

## WEST OXFORDSHIRE DISTRICT COUNCIL

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

Held in the Council Chambers Witney at 2.00 pm on **Tuesday, 18 April 2023**

#### PRESENT

Councillors: David Jackson (Chair), Norman MacRae MBE and Mathew Parkinson

Officers: Andrea Thomas (ERS Officer, Professional Services), Alex Kirk (Lawyer), Rick Downham (Environmental Health Officer), Anne Learmonth (Democratic Services Officer) and Michelle Ouzman (Democratic Services Officer).

#### **15 Minutes of Previous Meeting**

The minutes of the meeting held on 16 February 2023 were approved and signed by the Chair as a correct record.

#### **16 Declarations of Interest.**

There were no declarations of interest received.

#### **17 Apologies of Absence.**

Apologies were received from Councillors Brooker and Aitman.

#### **18 Application For a Variation to a Premises Licence - Merriscourt Gallery**

The Chair Councillor Jackson welcomed everyone to the hearing and introduced the Panel in attendance, Councillors MacRae and Parkinson.

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

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

Emily Ricks , General Manager of Merriscourt Gallery on behalf of the Applicant.

Mr Tom Astor, owner of Merriscourt Gallery on behalf of the Applicant.

Mr Howard Sherwood, identified himself as an observer to the meeting. Mr Sherwood had also made representations in Annex D as a local resident.

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.

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The Chair announced that the Panel were in attendance to consider an application for a variation to a premises licence application made by Mr Thomas Astor in regards to the Merriscourt Gallery premises.

The Licensing Officer, Andrea Thomas outlined the application, which considered an application for a variation to a premises licence application made by Mr Thomas Astor in regards to the premises Merriscourt Gallery. The Applicant had applied to extend the opening hours at the beginning of the day and to remove a condition on the current licence, to allow amplified music in the courtyard area. The Officer confirmed there had been objections from local residents covered in Annex D of the report. Conditions suggested by the Environmental Health Officer were detailed in the report as follows;

- The provision of any live and recorded music outdoors shall be restricted to the courtyard and gallery garden areas and shall cease at 23.00 hours prompt. This condition had been agreed by the applicant and would form part of the licence if the application were to be approved.

The Panel were asked to consider the application and to 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 licensing objectives.

The Chair then invited Mr Astor to address the panel.

Mr Astor addressed the Panel, giving an overview of the reason he had applied to vary the current licence. He explained that he would like to streamline his office administration due to currently having to apply for a Temporary Events Notice. The variation would allow for alcohol to be served after wedding receptions and for music to be played at the drinks reception. Mr Astor also explained that he would like to move the times he is permitted to sell alcohol to cover this. Mr Astor referred to the representations of local residents in Annex D and covered the following points;

- Noise concerns – There have been no complaints in 15 years of his business. The business hosts several weddings a year and they are held in a stone building, the doors of the building are kept closed to limit noise and control the temperature of the room. If needed portable fans have been provided to keep the room cool.
- Variation of Licence – To enable music to be played in the outside courtyard area. For amplified music the end time would be 9pm. For some clients the cost of hiring a harpist or string quartet is out of their budget so they request amplified music as an alternative. Mr Astor would be happy to have a noise limit/ restriction. Generally, at the drinks reception the music would be more ‘background’ music rather than played at a loud volume to enable guests to talk. The current licence allows for the venue to be used daily.
- Traffic level – There is accommodation on site. Guests who are staying locally are advised to pre-book taxis due to the location of the venue. Events are not encouraged past midnight due to consideration for staff working late and getting home themselves

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as well as residents living on site. There is an additional fee charged for events that run past midnight.

