

WEST OXFORDSHIRE DISTRICT COUNCIL

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

Held in the Council Chambers Witney at 2.00 pm on **Thursday, 16 February 2023**

PRESENT

Councillors: Norman MacRae MBE (Chair), Mike Cahill and Ted Fenton

Officers: Andrea Thomas (ERS Officer, Professional Services), Alexander Kirk ( Lawyer), Max Thompson (Democratic Services Manager) and Michelle Ouzman (Democratic Service Support Officer).

**10 Minutes of Previous Meeting**

The minutes of the meeting held on 5 September 2022 were approved and signed by the Chair as a correct record.

**11 Apologies for Absence**

There were no apologies for absence.

**12 Declarations of Interest**

There were no declarations of interest received.

**13 Application For a Variation to a Premises Licence - The Bull Hotel**

The Chair, Councillor Norman MacRae MBE, welcomed everyone to the hearing and introduced the Panel in attendance, Councillors Mike Cahill and Ted Fenton.

The Chair informed those in attendance that there were two hearings to be heard, each would be heard completely separately from the other and that the first to be heard would be The Bull Hotel.

The Chair asked for the Officers in attendance to introduce themselves, Andrea Thomas introduced herself as the Licensing Officer and Alexander Kirk introduced himself as the Legal Officer.

Following introductions the Chair asked those who wished to speak that were in attendance to introduce themselves.

David Crank from DWF was in attendance representing The Bull at Burford Limited.

Gary Davies was present, one of the partners of the business.

Harry Shepherd the General Manager of The Bull at Burford Limited, was present to answer any questions that may occur.

Interested Parties present introduced themselves:

Councillor Hugo Ashton

Manfred Schotten

Christina McMaster

Julia Hart

Gabi Schotten

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The Chair outlined the process the hearing would follow and explained that the Panel would be advised by the Council's Legal Adviser, and Committee Clerk.

The Chair reminded all parties to highlight only issues that relate to the Licensing Objectives should be considered that being:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance;
- The protection of children from harm;

The Chair announced that the Panel were in attendance to consider an application for a Variation to a Premises Licence made by David Crank from DWF Law on behalf of The Bull at Burford Limited in regards to the premises The Bull at Burford.

The Licensing Officer, Andrea Thomas began outlining the application, which would consider a Variation to a Premises Licence, made by David Crank from DWF Law on behalf of The Bull at Burford Limited, in regards to the premises The Bull at Burford.

At 2:10pm the Chair adjourned the proceedings in order for the Clerks to obtain larger copies of the plans that were submitted. These were printed on A3 so that all present at the hearing, could get a clearer view of what the Licensing Officer was referring to.

The Panel resumed at 2:20pm.

The Licensing Officer continued outlining the application as set out in the original published documentation, highlighting that the Applicant had now fully agreed to all the conditions, set out by the Councils Environmental Health Team. The Applicant had also proposed a condition to have CCTV in public areas, plus a condition offering an age verification policy and that staff would be trained and this will be recorded. The Licensing Officer concluded that there were objections raised by local residents, some of which were present at the hearing.

The Panel were asked 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.

The Chair then invited Mr Crank to address the Panel.

Mr Crank addressed the Panel summing up the application and stated that there was no intention to operate the premises to cause issues to local residents.

The Applicant seeks to use the garden area to the rear of the premises to:

- use as an additional dining area;
- use as a space to hold small event, and therefore the right to retain temporary event notices;
- limit the use of music in the garden, Applicant seeking permission for low level recorded music for background sound purposes;

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The issues of noise from residents have been noted, but hope by agreement to all Environment Health's conditions that these concerns have been abated. What "might" be the case is understood however the Applicant asks that the premises operates initially to see if the "might" worries do occur.

The kitchen extractor system will comply with BREEAM (Building Research Establishment Environmental Assessment Method) standard, in accordance with the criteria of the national best practice. Its proposed to be energy efficient and reduce noise and odour levels.

Lighting will be ambient focused on public safety and we have requested approval for this has been sought from planning.

Mr Davis then asked via the Chair to address the Panel.

