

Wednesday, 3 August 2022

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## LICENSING PANEL

You are summoned to a meeting of the Licensing Panel which will be held in the Council Chamber, Woodgreen, Witney OX28 1NB on **Thursday, 11 August 2022 at 11.00 am.**



Giles Hughes  
Chief Executive

To: Members of the Licensing Panel

Councillors: Norman MacRae, Michael Brooker and Mike Cahill.

Recording of Proceedings – The law allows the public proceedings of Council, Cabinet, and Committee Meetings to be recorded, which includes filming as well as audio-recording. Photography is also permitted. By participating in this meeting, you are consenting to be filmed.

As a matter of courtesy, if you intend to record any part of the proceedings please let the Democratic Services officers know prior to the start of the meeting.

West Oxfordshire District Council, Council Offices, Woodgreen, Witney, OX28 1NB  
[www.westoxon.gov.uk](http://www.westoxon.gov.uk) Tel: 01993 861000

# AGENDA

1. **Election of a Chair for this meeting only**

Purpose:

Committee appoint a Chair for the Panel for this meeting only, 11 August 2022.

Recommendation:

Committee confirms appointment of a Chair for the Panel for this meeting only, 11 August 2022

2. **Minutes of Previous Meeting (Pages 3 - 8)**

To approve the minutes of the meeting held on 10 December 2021.

3. **Declarations of Interest**

To receive any declarations from Members of the Panel on any items to be considered at the meeting

4. **Exclusion of the Public and Press**

If the Panel wishes to exclude the press and the public from the meeting during consideration of any of the items on the exempt from publication part of the agenda, it will be necessary for the Panel to pass a resolution in accordance with the provisions of Section 100A(4) of the Local Government Act 1972 on the grounds that their presence could involve the likely disclosure of exempt information as described in specific paragraphs of Schedule 12A of the Local Government Act 1972.

The Panel may maintain the exemption if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

5. **Determine a new premises licence (Pages 9 - 42)**

Purpose:

To determine a new premises licence.

Recommendation/s:

That the Licensing Panel is asked, in light of the representations received, to consider the application and determine whether to:-

- grant the application as requested;
  - grant the application subject to such conditions that are necessary to promote the licensing objectives;
- refuse the application in whole or in part where it is necessary in order to promote the licensing objectives.

(END)

# Public Document Pack Agenda Item 2

## 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

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

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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

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

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 <b>WEST OXFORDSHIRE DISTRICT COUNCIL</b> Council name	<b>WEST OXFORDSHIRE DISTRICT COUNCIL</b>
Name and date of Committee	<b>LICENSING PANEL – 11<sup>th</sup> August 2022</b>
Report Number	<b>Agenda Item 5</b>
Subject	<b>APPLICATION FOR A NEW PREMISES LICENCE</b>
Wards affected	North Leigh
Accountable member	Licensing Panel – Councillors: Norman MacRae, Mike Cahill and Michael Brooker
Accountable officer	Andrea Thomas, Licensing Officer Tel: 01993 861000 Email: andrea.thomas@publicagroup.uk
Summary/Purpose	To determine a new premises licence.
Annexes	ANNEX A - Copy of the application – Exempt paper ANNEX B – Plan of premises and location ANNEX C – Comments from North Leigh Parish Council ANNEX D – Copy of representation from local resident ANNEX E – Hearing Procedures
Recommendation/s	That the Licensing Sub-Committee is asked, in light of the representations received, to consider the application and determine whether to:- <ul style="list-style-type: none"> <li>• grant the application as requested;</li> <li>• grant the application subject to such conditions that are necessary to promote the licensing objectives;</li> </ul> refuse the application in whole or in part where it is necessary in order to promote the licensing objectives.
Corporate priorities	Ensure that services delivered by the Council are delivered to the highest standard
Key Decision	NO
Exempt	NO
Consultees/ Consultation	A 28 day consultation has been undertaken with all Responsible Authorities, Ward Member, Town Council and advertised in accordance with the Licensing Act 2003

## 1. BACKGROUND

1.1. The Licensing Act 2003 ("the Act") allows applicants to apply for new Premises Licences, Premises Licence variations, Club Premises Certificates and Personal Licences. This application is for a new Premises Licence.

