

WEST OXFORDSHIRE DISTRICT COUNCIL

Record of a meeting of the **LICENSING PANEL**
Held in the Council Chamber, Council Offices, Woodgreen, Witney, Oxon
at 11.00am on Thursday 28 April 2015

PRESENT

Councillors: Mr N A MacRae MBE (Chairman); Mrs L E C Little and Mr G Saul

I. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 –
ENSTONE PARISH HALL, THE PADDOCKS, ENSTONE

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, Ms Susanne Hamilton, the Chairman of the Village Hall Management Committee confirmed that the application had been properly advertised and registered her intention to address the Panel.

Mr Alistair and Mrs Alexandra Sinclair then registered their intention to address the Panel in objection to the application.

No Responsible Authorities registered a wish to address the meeting.

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, which should relate to the Licensing Objectives.

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. Mr Sinclair made reference to an email sent by the Chairman of the Management Committee to another of the objectors, Mr Kevin O'Neill, to which he sought leave to make reference. Ms Hamilton confirmed that she had no objection to his doing so. No questions were 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. He explained that, as a result of amendments made to the Licensing Act 2003 by the Live Music Act 2012 and the Licenisng Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013, certain activities detailed within the application were no longer licensable activities to the extent that they take place between the hours of 08:00 and 23:00 on any day . In particular, a licence was not required to stage a play before an audience of fewer than 500 persons; an indoor sporting event in the presence of an audience of no more than 1000 people; a performance of dance (which is not of an "adult" nature) in the presence of an audience of no more than 500 people; a performance of live unamplified music; and a performance of live amplified music in premises which are licensed for the supply of alcohol for consumption on the premises, in the presence of an audience of no more than 200 people, when those premises are being used (ie, open) for the supply of alcohol. Conditions could be applied to the performance of live music if difficulties were experienced but only following a review of the licence. In concluding his remarks, the Council's Legal Advisor indicated that comments made in objection by Mr O'Neill made reference to earlier licensing legislation that had since been superseded by the 2003 Act.

The Council's Licensing Officer presented her report outlining the application and advised that six letters of objection had been received. She went on to confirm that the application had been advertised in accordance with the legislative requirements.

Ms Hamilton then addressed the Panel in support of the application. A Copy of her submission is attached at Appendix A.

The Chairman noted that the application made reference to 'possible' non-standard timings on Christmas and New Year's Eve and advised that the licence required certainty. In response, Ms Hamilton acknowledged that the word 'possible' should be deleted and confirmed that the non-standard hours cited were being sought.

In response to a question from the Chairman, Ms Hamilton advised that there was no intention to establish a permanent bar. Hirers wishing to sell alcohol would be provided with a list of local licensees who would provide bar facilities at the premises.

The Council's Legal Advisor indicated that, if granted, a premises licence would give greater control over the operation of the premises than a series of Temporary Event Notices.

Ms Hamilton advised that the application sought to reflect potential hirers' needs and expectations, enabling a wide range of community, club, family, and individual requirements to be met.

Mr Saul enquired whether hours of use of external areas would be restricted through the conditions of hire. In response, Ms Hamilton indicated that the Management Committee would be prepared to accept a condition to this effect if the Panel considered it to be appropriate.

Mr Sinclair then addressed the meeting expressing his opposition to the application. He indicated that he and the other objectors had been aware of the hall when they had purchased their properties and appreciated the facilities that it would provide. The majority of activities taking place in the hall would not give rise to any problems and they were delighted to see them taking place.

Mr Sinclair stated that he and his neighbours were not trying to be difficult but the application as submitted represented a full on-licence when he and his neighbours had been advised by the developers and their agent that the hall would not be licensed for the sale of alcohol. Whilst the current Management Committee was responsible, there were concerns over what could occur in the future. In the event that the hall fell into financial difficulties there was a danger that it could be opened to a range of events in an effort to generate income, some of which could create difficulties for local residents. Accordingly, he thought it preferable for events to be licensed through Temporary Event Notices. The Council's Legal Advisor indicated that a premise was currently limited to a maximum of 12 Temporary Event Notices a year and, whilst this was to be increased to 15, this was not a particularly high number. Mr Sinclair indicated that he was not in a position to assess whether this would be sufficient to meet demand.

Mr Sinclair then made reference to the email sent by the Chairman of the Management Committee to another of the objectors, Mr Kevin O'Neill, the text of which appears as Appendix B. From this email, Mr Sinclair understood that should a bar be required it would be for the hirer to make arrangements for an outside bar to be provided and staffed through a local licensee. Rather than sell alcohol through a bar, Mr Sinclair suggested that groups and organisations could include the cost of alcohol in the price of admission. The Council's Legal Advisor explained that this would still constitute the sale of alcohol for which a premises licence would be required.

Mr Sinclair also expressed concern that problems occasioned by events at the hall could have a detrimental effect on local property values.

