

Thursday, 6 April 2023

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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 **Tuesday, 18 April 2023 at 2.00 pm.**



Giles Hughes
Chief Executive

To: Members of the Licensing Panel

Councillors: Michael Brooker (Chair), Joy Aitman, David Jackson and Mathew Parkinson (spare).

Recording of Proceedings – The law allows the public proceedings of Council, Executive, 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.

AGENDA

1. **Minutes of Previous Meeting** (Pages 3 - 10)
To approve the minutes of the meeting held on 16 February 2023.
2. **Declarations of Interest.**
To receive any declarations from Members of the Committee on any items to be considered at the meeting.
3. **Apologies of Absence.**
To receive any apologies of absence.
4. **Application For a Variation to a Premises Licence - Merriscourt Gallery** (Pages 11 - 52)
Purpose.
To determine a variation to a premises licence application made by Mr Thomas Astor in regards to the premises Merriscourt Gallery.

Recommendation.

That the Licensing Sub-Committee 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 licencing objectives;
- refuse the application in whole or in part where it is necessary in order to promote the licensing objectives.

(END)

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 MacRae, welcomed everyone to the hearing and introduced the Panel in attendance, Councillors Cahill and 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, present to answer any questions that may occur.

Interested Parties present introduced themselves:

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 Chair announced that the Panel was 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 was to 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 14:10 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 14:20.

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 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.

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;

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 reduction of noise and odour levels.

Lighting will be ambient focused on public safety and we have requested approval for this 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 employing local residents to coach visitors in arts and crafts. Being mindful that they did not want to upset 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 did that mean 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, 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 they be able to apply for per year. The Licensing Officer confirmed no more than 20 per annum, totalling no more than 26 days and 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 11pm could the kitchen extractor fan be switched off after 11pm. 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 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 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 Aston 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, it would remain clear.

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

Manfred Schotten then 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.

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, 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, policy and statutory guidance.

The Panel are 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 are content that the additional conditions identified by Environment Health will address concerns raised by and therefore grant the variation application with the additional conditions.

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 23:00 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 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 was 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 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 was to 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 was to 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.

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 for residents only. Have introduced Challenge 25.

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

Councillor Cahill wanted to check the off licence sales times of operating. Mr Crank confirmed they requested extension from 1000 to midnight and midday to 2230 on a Sunday.

Councillor Ashton asked about the plans in the pack, could they 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 were the plans 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 are 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.

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.

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

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 <p>WEST OXFORDSHIRE DISTRICT COUNCIL</p>	<p>WEST OXFORDSHIRE DISTRICT COUNCIL</p>
<p>Name and date of Committee</p>	<p>LICENSING PANEL – 18th April 2023</p>
<p>Subject</p>	<p>APPLICATION FOR A VARIATION TO A PREMISES LICENCE – MERRISCOURT GALLERY</p>
<p>Wards affected</p>	<p>Lyneham</p>
<p>Accountable member</p>	<p>Licensing Committee</p>
<p>Accountable officer</p>	<p>Andrea Thomas, Licensing Officer Tel: 01993 861000 Email: andrea.thomas@publicagroup.uk</p>
<p>Summary/Purpose</p>	<p>To determine a variation to a premises licence application made by Mr Thomas Astor in regards to the premises Merriscourt Gallery</p>
<p>Annexes</p>	<p>Annex A – Redacted Application Form Annex B – Current Licence Annex C – Current Plans Annex D – Local residents representations Annex E – Licensing Hearing Procedures</p>
<p>Recommendation/s</p>	<p>That the Licensing Sub-Committee is asked, in light of the representations received, to consider the application and determine whether to:-</p> <ul style="list-style-type: none"> • 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.
<p>Corporate priorities</p>	<p>Ensure that services delivered by the Council are delivered to the highest standard</p>
<p>Key Decision</p>	<p>NO</p>
<p>Exempt</p>	<p>NO</p>
<p>Consultees/ Consultation</p>	<p>A 28 day consultation has been undertaken with all Responsible Authorities, Ward Member, Town Council and advertised in accordance with the Licensing Act 2003</p>