1.2. The application was received on the 20<sup>th</sup> June 2022.

1.3. The Licensing Authority is satisfied that the application was duly made, the correct notification process was followed and the application was appropriately advertised. The advertisement appeared in the Witney Gazette on the 29<sup>th</sup> June 2022 and a Site Notice advertising the application was placed at the site for 28 days.

1.4. The application sought a Premises Licence for the following licensable activities and times:

- Supply by retail of alcohol on the premises
  - Monday to Sunday 0600hrs to 2200hours
- Hours open to the public
  - Monday to Sunday 0600hrs to 2200hours

The supply by retail of alcohol on the premises hours have now been amended to Monday to Sunday 0600hrs to 2000hrs

1.5. A copy of the application is attached at **Annex A**. Exempt Paper

## 2. SITE DESCRIPTION

2.1. A copy of the site plan and location is attached at **Annex B**.

## 3. AGREED CONDITIONS

3.1. If the licence is granted the following conditions detailed in the Operating Schedule will form part of the licence.

1. CCTV shall be installed to cover all areas where dancing will take place in addition to the front entrance. All cameras shall be continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 28 days with the date and time stamping. Tape recordings shall be made available to an Authorised Officer of the Licensing Authority or a police officer together with facilities for viewing. The recordings for the proceeding two events shall be made available immediately on request, and recordings outside this period shall be made available on 24 hours notice.

2. All staff shall be suitably trained in the operating procedures for refusing service to any person who is drunk or is underage or appears to be underage.

3. All staff shall be suitably trained for their job function in the operating standards for the premise. The training shall be under constant review.

4. The premises shall adopt a policy of requiring the production of "proof of age" before sales of alcohol are made. All operators and staff have both a duty and responsibility to ensure that only those who are of age are provided with intoxicants.

5. A Daily Premises Register shall be kept at the premise. This register will be maintained and kept for a minimum of 12 months. This register should record the person in a position of responsibility for the premise. The Premise Daily Register shall record all calls made to the premises where there is a complaint made by a resident or neighbour of noise, nuisance or anti social behaviour by persons attending or leaving the premises. This shall record the details of the caller, the time and date of the call and the time and date of the incident relating to the call and any actions taken to deal with the call. The Daily Premises Register will be readily available for inspection by either the police or authorised officer throughout the trading hours of the premises.

#### **4. REPRESENTATIONS**

##### **Responsible Authorities under the Licensing Act 2003**

**4.1.** There have been no representations made by any of the Responsible Authorities under the Act.

##### **Other persons**

##### **Parish Council**

**4.2.** Comments were received from North Leigh Parish Council and can be found in **Annex C**.

##### **Residents**

**4.3** There has been 1 representation from a local resident received in relation to this application and can be found in **Annex D**.

The Licensing Authority is unable to take the following in account when looking at the application,

- Car Parking – this is dealt with under Planning Law and not a matter for the Licensing Committee. Planning and Licensing are two separate jurisdictions and it is up to the business operator to ensure that they adhere to both and have necessary requirements in place.
- Need for another commercial premises in the area.

#### **5. NATIONAL GUIDANCE**

**5.1.** The Secretary of State's Guidance requires Licensing Authorities, following receipt of relevant representations, to make judgements about what constitutes public nuisance and what is necessary, in terms of Conditions attached to a specific Premises Licence, to prevent it.

**5.2.** Where the Act provides for mandatory Conditions to be included in a Premises Licence, it is the duty of the Licensing Authority issuing the Licence to include those Conditions in the Licence.

## **6. PROCEDURES**

- 6.1.** A copy of the procedure for the Meeting is attached at **Annex E**.

## **7. FINANCIAL IMPLICATIONS**

- 7.1.** There are no financial implications arising directly from the consideration of this application. However, any appeal to the Magistrates' Court against the refusal of the application or against the imposition of Conditions could result in the Council having to bear the legal costs of defending its decision.

## **8. LEGAL IMPLICATIONS**

There is a right of appeal to the Magistrates' Court within 21 days of the Council's decision should the Council refuse the application or against the Conditions imposed on the Licence.

