

WEST OXFORDSHIRE DISTRICT COUNCIL

Record of a meeting of the **LICENSING PANEL**
Held in the Council Chamber, Council Offices, Woodgreen, Witney, Oxon
at 10.00am on Friday 20 June 2014

PRESENT

Councillors: Mr N A MacRae MBE (Chairman) Mr M A Barrett and
Mr H B Eaglestone.

I. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 –
LOVE WINE MERCHANTS LTD, 6 PARK STREET, WOODSTOCK

The Chairman of the Panel welcomed those present to the meeting. Mr MacRae then set out the procedure by which the hearing would operate.

In response to a question from the Chairman, Mr Richard Leonard, the applicant confirmed that the application had been properly advertised and registered his intention to address the Panel.

Mr F Dumitru then registered his intention to address the Panel.

The Chairman explained the order of business for the meeting. He advised that the Panel Members were familiar with the written representations submitted and requested those addressing the Panel to highlight any specific points they wished to raise.

Mr MacRae explained that new evidence could only be considered with the consent of all parties present and asked if any such evidence was to be introduced. There was no new evidence presented to the Panel and no questions raised regarding the procedure by which the meeting would operate.

The Council's Legal Advisor then indicated that each case had to be considered on its merits and any conditions needed to be appropriate to the four licensing objectives, evidence based and proportionate.

The Council's Licensing Officer presented her report outlining the application and advised that the applicant had submitted his response to the objections raised in written summary form. A copy of this document was made available to Members of the Panel and the objector.

Mr Leonard then addressed the panel in support of the application.

At the request of the Chairman, he explained how the business would operate using pre-paid cards to dispense wines for tasting purposes. He advised that wines could be kept fresh for up to three weeks using this equipment which dispensed 25ml tasting measures allowing potential customers to try more expensive wines before deciding whether or not to purchase.

An eight bottle unit cost in the region of £8,000 and it was proposed to install two at the premises. Mr Leonard stressed that it was not an uncommon practice to allow customers to try before they buy and developing technology now allowed them to do so through this automatic computer controlled system.

Mr Leonard advised that a pre-paid card would be charged with a number of 'units' and the number of units needed to try any particular wine would be dependent upon its value. The cost of each 'unit' had yet to be determined and would be governed by commercial considerations. The retail cost of the wines on sale would be in the region of £20 per bottle upwards.

He advised that the opening hours proposed were intended to take advantage of the commercial operating window and would not be exceeded. It could well be that the hours sought would not be fully utilised as actual demand would establish the form that the business would take. Mr Leonard envisaged that the busiest time would be between 5.00pm and 8.00pm and explained that he was seeking additional hours during peak trading periods in the town such as the Woodstock Literary Festival.

He advised that most tasting sessions would take between one and one and a half hours and explained that, whilst he had considered installing four eight bottle dispensing units, there was not sufficient space within the building. In consequence, the physical constraints of the property would limit the number of clients.

In response to a question from Mr Eaglestone, Mr Leonard advised that he intended to replace existing signage on the building with his own and that the business would also be advertised through the internet to take advantage of the development of multi-channel retailing in reaching his target market. He explained that his business model was founded on exclusivity as he intended to sell more unusual, high end products.

Mr Dumitru then addressed the Panel in objection to the application. He explained that, whilst he liked the idea of the business, he did not consider the proposed hours of operation to be reasonable. He believed that the business would be based upon volume sales and that this would have a detrimental impact upon him and his family.

Mr Leonard indicated that he could not comment upon the likely volume of trade as he was unable to predict the success of the business. He reiterated that it was his intention to operate a wholesale trade outlet with the premises providing a shop window for the business. He acknowledged the concerns expressed by Mr Dumitru with regard to overlooking and advised that he would be happy to fit an opaque film or similar device to the storeroom windows to alleviate this.

Mr Leonard advised that the premises had been used for other commercial purposes in the past and that it had been open to the public as a photographer's studio in the evening. He questioned whether his business would attract an undesirable clientele and noted that the Co-operative store nearby was also located in close proximity to residential properties and was open longer than the hours he sought in his application. In this respect, the Chairman reminded Mr Leonard that each application was considered and determined on its own merits.

Mr Leonard emphasised that the hours applied for represented the maximum period of operation and had been sought to enable the business to take advantage of the opportunities offered at times when the town was busy.

He considered that the nature of his venture had been misunderstood by Mr Dumitru and explained that he did not wish to operate as a wine bar but as a high end wholesale outlet.

The Council's legal adviser emphasised that the Panel had to determine the application in light of the licensing objectives and the steps taken by the applicant to ensure that they were met.

Mr Dumitru indicated that his only concern was the impact of the proposal upon his family. He explained that, as the building was at one stage a single unit, his living accommodation and, in particular, his son's bedroom were over the entrance and part of the retail premises at number 6. He was concerned that noise levels from the premises would cause nuisance and disturbance to his family, particularly as it was to operate into the late evening.

The Council's legal adviser indicated that these concerns could be addressed through other remedies or by a review of the licence.

In conclusion, Mr Leonard indicated that he believed that he had addressed all the licensing objectives. The proposed method of operation was to an extent a venture into uncharted territory but the retail sale for tasting was ancillary to the primary wholesale business and he would do all he could to address the concerns expressed by Mr Dumitru.

The Panel then retired to consider the application.

Having considered the report and the submissions made at the meeting in relation to the licensing objectives and the Council's Statement of Licensing Policy and Guidance, it was:-

RESOLVED: That a premises licence be granted for the activities, days and hours sought in the application and as set out in the operating schedule subject to the following additional condition:-

The applicant shall fit an opaque film, or similar device, to the windows of the storeroom that overlook the garden of No. 6 Park Street.

The hearing closed at 10.50am