

WEST OXFORDSHIRE DISTRICT COUNCIL

Record of a meeting of the **LICENSING PANEL**
Held in the Council Chamber, Council Offices, Woodgreen, Witney, Oxon
at 10.30am on Thursday 27 August 2015

PRESENT

Councillors: Mr N A MacRae MBE (Chairman); Mr E H James and Mr G Saul

1. APPOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Mr S J Good and Mr Saul attended in his place.

2. APPLICATION FOR VARIATION OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – THE PLOUGH INN, KELMSCOTT

The Chairman of the Panel welcomed those present to the meeting. Mr MacRae then set out the procedure by which the hearing would operate. He indicated that there appeared to have been a degree of confusion over the nature and extent of the application and, for the sake of clarity, advised that the variation did not seek any change to the existing hours of operation.

In response to a question from the Chairman, Mr Heath Thomas of Harrison Clark Rickerbys, the applicant's solicitors, confirmed that the application had been properly advertised and registered their intention to address the Panel. Mr Thomas introduced the applicant, Mr Sebastian Snow, and registered his intention to address the meeting.

Mrs Sarah Richards and Mrs Laura Roberts 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 advised that a further email had been received from Mr and Mrs Agius that morning and that the applicant's representative had agreed to its inclusion. He 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 Principal Licensing and Public Protection Officer presented the report outlining the application and advised that five letters of objection had been received. He went on to confirm that the application, which related to the proposed garden bar only, did not seek to extend the hours of operation beyond those of the main premises permitted under the current licence.

Mr Thomas then addressed the Panel in support of the application.

He indicated that the Plough was a long established public house and advised that the owner, Mr Snow, was an experienced landlord with a background in high quality restaurants. Having recently taken over the premises, Mr Snow had carried out

extensive refurbishment work and intended to operate the business as a food led establishment.

The property could cater for some 40 covers and, with the existing small bar area, there could be difficulty for those trying to get served. Mr Snow had confirmed to local residents that he intended to continue to operate as a food led premises and the proposed new garden bar, which comprised a small room with a bar and a single table able to cater for some six to eight customers with an additional counter top serving four stools, could only accommodate some ten to a dozen customers.

Mr Thomas noted that there had been some initial confusion over the application, caused in part by an error when the original licence had been transferred suggesting that current terminal hours were to 02:00. Once this had become clear, the applicant had pointed out this error and revised the application for the variation accordingly.

As the application did not seek any variation to the current hours of operation, Mr Thomas indicated that any reference in the representations made to this effect be disregarded by the Panel.

Mr Thomas reiterated that the application related to one small room only which, if granted, would not give rise to any increase in the number of patrons. The additional serving area was intended to improve the way in which the premises could serve the existing clientele by reducing congestion at the existing bar, not to increase customer numbers.

In view of the fact that no adverse comments had been received from the various responsible authorities, Mr Thomas invited the Panel to conclude that they were of the opinion that there would be no adverse impact upon crime and disorder and that the application was in accord with the licensing objectives.

Mr Thomas then turned to the letters of objection that had been received. He noted that, from a settlement of some 35 properties with a population of some 100 persons, only five letters of objection had been received. Mr Thomas suggested that this indicated that the vast majority of local residents had no objection to the application.

Mr Thomas went on to opine that a significant number of the objections raised did not relate to the licensing objectives in that they referred to activities away from the licensed premises. Whilst the licence holder could not be held responsible for such activities, Mr Snow had endeavoured to address local concerns by the provision of signage requesting patrons to respect the needs of local residents and was happy to accept a condition to this effect.

With regard to car parking, Mr Snow had improved the existing car park in order to maximise its capacity. However, concerns expressed with regard to parking on the highway were outside his control and the remit of the Licensing Authority being matters more properly dealt with by the County Council as Highway Authority.

In relation to the use of the garden area, Mr Thomas noted that it formed part of the existing licensed premises and was not the subject of the current application. He advised that, whilst the business was happy to accept children, it did not market itself as a children's pub, nor did it have any specific facilities to attract children - it was the responsibility of parents to ensure the safety of their children away from the premises.

Mr Thomas suggested that some opinions that had been expressed had been based on rumour and noted that no evidence of public nuisance had been submitted.

Mr Snow had already addressed concerns over the absence of signage and, whilst he had been prepared to accept the late representation submitted by Mr and Mrs Agius, its

content was not directly relevant to the application in that it referred to parking away from the premises. However, it did indicate that Mr Snow was prepared to work with the Parish Council and local residents to seek to address these issues.

In such circumstances, Mr Thomas indicated that it would be inappropriate for the Panel to accede to the request for a deferral. Members concurred.

Mrs Roberts then addressed the meeting expressing her opposition to the application. She indicated that the village welcomed the opportunity to retain the pub and had objected to a previous application seeking its change to residential use. Mrs Roberts also acknowledged that the pub had never been as well run as it was now. However, given its success, she considered that the proposed variation would give rise to an increase in customers.

Mrs Roberts noted that five of the 13 houses in the immediate vicinity of the pub had raised objections and indicated that there were some 79 residents in the village, fewer than Mr Thomas had suggested.

Mrs Roberts advised that her concerns were that the proposed garden bar would make the premises more attractive to families with children and increase customer numbers in general when the village was already at capacity giving rise to danger to children on the highway and exacerbating parking problems in the vicinity.

The Chairman advised that concern over highway issues did not fall within the remit of the Licensing Panel and should be addressed to the Highway Authority.

In summing up, Mr Thomas acknowledged residents' concerns but reiterated that those relating to highway issues were outside the purview of the Licensing Authority. He also noted that the objective of protecting children from harm related to their exposure to alcohol, not to perceived dangers away from the licensed premise.

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 the variation of the 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 condition:-

Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents and leave the premises and the area quietly.

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.

3. MR RON SPURS

The Chairman advised that the Council's Principal Licensing and Public Protection Officer, Mr Ron Spurs, was shortly to leave the Council to take up alternative employment. He thanked Mr Spurs for his work on behalf of the Sub-Committee and the Council

The hearing closed at 11:25am