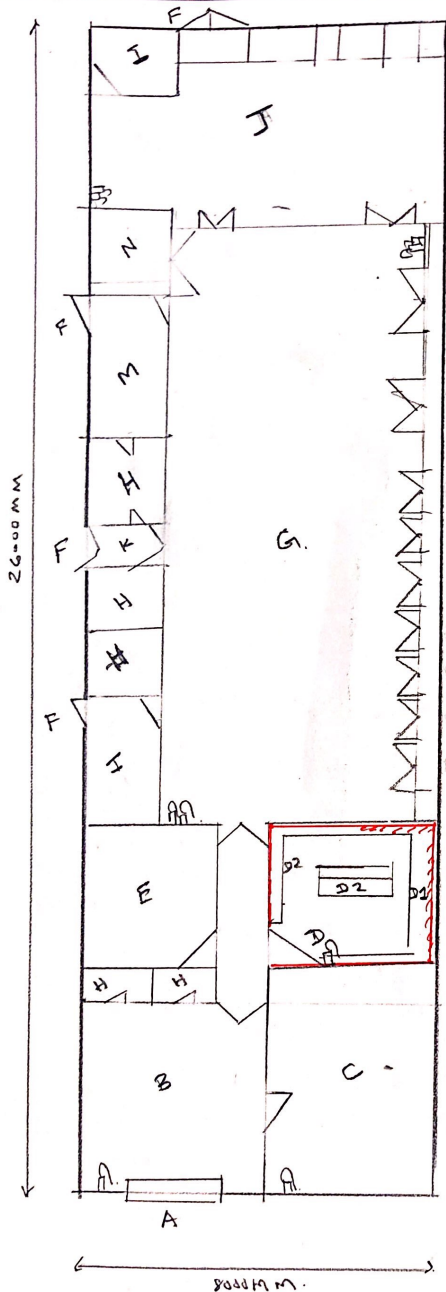
## **9. BACKGROUND DOCUMENTS**

- 9.1.** West Oxfordshire District Council's Statement of Licensing Policy – 2021  
**9.2.** Home Office S.182 Statutory Guidance published April 2018.

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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NORTH LEIGH STORE  
MEMORIAL HALL  
PARK LANE  
WITNEY OX29 6SA

SCALE 1:100 (A3)

A: MAIN ENTRANCE

B: LOBBY

C: LIBRARY

D: POSTOFFICE & STORE

E: COMMITTEE ROOM

F: FIRE EXITS

G: MAIN HALL

H: TOILETS

I: KITCHEN

M: BAR

N: STORE

K: EXITS

J: YOUTH CENTRE

D: POSTOFFICE & SHOP

▭ LICENSABLE AREA

▨ ALCOHOL DISPLAY

🔥 FIRE EXTINGUISHERS

D1: SALES COUNTER

D2: DISPLAY SHELVES

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18<sup>th</sup> July 2022

Dear Licensing Team, Environmental and Regulatory Services, WODC,

**Re: LICENSING ACT 2003**

**Application for New Premises Licence – Off Sales Only, Post Office And Shop The Memorial Hall Park Road North Leigh Oxfordshire OX29 6SA.**

Thank you for your email of 20<sup>th</sup> June 2022 informing North Leigh Parish Council that there has been an application for a New Premises Licence for the Post Office And Shop at The Memorial Hall Park Road North Leigh Oxfordshire OX29 6SA.

The Parish Council has had a chance to consider this licence at our Parish Council meeting on 14<sup>th</sup> July 2022.

We believe it is our overriding responsibility to ensure that North Leigh continues to benefit from the existence of a village shop and post office. This is an important amenity for the village and is well supported by the residents and was an excellent resource during covid lockdown. We understand that there is only one applicant applying to carry forward this business and to make it a viable business, the sale of alcohol has been included as part of their business model. The new applicant has stated that their intent is not to become an off license but to provide a limited stock of wine and beer as a convenience for customers using the shop. We understand that the “Challenge 25” policy, to prevent the purchase of alcohol by minors, is not mandatory but we would recommend that the staff of the new applicant adopt this policy in the shop.

We are cautious that the sale of alcohol at the village shop may increase the likelihood of public nuisance, and disorder, but on balance we feel that we need to be pragmatic in accepting this possible risk, weighing it up against the certainty of the shop continuing.

The trustees of the Memorial Hall have granted the opening hours of the shop as 07:00 to 20:00 7 days a week (although the current tenant does not open for these full hours) and they do not intend to vary these hours for the new applicant. The trustees have requested that the applicant restricts the times in his application for an alcohol licence to align with these stated hours. The Parish Council recognises that the shop is an independent business and as such they decide what products to sell. We are in agreement that the new applicant should be permitted to have an alcohol licence that extends to the duration of opening hours stated above.