Regardless of the mechanism by which the hall was licensed, the permitted hours of operation would be important in this village environment given the close proximity of the hall to nearby residential properties. Residents did not wish to see the hall become a source of problems or trouble and Mr Sinclair noted that the existing Sports and Social Club already provided adequate facilities. The Council's Legal Advisor reminded Members that the question of "need" was not a relevant matter when considering a licensing application.

Mr Sinclair submitted that an earlier closing time would be more appropriate and considered that 23:00 on a Friday and Saturday would be sufficient bearing in mind the time taken for visitors to disperse after licensed premises closed. He also suggested that, as there were only 30 car parking spaces at the hall, attendance at events should be limited to 120 persons (4 per vehicle) to avoid on street parking. The Chairman pointed out that, unless subject to restrictions, parking was permitted on the public highway and that attendance limits were set in consultation with the Fire Officer.

In conclusion, Mr Sinclair suggested that the Hall Management Committee should notify local residents of impending events.

Mrs Sinclair then addressed the meeting. She indicated that local residents had been disturbed by guests leaving a 60th birthday party the previous year and questioned who would be responsible for clearing and securing the premises, suggesting that a member of the Management Committee should be present to fulfil these tasks.

The Chairman reminded those present that, should difficulties arise, interested parties could seek a review of the licence.

Ms Hamilton then spoke in response. She advised that the Sports and Social Club was a private members club which did not provide open access to all. She indicated that the Village Hall Management Committee had charitable status and did not have free rein over the operation of the premises. In the event that the hall encountered financial difficulties, the Parish Council would provide the necessary financial support as it had supported the previous hall. There was an imperative upon the Management Committee to break-even as any shortfall would fall to the parish precept.

She reiterated that the hours of operation applied for sought to reflect the range of hirers' expectations and indicated that, although the Management Committee was small, a member endeavoured to be present at the end of events.

The Panel then retired to consider the application and submissions made at the hearing.

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, the Panel

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

In advising of the decision the Chairman reminded those present that any interested party dissatisfied with a decision made by the Council may appeal to the Magistrates' Court: and that the Licensing Act 2003 contained provisions by which any person or responsible authority may apply for the review of a premises licence should problems with crime and disorder, public safety, public nuisance or the protection of children from harm occur.

The hearing closed at 11:40am

Submission by Susanne Hamilton – Chairman Enstone Village Hall Management Committee

The application as submitted and completed by me is the product of much careful thought aimed at taking into account the Hall's position, its purpose within the community and the Committee's responsibilities in relation to the four licensing objectives.

Some residents of The Paddocks obviously feel that if the Hall is permitted to legally provide alcohol during the times applied for, the effect of this action would greatly affect their lives. The picture painted supposes that a) liquor would always be on tap with no control and b) shows little knowledge of the minutia contained in the 2003 Licensing Act. I too had no knowledge of the finer points until I was required to explore the legislation in relation to the activities the Hall Committee hoped to provide. Even now I still have to refer to the written word to make sure that I have got things right.

With regard to noise; the building has good sound insulation; amplified music is to be retained inside the building; the smoking area has been located where it is sheltered from any houses and patrons will be requested to consider neighbours when leaving. Bookings for parties for the 13-21 age groups will not be accepted and event organisers together with any proposed third party bookings will be vetted. People's behaviour once they leave the venue is not an easy one to control. However by trying to make wise choices and committing to the licensing objectives makes it incumbent on the Management Committee to try.

When the Committee agreed to the wording of its Conditions of Hire and Booking Form it did not realise that the decisions it made then would in fact meet some of the requirements needed to fulfil future licence objectives. This is not to say that the measures specified in the application will not be added to should the need arise. Enstone Hall is a very new venture and the Committee is aware that unexpected challenges are bound to arise. They will however continue to endeavour to deal with them in a responsible manner.

Text of the email sent by the Chairman of the Management Committee to

Mr Kevin O'Neill

Dear Mr O'Neill,

Mrs Sinclair has passed me a copy of your recent e-mail and at this time I would just like to comment on the subject of alcohol.

You are quite right in saying that there would appear to be no suitable room in which to store alcohol and cigarettes. The Committee has no intention of or never has had the intention of storing either of these items on their premises. The building itself is a no smoking area and again there has never been any intention to provide a permanent bar area. As I write this, a group of ladies are enjoying a yoga session in the main hall. It is inconceivable to think that a hall such as this with the much appreciated space it provides would draw such a booking if there was even a whiff of a permanent bar. If a bar is required for a function then the hirer is to be asked to provide their own by using a licensee of their choice who is able to provide the necessary equipment for what I believe is referred to as an 'outside bar.'

We require permission to be able to make alcohol available at the times applied for because this will enable any organisation or group wishing to hold an event e.g. supper, a luncheon, mince pie and sherry morning in the hall, being able to sell not only to the public (if invited) but their members also, a glass of wine or beer etc. quite legally.

I hope that this information will go some way to alleviating some of the objections you hold.

Yours sincerely,
Mrs Susanne Hamilton
Chairman of Enstone Parish Hall Management Committee