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 variation to an existing Premises Licence.
- 1.2.** The application was received on the 8th February 2023. The Applicant is Mr Thomas Astor for Merriscourt Gallery, Merriscourt, Chipping Norton, OX7 6QX
- 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 and a Site Notice advertising the Application was placed at the site for 28 days.
- 1.4.** This application is to vary the premises licence to extend the opening and licensable activity times to allow brunches in the venue with the option of alcohol. Also a variation to allow amplified music in the courtyard to allow guests to enjoy a variety of background music during the drinks reception and to extend this area of music being played to our Gallery Garden, which is situated just at the end of The Gallery. A copy of the redacted application is attached at **Annex A**.
- 1.5** The Licence is currently has the following conditions attached to it;

- All external doors and windows must be kept closed, other than for access and egress, in all rooms when events involving amplified music or speech are taking place.
- The provision of live music outdoors shall be restricted to the courtyard, be unamplified only and shall cease at 23:00 hours.
- The provision of recorded and live music indoors shall cease at 02:00 hours on Saturdays and Sundays.
- The Designated Premises Supervisor (DPS) or a nominated representative shall receive and respond to complaints throughout the duration of all noisy events.
- No music or events shall be relayed via speakers to external areas of the premises including the courtyard, other than for events with prior approval of the Licensing Authority.
- The Licence holder shall retain full control over sound amplification equipment including the specification and orientation of speakers.
- Zero drugs policy
- Emergency lighting and well lit escape routes

2. SITE DESCRIPTION

- 2.1.** A copy of the current premise licence and plans are at **Annex B** and **Annex C**

3. AGREED CONDITIONS

Environmental Health – West Oxfordshire District Council suggested the following condition, which have been agreed by the applicant and would be added to the licence if the application is granted.

- 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.

The following conditions are on the current licence

1. All external doors and windows must be kept closed, other than for access and egress, in all rooms when events involving amplified music or speech are taking place.
2. The provision of live music outdoors shall be restricted to the courtyard, be unamplified only and shall cease at 23:00 hours.
3. The provision of recorded and live music indoors shall cease at 02:00 hours on Saturdays and Sundays.
4. The Designated Premises Supervisor (DPS) or a nominated representative shall receive and respond to complaints throughout the duration of all noisy events.
5. No music or events shall be relayed via speakers to external areas of the premises including the courtyard, other than for events with prior approval of the Licensing Authority.
6. The Licence holder shall retain full control over sound amplification equipment including the specification and orientation of speakers.

4. REPRESENTATIONS

Responsible Authorities under the Licensing Act 2003

4.1. Responsible Authorities

There have been no further representations made by any of the other Responsible Authorities.

4.2. Residents

There have been representations received from local residents in relation to this application and can be found in **Annex D**.

- 4.3.** The concerns raised in the objections relating to traffic, area of Outstanding Natural Beauty and Fireworks are not issues the Licensing Authority cannot be accepted for this Licensing Hearing

Traffic and AONB

These concerns cannot be taken into consideration under the Licensing Act 2003 and would be dealt with under Planning Law. 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.

Fireworks

The use of fireworks is not a licensable activity and therefore cannot be taken into consideration under the Licensing Act 2003.

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

- 8.1** 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.



West Oxfordshire
Application to vary a premises licence
Licensing Act 2003

For help contact
ers.licensingandapplications@publicagroup.uk
 Telephone: 01993 861000

* required information

Section 1 of 18

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☐ Yes ☒ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☒ Applying as a business or organisation, including as a sole trader
☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House? ☐ Yes ☒ No

Is your business registered outside the UK? ☐ Yes ☒ No

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 18

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable
value of premises (£)

37,500

Section 3 of 18

VARIATION

Do you want the proposed
variation to have effect as
soon as possible?

☒

Yes

☐

No

Do you want the proposed variation to have effect in relation to the
introduction of the late night levy?

☐

Yes

☒

No

You do not have to pay a fee if the only
purpose of the variation for which you are
applying is to avoid becoming liable to the
late night levy.