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We would also like to add the proviso that if the provision of an alcohol licence leads to complaints of public nuisance, crime, disorder or harm to minors then we would request that WODC review the terms of this licence.

Yours faithfully

North Leigh Parish Council

Dear Sirs

**Re: North Leigh Post Office Store, Memorial Hall, Park Lane, Witney, Oxfordshire OX29 6SA**  
**Licensing Act 2003**  
**Notice of Application for Premises Licence**

I refer to the above and write with reference to the above application.

A copy of the Notice is attached. Unfortunately, I have been unable to locate the licensing application on your website as there appears to be no reference number.

I must express concern for the application which has been made in respect of the above property and in particular the hours applied for, which appear to be Monday to Sunday 6am to 10pm. I wish to object to the premises licence for the above property and note the four licensing objectives set out in the Notice, which also appear to be contained in the Licensing Act 2003.

My concerns are as follows:

1. The provision of a licence for such extended hours i.e. from 6am to 10pm seven days a week makes the availability of alcohol in a quiet residential village inappropriate. The fact that alcohol can be purchased from such an early time in the morning to so late at night, has the potential to create a public nuisance, with members of the public being able to buy alcohol and then consume alcohol on the streets in the surrounding area, as distinct from pubs which provide a venue for alcohol consumption.
2. The Parish Council have recently expended significant sums of money in renovation of the children's playpark, just across the road from the shop to which the application relates, which has historically been used by teenagers and young adults as a place to congregate during the evenings, and the availability and the provision of alcohol up to 10pm in the evening, represents an increased risk of public nuisance, and potentially damage to an important facility for young children within the village by way of vandalism.
3. In addition, North Leigh Memorial Hall contains a Library, and the Youth Club and the facilities within the Hall itself are used by young groups such as a Dance School. To bring young people into close proximity with a premises providing alcohol for sale, at times when children will be using the facilities within the same building is undesirable.
4. The proximity of a retail establishment selling alcohol immediately opposite a school, also presents a further risk to child safety.
5. My principal objection to the licence being applied for is the other late hours at which alcohol will be available for purchase. By allowing alcohol to be purchased into the evening and at night, this has the potential to create a nuisance within the village and anti-social behaviour in a residential area at the heart of the village which is regularly used by children, as mentioned above.
6. The expansion of the shop, and potentially increased hours of trading, also represents a potential public safety issue with regard to cars parking on Park Road to use the shop. The Memorial Hall has inadequate parking facilities at present, with only six or so car parking spaces available, and with the potential increased footfall for use of the post office, is likely to increase parking on Park Road itself, which is an important thoroughfare through the village and is also on a bus route.
7. I consider that the licence applied for is not appropriate to the village, which already contains two pubs, and whilst it is acknowledged that it is not a valid ground to object on the basis of damage to

other trade there is, already within the village adequate facilities for the purchase of alcohol. The provision of alcohol in public houses is a more regulated environment for the sale of alcohol, with a lower risk of children under the age of 18 being able to purchase or, consume alcohol purchased by others, which cannot be regulated as easily in a retail environment.

The extensive hours which are applied for, particularly past 5:30pm, which would be a normal village shop closing time, are not appropriate to a village location and, for the reasons set out above, run the risk of an increase in crime and disorder, present public safety and nuisance issues, and also run the risk of placing children potentially at harm.

It is pointed out to the Council that the Post Office has operated successfully (and financially so) for many years without an alcohol licence, and I consider that the potential problems created by the Council granting a premises licence, considerable outweigh any benefits.

I would be grateful if you could kindly acknowledge safe receipt of this letter.

Yours sincerely

GAVIN M CLARK



## **LICENSING COMMITTEE (LICENSING ACT 2003 MATTERS) PROCEDURE FOR DETERMINING APPLICATIONS**

The four licensing objectives, as given by the Licensing Act 2003, are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance
- the protection of children from harm.

