

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the **Licensing Panel**

Held in the Council Chamber, Woodgreen, Witney, OX28 1NB at 10.00 am on **Friday, 10 December 2021**

PRESENT

Councillors: Norman MacRae MBE (Chairman), Andy Graham and Lysette Nicholls.

Officers: Helen Blundell (Principal Solicitor, Land, Legal and Property), Philip Measures (Service Leader), Andrea Thomas (ERS Officer, Professional Services) and Michelle Ouzman (Strategic Support Officer).

4 **Declarations of Interest**

There were no declarations of interest received.

5 **Apologies for Absence and Temporary Appointments**

There were no apologies for absence.

6 **Application to Vary a Premises Licence**

The Chairman welcomed everyone to the licensing hearing to consider an application for a Variation to a Premises Licence, at the premises known as The Siege of Orleans, Alvescot Road, Carterton, Oxfordshire.

The Chairman introduced himself, the panel, the Licensing Officer and Legal Officer. The applicant, Mr Jones introduced himself and confirmed that the application had been advertised in accordance with Licensing Act regulations.

The Chairman outlined the process the hearing would follow and introduced the interested parties present as follows:

James Rae - Objector
Carol Clews - Objector
JG Fitzgibbon – Objector

Philip Measures was also in attendance as the Council's Environmental Health Officer. The Licensing Officer introduced her report which related to an application for a variation to a premises licence for the Siege of Orleans in Carterton, Oxfordshire.

Previously, the applicant had applied for several Temporary Event Notices (TEN) over the past 12 months.

The variation to the licence was for the use of an upstairs area along with an extension of hours for sale of alcohol and regulated entertainment as follows:

- Supply by retail of alcohol on and off the premises between the hours of Sunday to Thursday 1100hrs to midnight
Friday and Saturday 1100hrs to 0100hrs
- Live and recorded music inside the premises between the hours of Sunday to Thursday 2300hrs to midnight
Friday and Saturday 2300hrs to 0100hrs

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The Live Music Act 2015 and Deregulation Act 2015 permitted the Premises Licence holder to play live and recorded music between the hours of 08.00 and 23.00 hours where the sale of alcohol (on sales) were taking place.

Thames Valley Police had submitted conditions which had been agreed with the applicant and these were attached at Annex C to the report. Oxfordshire Fire and Rescue had submitted a response, the applicant had submitted a risk assessment and the Fire Officer was satisfied with this.

Technical Pollution Services (TPS) had also submitted conditions, prior to the meeting, however, no response to these had been received from the applicant. These were outlined in Annex D to the report and the numbering clarified by officers.

In response to a query from the Chairman, the Licensing Officer advised that some of the conditions in Annex D had been agreed but the Panel required clarification on those still outstanding. The Chairman therefore asked the applicant if he agreed to all of the conditions and he confirmed that he did not.

The Chairman asked the Licensing Officer to advise the current agreement in place and the officer stated that the hours currently were 11am to 11pm for the sale of alcohol on site only.

The Chairman asked the Applicant to address the Panel.

Mr Jones stated that the application had been submitted in light of the circumstantial change in trade over the last 24 months, whereby the 'Siege' as a business had evolved from being an 'Ale House' style premise to a bar. They felt the extension to the licensing hours would give them the best opportunity to grow and compete on a level playing field with their competitors. They had taken the opportunity to open when it outside opening only was permitted and this had created a lot of interest. Since then, moving the business back inside had resulted in less people outside. Mr Jones stated that the noise problems that had been an issue in the past related to when the premise was operating outside. He felt that the conditions were in relation to internal noise, to which he stated they had added several of their own measures. He had agreed the condition with Thames Valley Police which provided and additional 30 minutes at closing time, so that the exit of the club customers could be managed more effectively and not at the same time that the local businesses also emptied.

Mr Jones highlighted that most customers from nearby premises exited down the same alley and he assured the Panel that his staff wanted to work with the local authorities, Town Council, Fire Service and the Police to make the premises safe and secure. He advised that the Temporary Events had run successfully in the past and what they were proposing was to encourage more people inside the premise.

The Panel asked the applicant a number of questions including why he needed an off license, why only one side of the upstairs room was sound proofed and why there was only one escape route. In addition, they queried the criteria for the use of SIA security staff, asked for confirmation of the capacity number allowed in the building and asked if the upstairs room was ready for business.

The applicant confirmed that he wanted the ability to sell drinks to people to take away, as the temporary licence they had when they could only open outside, had worked well. There was only one resident that lived on the side of the premise that had been soundproofed. Mr Jones

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concurred that there was only one escape route and the criteria for using SIA security staff was if the premise was at capacity and there was music and dancing. He clarified that the capacity of the building was currently 60, due to the fire doors and escape routes, and that the room upstairs was ready.

The Chairman invited Mr Measures the Council's Environmental Health Officer to outline his concerns.

Mr Measures highlighted the proposed conditions outlined in Annex D and asked for clarification on those that the applicant was willing to accept. Mr Jones advised that the conditions he was in agreement with were 1, 2, 3, 5, 6, 9, and 10.

The Chairman clarified that the documents for the hearing had been issued on the 2 December 2021 in readiness for the hearing, and reminded all parties present that if there were issues with the conditions, they could have been raised before the hearing. Mr Jones then went on to outline the reasons he did not agree with the following conditions:

Condition 7 - Mr Jones did not agree with the wording "noisy", commented that it was defamatory and suggested all events were going to be noisy. He preferred the wording "the Management responds to..." Instead of "the DPS responds to". In response, the Licensing Officer agreed that the DPS did not always have to be on the premises and Mr Measures confirmed that this could be changed.