Mr Davis explained he was a resident of the town and wanted to give visitors an added experience visiting the hotel. As an ex coaching house they were intending to employ local residents to coach visitors in arts and crafts. Being mindful that they did not want to disturb any residents.

The Chair asked about the level of noise expected from the extractor system.

Mr Davies confirmed that because the extractor system would be outside and below the hotel's residents bedrooms, they were to be insulated, to ensure no noise would be heard to wake those sleeping.

The Chair also asked about the reduction of the number of small events, how many it would equate to per year.

Mr Davies informed the Panel that small events would be covered by temporary event notices and limited in number per year.

The Chair stated that the lighting was a planning issue and not to be considered by the Panel but was interested to know what the Applicant meant by ambient and focused. Mr Davies assured the Panel that lighting would be safety driven to ensure the public could see the path, tables, chairs and steps in the garden.

Councillor Fenton asked how many temporary events licenses would be applied for per year. The Licensing Officer confirmed no more than 20 per annum, totalling no more than 26 days and that they could not be consecutive. Councillor Cahill enquired on the level of sound for the background music. Mr Davies confirmed that they would not exceed what was agreed with Environment Health.

The Chair then invited the Interested Parties to speak.

Councillor Ashton asked when the main kitchen stops at 11:00pm could the kitchen extractor fan be switched off after 11:00pm. The Applicant was happy to comply with this.

Councillor Ashton also requested that the lighting be switched off once the garden area was closed. The Applicant was happy to agree with this request that as soon as the hotel staff had cleared away, the lights could be switched off.

Councillor Ashton asked whether recorded music was going to be indoors and outdoors. Mr Crank confirmed at the time of the application it was for both, however the application was now for indoors only.

Councillor Ashton asked what level of noise would the background music be. Mr Crank confirmed that the music would not be at entertainment level but to the agreed standard agreed with Environment Health. He also stated he did not consider background music would

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fall within recorded music. However, he did confirm the application required removal of a historic condition attached to the licence where entertainment is held internally only and no music speakers shall be provided to external areas of the premises. Mr Crank suggested the removal of this condition was required in application in order to play background music.

Councillor Ahston also expressed concerns from residents about the public right of way access. It was agreed by the Applicant that no tables or chairs would be on the public right of way and that it would remain clear.

Councillor Ashton explained to the Panel where the Interested Parties resided on a plan.

Manfred Schotten addressed the Panel and declared he was also speaking on behalf of Mathew Walker a close owner. Mr Schotten asked if there were to be regular entertainment outside. Mr Davies confirmed that it was only background pre-recorded music that would be used in the garden.

Christina McMaster stated that some residents work from home, then to have the background music on all day and evening it would be too much. Locals can hear conversations being held from the Angel close by, so was sure that the background music would also be heard.

In summary, all interested parties were concerned about external noise from the extractor and the background music, especially until 11.00pm at night.

The Chair asked Mr Crank to address the concerns of the Interested Parties.

Mr Crank stated that they understood the concerns of the neighbours, and did not want to cause concern or upset anyone. They had agreed fully with Environment Health conditions and would comply with them all.

The Panel retired to determine the application.

The Panel returned and advised that they had considered all of the case papers relating to the application and taken into account what had been said during the hearing, stating they had listened carefully to what the Applicant had said and to all Interested Parties concerns. The Panel further stated they had also considered the Licensing Objectives, policy and statutory guidance.

The Panel were confident to accept the submission of the Applicant and that they will adhere to the conditions laid out in the present License and those conditions subject to amendment from today. The Panel were also content that the additional conditions identified by Environment Health will address concerns raised by and therefore grant the variation application with the additional conditions.

Panel **Resolved** that the varied application be granted subject to the conditions set out in the application and the following additional conditions:

1. The outside seating and garden area should close by 11:00pm prompt;
2. Use of the garden area for weddings and functions where regulated entertainment is being provisioned shall only be used for any two weekends out of every three weekends over a yearly period;
3. At the end of a function an announcement must be made requiring that patrons leave the premises quietly;
4. The windows and doors shall be kept closed after 23:00 (except for immediate

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customer access and egress) when regulated entertainment is being provisioned;

5. The volume and bass frequencies (low frequency content at 63Hz and 125Hz octaves) of recorded and live music shall be specifically controlled to prevent nuisance at neighbouring premises.