Each application that comes before the Committee will be determined on its own merits, and the licensing authority will take its decision based on:

- the merits of the application;
  - the promotion of the four licensing objectives;
  - the Council's Statement of Licensing Policy, a copy of which can be obtained from the Licensing Section at Forest of Dean District Council
  - the amended guidance issued by the Home Office in April 2018 under Section 182 of the Licensing Act 2003.
1. Following election, the Chairman opens the Meeting, introducing the Members of the Committee and Officers to the Applicant(s) and members of the public, explains the nature of the decision to be taken, and the procedure to be followed.
  2. The Licensing Officer outlines the application, any relevant representations and relevance to the Council's Statement of Licensing Policy and statutory guidance.
  3. Members may ask any relevant questions of the Licensing Officer.
  4. The Licensing Officer introduces the Applicant(s) (if present) and the Chairman invites him/her/them, or the person representing the Applicant, to present his/her application to the Committee and to clarify any information arising from the Officer's outline, if necessary.
  5. Members may ask relevant questions of the Applicant(s) regarding the application.
  6. The Chairman invites those parties, including any interested parties and/or responsible authorities, making representations to address the Committee in turn.
  7. Members may ask any relevant questions of those parties making representations.
  8. The Applicant(s) may ask any relevant questions of those parties making representations.

9. If necessary, the Committee will consider requests to allow other parties invited by the Applicant(s) to address the Committee.
10. Members may ask any relevant questions of any person invited by the Applicant(s) who addresses the Committee.
11. Any parties who have made representations may ask any relevant questions of any person invited by the Applicants who addresses the Committee.
12. The Chairman invites the Applicant(s) and any parties making representations, to briefly summarise their points if they wish.
13. The Chairman ascertains that all parties are satisfied they have said all they wish to say.
14. The Committee debates the application and makes its decision; it may retire to do so, if appropriate.
15. Where a decision is made at the Meeting, the Chairman notifies the Applicant(s):-
  - of the decision;
  - the reasons for the decision;
  - any conditions placed on the licence (if granted), and the licensing objectives they relate to;
  - the rights of appeal, and that the decision will be confirmed in writing as soon as practicable following the Meeting, and within the statutory timescales.



## NOTES

- a. All references to the Committee relate to any three Member Committees of the Licensing Committee. However, a Committee could decide not to exercise its delegated authority and refer an application to the Licensing Committee for determination, or to the Council (as the Licensing Authority). In such cases, references to 'the Committee' shall relate to the Committee or the Council, as appropriate.
- b. All references to the Licensing Officer refer to the Public Protection Manager or other appropriate Licensing Officers.
- c. All references to the Applicant(s) refer to the Applicant(s), the licensee or his/her representative.
- d. Hearings will take the form of a discussion led by the Committee throughout which Members, the Applicant(s) and, if appropriate, Officers and other parties, may ask questions.
- e. Parties who have made representations will be invited to address the Committee in the following order, where applicable:-
  - Gloucestershire Constabulary;
  - Gloucestershire Fire & Rescue Service;
  - the Health & Safety Executive;
  - Trading Standards Officer;
  - Child Protection Team
  - Officers of the Council in capacity as Responsible Authorities (health and safety, planning and pollution);
  - Health Body;
  - Other Persons;
  - Ward Member(s).
- f. Each party is allowed a maximum period of 15 minutes to make all of their relevant statements unless the Chairman expressly approves otherwise, but the Committee respectfully requests that all parties keep points pertinent and the discussion moving, in the interests of cost and efficiency.
- g. In order to avoid repetition, parties are requested to appoint a spokesperson to address the Committee where a number of the same, or similar representations, are being made.
- h. Decisions will generally be taken regardless of whether the Applicant(s) is present. All notices and representations received from absent parties will be considered.
- i. Where the decision is not made at the Meeting, it will be made within five working days of the date of that Meeting.

- j. Information which has not been produced prior to a Meeting will not be considered unless with the agreement of the Committee and all relevant parties present.
- k. Any changes in the membership of the Committee will be announced by the Chairman at the start of the Meeting.
- l. The Council is committed to taking decisions in an honest, accountable and transparent fashion but, on occasion, may find it necessary to exclude members of the public and Press in accordance with the legal framework given in Schedule 12A of the Local Government Act 1972 and/or local policy. On those occasions, decisions based on the above framework will be given. Similarly, the Council generally will allow all parties to ask questions of another party present, but this decision will be taken on a case-by-case basis. Cross examination of parties is prohibited except in exceptional circumstances, when a reason will be given
- m. The Council has the right to exclude parties disrupting this Meeting, at its discretion.

#### **HOUSEKEEPING MATTERS**

Mobile phones must be switched off or set to silent

No smoking throughout the building or anywhere on the site

In the event of the fire alarm sounding, Officers will direct you to the meeting point