

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 Tuesday 9 August 2016

PRESENT

Councillors: Mr N A MacRae MBE (Chairman); Mr E J Fenton and Mr S J Good

I. APPOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Mr E J Fenton attended in place of Mr E H James.

2. APPLICATION FOR VARIATION OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – THE BLUNT RABBIT, 54 HIGH STREET, WITNEY

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 Andy Benzie, confirmed that the application had been properly advertised and registered his intention to address the Panel.

Mr Alan Beames, representing the Witney Town Council, then registered his 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 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 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 Licensing Officer presented the report outlining the application and advised that one objection had been received. In response to a question from the Chairman, the Licensing Officer advised that the applicant had held two previous events, one under a temporary event notice and the second without the sale of alcohol as their application for a TEN had been received too late to be determined. No complaints had been received about the general operation of the premises or the temporary events.

The Council's Legal Advisor confirmed that the previous operation of the premises was a relevant matter that could properly be taken into account when determining an application for a variation to the licence.

The applicant, Mr Benzie, then addressed the meeting. He acknowledged that the application as submitted was open to misinterpretation and explained that it was not his intention to hold events on a daily basis. The application had been submitted to provide the flexibility to hold events on an occasional basis without the need to apply for Temporary Event Notices.

The intention was that events would take place infrequently with no more than one being held each month.

Mr Good sought clarification of the nature of the planned events. In response, Mr Benzie explained that his business was modelled on a 1950's style barbers shop. The events were to be held at the end of the working day and would be low key, featuring jazz or blues bands. These were intended primarily as a social event for the benefit of his existing customers. There was no intention to hold parties or operate as a club and the events would generally close at around 10:00pm.

Mr Beames then addressed the meeting. He indicated that the Town Council had raised objections as Members had not been able to satisfy themselves that the four licensing objectives had been met from the information available to them.

The Chairman advised that it fell to the District Council as Licensing Authority, not the Town Council, to be satisfied that the Licensing Objectives would be met.

Mr Beames stated that it was unclear why a variation in hours for the sale of alcohol were required when the hours in which the premises would be open to the public were to remain unchanged. The Town Council considered that occasional events could be accommodated by way of Temporary Event Notices and also raised concerns over the sale of alcohol at premises in which sharp objects such as razors would be present.

Whist acknowledging that children would be excluded from the premises during events and welcoming the challenge 21 policy proposed by the applicants, the Town Council was uncertain that appropriate measures would be put in place to protect children from harm and had expressed concern in relation to public safety over the presence of sharp objects and potentially toxic chemicals.

Mr Beames questioned why the application had not sought a variation in the provision of live music and it was explained that performance of live music to an audience of fewer than 500 persons only required a licence between the hours of 11:00pm and 8:00am. Mr Beames noted that the application did not specify the number of persons to be catered for.

Mr Good noted that the Town Council's original objection had been made on the grounds that it felt that a late licence was unnecessary for a barber's shop which closed much earlier than 11:00pm and indicated that he did not consider the question of necessity to be a relevant objection in terms of the Licensing Objectives, nor reflected in the comments made by Mr Beames. Further concerns that the premises would become a private drinking club were no more than fear and speculation.

In summing up, Mr Benzie acknowledged the concerns expressed by the Town Council and reiterated that it was not the intention to hold regular late night events and, in response to a question from the Chairman, confirmed that these would only take place on an occasional basis of around one a month.

The Council's Legal Advisor indicated that there were inconsistencies in the application between the hours during which it was stated that the premises would be open to the public and those during which the supply of alcohol was requested. The applicant confirmed that the opening hours specified were the standard business opening hours and that it was only sought to extend these on those occasions when events were to be held.

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:-

The premises shall be open to the public and the supply of alcohol shall be permitted until 23:00 on no more than four occasions each calendar month.

In advising of the decision 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 10:55am