#### **14 Application For a Variation to a Premises Licence - The Highway Inn, Burford**

The Chair announced that the second hearing would consider an application for a Variation to a Premises Licence made by David Crank from DWF Law on behalf of The Bull at Burford Limited in regards to the premises The Highway Hotel in Burford.

The Panel was asked 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.

David Crank from DWF was in attendance representing Highway Inn in Burford.

Gary Davies was present, one of the partners of the business.

Interested Parties present were:

Councillor Hugo Ashton

Manfred Schotten

Christina McMaster

Julia Hart

Gabi Schotten

The Chair outlined the process the hearing would follow and explained that the Panel would be advised by the Council's Legal Adviser, and Committee Clerk.

The Chair reminded all parties to highlight only issues that relate to the Licensing Objectives should be considered that being:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance;
- The protection of children from harm;

The Licensing Officer, Andrea Thomas began outlining the application, which would consider a Variation to a Premises Licence, made by David Crank from DWF Law on behalf of The Bull at Burford Limited, in regards to the premises The Highway Hotel.

One of the variations would change the license name of the premises to the Highway Inn as it was historically known by the town and local residents. The Licence Officer highlighted that the Applicants had fully agreed to all the conditions, set out by the Councils Environmental Health Team.

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The Licensing Officer concluded that there were objections raised by local residents, some of which were present at the hearing.

The Chair then invited Mr Crank to address the Panel.

Mr Crank addressed the Panel summing up the application and stated that there was no intention to operate the premises to cause issues to local residents. Music was only to be played inside the premises. Kitchen and late night refreshments operating all through the night would be for residents only, and that they have introduced Challenge 25.

Councillor Fenton sought to clarify the name change, Mr Crank confirmed variation from Highway hotel to Highway Inn.

Councillor Cahill wanted to clarify the off licence sales times of operation. Mr Crank confirmed they requested extension from 10:00pm to 23:59pm and 12:00pm to 22:30pm on a Sunday.

Councillor Ashton asked about the plans in the pack, and if they were able to be updated to reflect the current plans, with clear defined Boundaries.

Councillor Ashton queried whether late night refreshment would be both indoors and outdoors. Mr Crank confirmed the Application would be changed to indoors only.

The Licensing Officer confirmed that this could be added as a minor variation.

Julia Hart stated that she lived next door to the Highway Inn, and that bedrooms overlooked the premises courtyard. Julia Hart asked the Applicant what plans were in place for the Courtyard. Mr Davies confirmed that there were no plans for this space to be used.

Julia Hart requested that the lights in the courtyard are switched off at 22:00 hours.

Mr Davies agreed to this request.

The Panel retired to determine the application.

The Panel returned and advised that they had considered all of the case papers relating to the application and taken into account what had been said during the hearing. They had listened carefully to what the Applicant had said and to all Interested Parties concerns. The Panel stated they had also considered the Licensing Objectives, the Council's Licensing Policy and statutory guidance.

The Panel were confident to accept the submission of the Applicant and that they will adhere to the conditions laid out in the present License and those conditions. The Panel are content that the conditions identified by Environment Health will address the Interested Parties concerns and therefore granted the varied application with the additional conditions.

Panel **Resolved** that the varied application be granted subject to the additional conditions:

1. At the end of a function an announcement must be made requiring that patrons leave the premises quietly;
2. Door and windows shall be kept closed (except for access and egress of patrons) at all times when regulated entertainment is being provisioned;
3. The volume and bass frequencies (low frequency content at 63Hz and 125Hz octaves) of recorded and live music shall be specifically controlled to prevent nuisance at neighbouring premises;
4. Any outside seating area shall close daily at 22:00hrs.

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The Chair reminded all attendees that if conditions were breached, the Council had processes that the public can use to challenge and or complain about breaches.

The Meeting closed at 4.15 pm

CHAIR