If your proposed variation
would mean that 5,000 or
more people are expected to
attend the premises at any
one time, state the number
expected to attend

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

Merriscourt is a secluded, rural wedding venue with no close neighbours. We would like to extend our opening and license times to allow brunches in the venue with the option of alcohol, such as bucks fizz, served alongside. We would also like a variation to allow amplified music in the courtyard to allow our couples & their guests to enjoy a variety of background music during the drinks reception. We would also like to extend this area of music being played to our Gallery Garden, which is situated just at the end of The Gallery with views across the Cotswold fields for miles.

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PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to
vary is successful?

☒

Yes

☐

No

Standard Days And Timings

MONDAY

Start

10:00

End

00:00

Start

End

Provide timings in 24 hour clock
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

Continued from previous page...

TUESDAY

Start End

Start End

WEDNESDAY

Start End

Start End

THURSDAY

Start End

Start End

FRIDAY

Start End

Start End

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

Will the performance of a play take place indoors or outdoors or both?

☐ Indoors ☐ Outdoors ☒ Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

Provide further details here.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Amplified music and reputable theatre company to organise.

State any seasonal variations for performing plays.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

Non standard timings. Where the premises will be used for the performance of a play at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

☐ Yes ☒ No

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PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

☐ Yes ☒ No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

☐ Yes ☒ No

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PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 9 of 18

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

☐ Yes ☒ No

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Continued from previous page...

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the performance of dance take place indoors or outdoors or both?

☐ Indoors ☐ Outdoors ☒ Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Amplified and organised by a reputable company

Continued from previous page...

State any seasonal variations for the performance of dance.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the performance of dance at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

☐ Yes ☒ No

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PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 13 of 18

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the sale of alcohol be for consumption?

☒ On the premises ☐ Off the premises ☐ Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Continued from previous page...

Section 14 of 18

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Condition 2: The provision of live music outdoors shall be restricted to the courtyard, be unamplified only and shall cease at 23:00 hours.

☒ I have enclosed the premises licence

☐ I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Section 16 of 18

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General –all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

Ensure all couples ask all guests to prebook taxis before the event
Challenge 25 scheme in place and practiced by all staff

Continued from previous page...

b) The prevention of crime and disorder

CCTV in operation throughout the premises
All incidents of criminal nature being reported

c) Public safety

Up to date fire risk assessments to detail maximum number capacity & safety for guests

d) The prevention of public nuisance

Ensure all couples ask all guests to prebook taxis before the event

e) The protection of children from harm

Challenge 25 scheme in place and practiced by all staff

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.

Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.

Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.

Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports –defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts –are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.

Live music: no licence permission is required for:

- o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
- o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
- o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
- o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
- o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.

Recorded Music: no licence permission is required for:

- o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
- o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
- o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.

Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:

- o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
- o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
- o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
- o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 18 of 18

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £87000 £315.00

Band D - £87001 to £125000 £450.00*

Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £125000 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39999 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

315.00

DECLARATION

I/WE UNDERSTAND THAT IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE

* STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.



Ticking this box indicates you have read and understood the above declaration

Continued from previous page...

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

[Add another signatory](#)

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/west-oxfordshire/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed ☐

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [Next >](#)

LICENSING ACT 2003

PART B – PREMISES LICENCE SUMMARY



Premises Licence Number

W/18/00622/PRMV

Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Merriscourt Gallery
Merriscourt
Churchill
Chipping Norton
Oxfordshire
OX7 6QX

Telephone number

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities

Supply by Retail of Alcohol	Friday and Saturday	12:00 - 02:00
Supply by Retail of Alcohol	Monday to Thursday & Sunday	12:00 - 00:00
Live Music	Friday and Saturday	12:00 - 02:00
Live Music	Monday to Thursday & Sunday	12:00 - 00:00
Recorded Music	Friday and Saturday	12:00 - 02:00
Recorded Music	Monday to Thursday & Sunday	12:00 - 00:00
Late Night Refreshments	Friday and Saturday	23:00 - 02:00
Late Night Refreshments	Monday to Thursday & Sunday	23:00 - 00:00

Non Standard Timings

The opening hours of the premises

Friday and Saturday	12:00 - 02:30
Monday to Thursday & Sunday	12:00 - 00:30

Non Standard Timings

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

On

Part 2

Name, (registered) address of holder(s) of premises licence

Mr Thomas Astor
Merriscourt Farm
Sarsden
Chipping Norton
OX7 3EW

Registered number of holder, for example company number, charity number (where applicable)