- Sound and light pollution – In the representations from local residents there was some concerns about use of fireworks . Mr Astor confirmed that they had a no firework policy due to families with young children living on the site and stated that fireworks had never been used on the site.
- Amplified music- For those clients who do not wish to hire live music such as harpist, this would give them an opportunity to play music from a playlist and it would be for a limited time, not after dark or played loudly.
- Mr Astor confirmed that there had been no complaints from the local village of Lyneham. Mr Astor also pointed out that their website has contact details if residents would like to contact the business directly, and had been in contact with the Chairman of Lyneham Parish Council. This was to extend an invitation to the residents of Lyneham to view Merriscourt Gallery.

The Chair, for clarification, advised that issues with traffic and fireworks were not covered by the Licensing Panel and would not be considered. The Chair invited questions from the Panel.

Councillor MacRae asked Mr Astor to clarify what he meant by ‘streamlining administration’. Mr Astor explained that currently if clients request amplified music to be played he has to apply for a Temporary Events Notice to facilitate these requests. To streamline administration would mean if Merriscourt Gallery had the applied for licence a Temporary Event Notice would not be required reducing pressures on administration.

Councillor Parkinson asked if in house catering was provided. Mr Astor confirmed that all catering was in house.

The Chair asked how frequently the areas will be used for amplified music. Mr Astor confirmed that the Courtyard would be used at least twice a year as they host Chipping Norton Theatre as a charitable event. Clients ask 3 to 4 times a year for a playlist to be part of their event. However Mr Astor would like more opportunity to offer use of playlists as an option for clients.

Emily Ricks, General Manager, confirmed that the venue hosts 2 to 3 weddings a week maximum, the vast majority of clients have live music outside. Currently amplified music is played inside the building and doors are shut, this results in guests outside not being able to hear the music. They would anticipate a requested for amplified music once a week between the hours of 2pm and 4pm. This music would not be loud as it is part of the drinks reception and reduced volume allows for guests to chat, so would be background music.

The Chair invited Mr Downham, Environmental Health Officer, to address the Panel. Mr Downham referred to the conditions in the report and clarified the term ‘amplified’. Mr Downham explained that amplified music can be controlled by volume and does not have to result in music played loudly. Mr Downham felt that there had been some misunderstanding by residents to the term amplified, resulting in concerns that music would be played at loud levels. It was considered in the applicant’s case the music would be played at gentle background levels and therefore would not cause problems within the hours being proposed.

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The Licensing Officer asked for clarification on contact numbers on the business website and the availability of staff to answer telephone calls. Emily Ricks confirmed that the contact number is redirected to her or the wedding manager's mobiles, who would be overseeing the event and calls would be answered and dealt with.

The Chair invited any other comments or questions. Mr Howard Sherwood, who attended as a member of public observing requested to speak. At the Chair's discretion he addressed the Panel and confirmed his representations as a local resident were covered in Annex D. Mr Sherwood asked for a distinction between pre-recorded sound and live sound to be considered when looking at conditions. Mr Sherwood raised concerns about doors being left shut as conditions in temperature change at night and asked how sound levels would be monitored and enforced. Mr Sherwood was concerned that once the licence was granted this would enable the venue to have amplified or live music that could affect the local residents.

Mr Astor replied that there had been no noise complaints within 15 years of running the business. Families with young children live on the farm so consideration is given to them. Music and outside performances would not be anticipated to run after 4 pm.

Mr Downham confirmed that if there were concerns the Environmental Health team can review the situation however live music and recorded music would be considered separately.

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 considered the local residents comments and concerns, including Mr Sherwood. The Panel stated they had also considered the Licensing Objections, 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 the variation. The Panel are content that the variation identified by Environmental Health will address the local residents' concerns and therefore granted the application with the variation to condition. The Panel concluded that any person can review a Premises Licence if there are breaches of the licence.

**Resolved** that the application be granted with the following variation to the current licence;

1. The provision of any live and recorded music outside shall be restricted to the courtyard and gallery garden areas and shall cease at 23.00 hours prompt.
2. Extension of hours for, plays, performances of dance, supply of alcohol and the hours open to the public.

The Meeting closed at 2.51pm

CHAIR