, particularly as they relate to the Statutory Guidance and the Council's Licensing Policy. In addition, the Council's duty under Section 17(1) of the Crime and Disorder Act 1998 will also need to be put in the balancing exercise. Section 17(1) provides that: "without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all it reasonably can to prevent, crime and disorder in its area."

Also under the Human Rights Act, Members also need to have regard to the rights currently enjoyed by the licence holder to trade and carry on a business (Article 1 of the First Protocol). The licence holder should not be deprived of his livelihood via a decision of the Licensing Act Sub-committee unless it is necessary and proportionate to the licensing objectives being pursued. Members are therefore required to strike a fair and proportionate balance

between the general interests of the community and the rights of an individual business.

Contact Officer
Background Documents

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