Name of designated premises supervisor where the premises licence authorises the supply of alcohol

Mr Thomas Astor

State whether access to the premises by children is restricted or prohibited

Children must be supervised by their parents at all times

Signature of Issuing Officer:



Service Leader Business Support

Date of Determination:

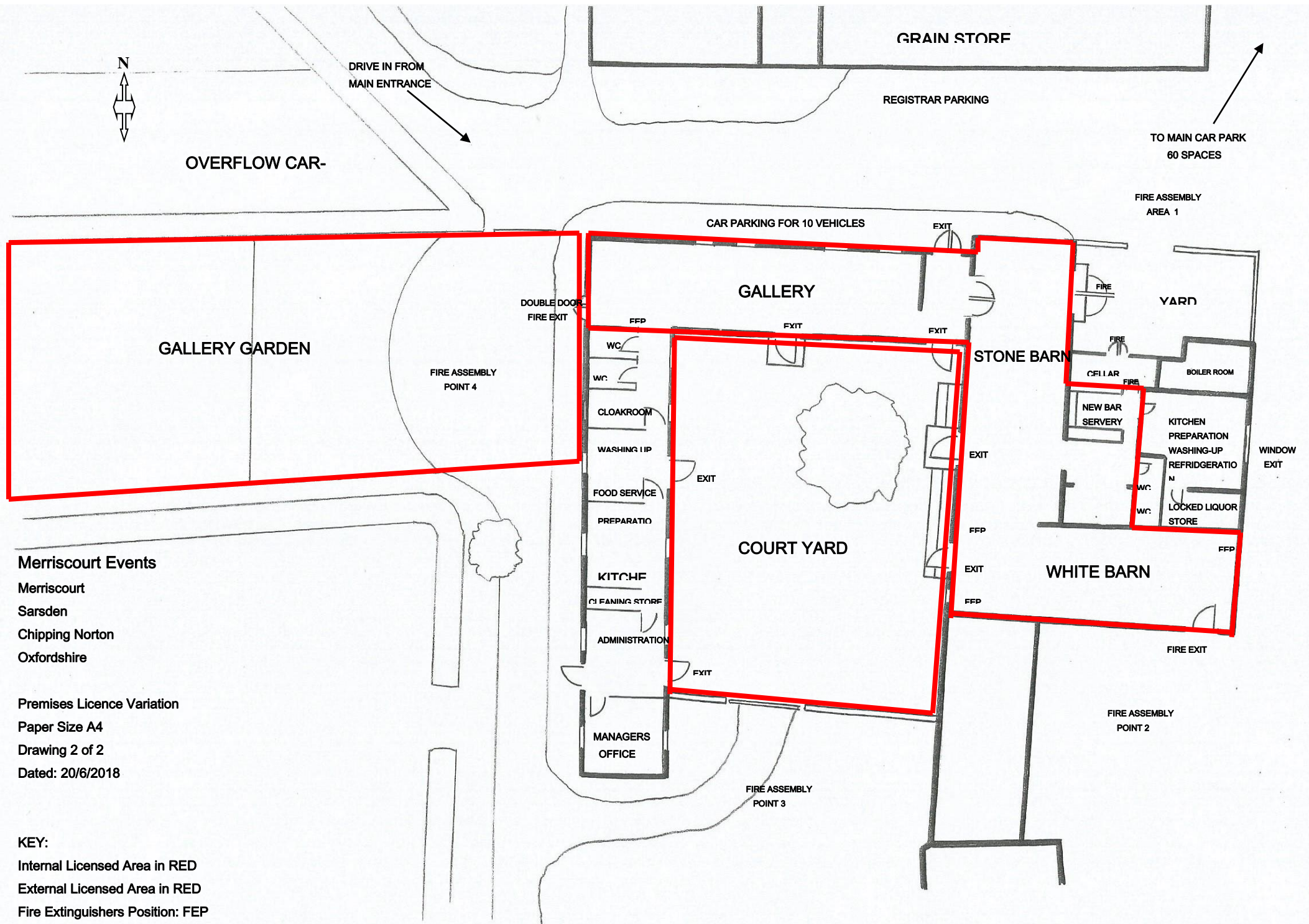
25th July 2018

Date of Issue:

25th July 2018

Issuing Authority

West Oxfordshire District Council, Woodgreen, Witney, Oxon OX28 1NB



Merriscourt Events
Merriscourt
Sarsden
Chipping Norton
Oxfordshire

Premises Licence Variation
Paper Size A4
Drawing 2 of 2
Dated: 20/6/2018

KEY:
Internal Licensed Area in RED
External Licensed Area in RED
Fire Extinguishers Position: FEP

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Representations from local residents

1. Anne Hewit

In reference to the above application for a Premises License Variation at Merriscourt Gallery, we are concerned that the application for essentially unrestricted hours and days on which amplified music can be played will have a detrimental impact on the peace and quiet of the Cotswolds AONB. We therefore object to this application.

2. Howard Sherwood

What constitutes the venue?

Please confirm that the licensed venue is Merriscourt Gallery (as stated on the existing licence). I note that this licence names the premises as Merriscourt Gallery. However, in their promotional material for weddings, the applicant refers to The Stone Barn, not Merriscourt Gallery, as the space where amplified music is played:

Please note the third paragraph mentions **“We have no sound restrictions or limiter here at Merriscourt so you are free to have as bigger (sic) party as you like”**. This suggests that there is no sound restriction at any part of Merriscourt either internal or external which appears to breach the existing conditions for Merriscourt Gallery regarding amplified music:

- All external doors and windows must be kept closed, other than for access and egress, in all rooms when events involving amplified music or speech are taking place.

The Licensing Officer has confirmed that the applicant is bound by the existing licence conditions.

I cannot imagine that at the height of summer an indoor disco is likely to comply with this condition! The Licensing Officer suggested that the applicant would have to arrange suitable air-conditioning equipment to avoid breaching this condition. How will the licensing authority enforce this condition?

Does this condition also apply to activities within The Stone Barn or would it be required to have a separate licence?

The variation

I note the applicant’s statement in the Application for Variation:

“Merriscourt is a secluded, rural wedding venue with no close neighbours. We would like to extend our opening and license times to allow brunches in the venue with the option of alcohol, such as bucks fizz, served alongside. We would also like a variation to allow amplified music in the courtyard to allow our couples & their guests to enjoy a variety of background music during the drinks reception. We would also like to extend this area of music being played to our Gallery Garden, which is situated just at the end of The Gallery with views across the Cotswold fields for miles.”

In view of the above statements in the applicant’s marketing material which states that **“We have no sound restrictions or limiter here at Merriscourt so you are free to have as bigger (sic) party as you like”** I suggest that some limits regarding sound levels should be applied with appropriate curfew timings.

The extension of hours/frequency of events

The licence application is for the premises to be open every day from 0800 to 0030 (Sunday–Thursday); 0800–0230 (Friday–Saturday). It also includes; “a performance of amplified live music between 08.00 and 23.00 on

any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.” As currently framed, if granted, this licence would permit activities every day of the year which could lead to a significant public nuisance to nearby residents.

The level of traffic to and from the venue

The activities at Merriscourt Gallery are those of a commercial business. With opening times of 0800 to 0030/0230 every day of the year, there may be a significant increase in the level of traffic on narrow unclassified local roads as late as 0300 (a time when during the summer months the agricultural community are just waking up). Merriscourt Gallery is characterised by its rural location and highlights this in its promotional material. That rural location and the associated night-time quiet and absence of street lighting will be disturbed by late-night/early-morning activities as covered by this license.

Sound and light pollution

You may be aware of a recent incident involving pyrotechnics at the Wychwood Golf Club adjacent to the village of Lyneham. The firework display held on 18 February was not only heard as far away as Long Hanborough, but also terrified several horses kept within the village. Within one week there was another firework display, this time held at Merriscourt: although not as spectacular and loud as that at Wychwood Golf Club, it was late at night (around 10:30 pm).

Precedents

I am concerned that, if granted, certain elements of the application would set precedents in terms of other licence applications

3. Judy Lewis

Comments with regard to the above variation to Licence.