Condition 8 - Mr Jones did not agree with the third sentence regarding speakers being placed in a corner. He explained that the speakers on the premises in the corner of the room were facing inwards, and therefore should not cause noise leakage, and he felt it would be costly to move them. He did not feel there were any noise problems with these speakers as they were facing inwards to the building not outwards.

In response, Mr Measures referred back to the noise limiter and stated that, if in place, this would control the noise levels taking place and the premises could manage the speakers more effectively. Noise limiters could be integrated for all events by use of an adapter to be used with live performers' amplifiers, and recorded events.

Mr Jones reiterated that all the conditions already agreed, were in place at the premises.

The Chairman invited the other interested parties present to outline their objections.

Ms Clews addressed the meeting and, as mentioned in her submission, she wanted it made known that she had two recordings since 1 October of the noise levels, taken inside her premises, with all doors and windows shut. She stated that they had to put up with the outside noise all summer and now inside too, which was unfair for residents.

Mr Rae outlined his concerns and concurred with the comments of the previous speaker. He stated that on 22 October he had submitted an ERS noise complaint for internal noise at the 'Siege'. He had also spoken to the landlady on several occasions and at 1.00am in the morning, she had answered the phone stating it was her staff cleaning up which was why the music was on. He had asked her to turn it off, as residents were trying to sleep and it was unsociable. Mr Rae also advised of another incident where a fight broke out, outside the Siege, a crime number was issued and he had spoken to the Police. Mr Rae also stated that he objected to the off-licence request and questioned why this was needed and noted that people could

congregate to the rear of the property, at the carpark, which no one would be managing. He did not feel that the premise would have control over crowds once they left, but it could still cause an issue and would cause the residents noise problems.

The Chairman enquired what the outcome was from the ERS noise complaint and in response Mr Rae explained that he had not heard back from ERS. He explained that he had noise equipment installed in his property and most of the noise was external, picked up from the direction of the Siege. He had been asked to fill in noise diaries, which they had been doing throughout the summer. Mr Rae stated that they did not want to have to live like this. They want to support local businesses and understood that it had been difficult to run a business in the past two years. He understood the process they had to follow with ERS, for both the applicant and themselves. He concluded by stating that he hoped there could be an agreement in place about how things were to be run, especially by next summer when they would like to be able to leave their windows open.

The Chairman then invited the applicant to sum up.

Mr Jones believed that the Temporary Events they had run during September and to the end of October, had been run responsibly. He was not aware of the ERS noise complaint but was happy to work together with the residents. The premise wanted to encourage customers to use the inside space, upstairs so that noise leakage was massively reduced to the residents. Mr Jones felt that it had been external noise leakage that had caused issues and staff were turning off the external speakers at 10:30pm and encouraging people to move indoors. The premise had SIA security staff working at weekends to control everyone as they were leaving along with signage to remind customers to leave quietly. There was also CCTV to capture any anti-social behaviour. Councillor Graham enquired about the ventilation of the upstairs room and Mr Jones confirmed that air conditioning was installed and that windows were sealed shut. SIA staff would be on the door monitoring people moving in and out and this was also monitored by CCTV.

Councillor Nicholls asked for clarity on the off licence take away times and Mr Jones confirmed take away times for each day.

The Chairman thanked everyone for their attendance and advised that the Panel would now retire to make their decision.

The Panel returned at 10:55am and advised that they had considered all of the case papers relating to this application and taken into account what has been said during this hearing. Based on the information provided and taking into account the representations made by the responsible authorities and interested parties, the Panel

Resolved that the variation to the premise licence be granted subject to:

the conditions agreed with the Police as set out in Annex C;
the conditions agreed with the Environmental Health Officer attached at Annex D;
and subject to the following amendments and additions:

- **Condition 4 be amended to read:** “A noise limiter must be installed, fitted, working and maintained at all times, in such a manner as to control all sources of amplified music or speech (live and recorded) at the premises. This should be set at a limit that has been agreed by the Council’s Technical Pollution Services Team. The noise limiter shall be

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installed before the provision of live or recorded music.” (Inserts the word “working” and “at all times”);

- **Condition 7 be amended to read:** “The Management shall receive and respond to complaints throughout the duration of all events. “(Replaces the word “DPS” with “Management” and Removes the word “Noisy”);
- **Condition 8:** To be amended, subject to compliance with Condition 4, thus: “All speakers to be mounted on isolation mounts. Speakers should not be attached to party walls or the ceiling.” (This removes the last sentence “No speaker to be placed in a corner”);
- **Condition 9 be amended to read** “All queuing outside the premises shall be managed in such a way that prevents noisy or rowdy behaviour and therefore minimises disturbance to neighbours.”;
- **Condition 10 be amended to read** “A written dispersal policy designed to make the maximum contribution immediately before the premises closes, by exercising pro-active measures to move customers from the premises in such a way as to cause minimum disturbance”;
- **Condition 11 be amended to read:** “There shall be explicit advisory signage at the exit front door requesting customers leave the venue quietly”;

Additional conditions to be added were as follows:

- **Condition 12:** CCTV must be working and switched on, at all times, when the premises is open; and
- **Condition 13.** Off licence sales will cease at 23:00hrs (11pm).

The Chairman highlighted the Panel’s thoughts relating to Public Safety, specifically that an increase in numbers at the premise was a concern when the single egress from the upstairs was only through one set of stairs. However, the Panel had noted that the Fire Authority were content.

The applicant was advised that he would be notified of the decision in writing, within five days of the hearing and informed of his right to appeal to the Magistrates Court within 21 days. The objectors were also reminded of their ongoing right to complain and object.

The Meeting closed at 11.00 am

CHAIRMAN