

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 Tuesday 3 July 2018

PRESENT

Councillors: Mr N A MacRae MBE (Chairman); H B Eaglestone and Mrs E H N Fenton

I. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 –  
GRAPES AND TOMATO TRADING COMPANY, 3 THE TOWER CENTRE,  
ALVESCOT ROAD, CARTERTON

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, the applicant, Mr James O'Brien, confirmed that the application had been properly advertised and registered his intention to address the Panel.

Miss Yasmin Johnson then registered her intention to address the Panel in objection to the application.

Mr Neil Shellard, the Council's Environmental Health Officer then introduced himself to the meeting. No other interested parties or 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 further such evidence was to be introduced. There was no new evidence presented and no questions were raised regarding the procedure by which the meeting would operate.

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

The Licensing Officer presented the report outlining the application.

The applicant, Mr James O'Brien, then addressed the meeting.

Mr O'Brien advised that the proposed business was to be a wine and cocktail bar catering for the over 30's. Strict policies would be operated to prevent anti-social behaviour and public nuisance and Mr O'Brien indicated that he and his colleagues would be considerate towards their neighbours and willing to listen to and accommodate their requests as far as possible.

In response to the Chairman, Mr O'Brien confirmed that he was happy to accept the conditions proposed by the Police and the Council's Environmental Health Service in their entirety.

Miss Johnson then addressed the meeting.

She and her partner occupied the flat above and were already disturbed by noise from nearby premises and their customers. Smoke and litter were generated by those

congregating and smoking outside existing businesses and Miss Johnson expressed concern that these difficulties would escalate should a licence be granted. She did not wish to be forced to close her windows in periods of hot weather.

Miss Johnson advised that her landlord had spent some £2,000 in seeking to rectify problems with the drains that had emanated from the properties below. She indicated that, should a licence be granted, she and her partner would leave the property and the owner would find it difficult to re-let with a licenced use below.

Miss Johnson stated that there had been three break-ins in the vicinity; one in her block and two in that opposite.

In response to a question from the Chairman, Miss Johnson confirmed that there were already problems in the vicinity and the Chairman explained that, in determining the application, the Panel could only give consideration to premises in terms of the four licensing objectives.

In summing up, Mr O'Brien confirmed that he was happy to install additional soundproofing as required by the Council's Environmental Health Officer which would hopefully remedy any disturbance from noise. Whilst he could not prevent people smoking outside the premises, Mr O'Brien advised that he would provide appropriate receptacles for disposal of litter. In addition, subject to securing any necessary consents, he would be prepared to install a canopy to reduce the volume of smoke rising and, hopefully, reduce light and noise.

In response to a question from the Chairman, Mr Shellard advised that there were various options for the installation of additional soundproofing such as the installation of a floating ceiling and he was confident that appropriate measures could be put in place.

The Council's Legal Advisor reminded Members that, in determining the application, they could only take account of the licensing objectives. The applicants had agreed to the proposed conditions and there were other legislative regimes to address anti-social behaviour and environmental issues. She also reminded Members that, in the event of a licence being granted and difficulties being experienced, any interested party could seek a review of a Premises Licence.

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

On returning to the meeting the Panel was advised that, whilst set out in the application, the Officer report omitted the proposed hours of operation for Thursdays, these being 10:00 until Midnight. The Panel Members confirmed that this did not impact upon their decision.

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, to the conditions proposed by Thames Valley Police and the Council's Environmental Health Service and, subject to their being able to secure any necessary consents, to the applicants erecting a canopy as proposed at the meeting.

In advising of the decision the Chairman indicated that the Panel had been mindful of the fact that applicants had accepted the proposed conditions and, subject to securing any necessary consents, to install a canopy to reduce the volume of smoke rising.

It was evident that the objector already faced certain difficulties but there was no evidence to suggest that these would be exacerbated by the grant of a licence for this new venture.

The Chairman reminded those present that it was incumbent upon the applicant to operate within the terms of his licence and that, in the event that difficulties were experienced, any interested party could seek a review of the Premises Licence.

The hearing closed at 10:25am