With regard to proposed amplified music -

There appears to be no noise leveling restrictions or monitoring imposed at this venue the lack of which, if granted, would set a precedent for future licence applications.

A nearby annual short three day event with music has both restrictions and daily monitoring to make sure noise leveling restrictions are upheld - the same should apply to any amplified music in the rural countryside - so as not to be a public nuisance to others.

I fail to understand THE NEED for amplified music here when the proposed areas for this to take place (the courtyard and gallery gardens) are in such close proximity to the premises so wouldbe clearly heard by the those people listening without the need for amplified music.

Merriscourt is in an elevated situation and in certain weather conditions when large crowds gather there, even voices can be heard in Lyneham village - hence amplified music has the potential to be a public nuisance to those nearby in what is an extremely peaceful area

I regard this application to vary the Licence to be open ended and, if granted, should require strict restrictions and conditions to protect this exceptional tranquil area .

Item 2 seeks to remove un-amplified music

and

item 5 seeks similarly to have the non use of speakers removed

As these two items relate to my concerns I would like my concerns relayed to the Licensing Panel.

Reference is made to "The Designated Premises Supervisor (DPS) or nominated representative shall receive or respond to complaints throughout noise events" - but no contact details are given – please advise if you are able

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Licensing Act 2003

Licensing Hearing Procedure

May 2005

1. Statement of intent

- 1.1. The Licensing Authority (West Oxfordshire District Council) is committed to processing and determining applications made under the Licensing Act 2003 in an honest, efficient, and considerate manner. Each application will be considered on its individual merits and the Authority will endeavour to prevent negative impact on the four licensing objectives.

2. Introduction

- 2.1. Each application that is determined at a licensing hearing will be treated on its own merits, and The Licensing Authority will take its decision based upon:
- The merits of the application
 - The promotion of the four licensing objectives
 - The Statement of Licensing Policy, a copy of which can be obtained from Community Safety and Licensing, West Oxfordshire District Council, Woodgreen, WITNEY, Oxfordshire OX28 1NB, and is also available from the Council's web site – www.westoxon.gov.uk.
 - The Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State for Culture, Media and Sport.
 - Statutory Instrument 2005 No 44 – The Licensing Act 2003 (Hearings) Regulations 2005
- 2.2. In accordance with Policy GN 1 of the Statement of Licensing Policy, licensing hearings will give consideration to promoting the four licensing objectives, which are:
- the prevention of crime and disorder;
 - public safety;
 - the prevention public nuisance; and
 - the protection of children from harm

3. Licensing Hearing Procedure

- 3.1. In accordance with Policy GN 11 of the Statement of Licensing Policy a licensing hearing will be held to determine any of the following where an application has been made to the Licensing Authority and where a valid representation(s) has been made and not withdrawn:
- application for a Personal Licence;
 - application for Personal Licence with unspent convictions; (in all cases as no objections or representations are required for this)
 - application for Premises Licence or Club Premises Certificate;
 - application for provisional statement;
 - application to vary a Premises Licence or Club Premises Certificate;
 - application to vary Designated Premises Supervisor;
 - application for transfer of Premises Licence;
 - application for interim authorities;
 - application to review a Premises Licence or Club Premises Certificate;
 - determination of a Police Representation to a Temporary Event Notice;
 - decision to object when the Authority is a consultee and not the relevant authority considering the application.

- 3.2. The Licensing Authority shall arrange the date on which and time and place at which a hearing is to be held and shall give a notice of hearing in accordance with Regulations 5, 6 and 7. The Regulations provide for the timing of hearings and the notification requirements to parties to a hearing of the date, time and place of a hearing and information to accompany that notification (regulations 4, to 7 and Schedules 1, 2 and 3). Schedules 1, 2 and 3 of the Licensing Act 2003 (Hearings) Regulations outline the following:
- The type of application – provision under which the hearing is held
 - Period of time by which the hearing must commence
 - Person whom the Notice of Hearing must be given
 - Documents to accompany the Notice of Hearing
- 3.3. The tables contained in the Regulations that show this information have been reproduced in the [Appendix](#) to this procedure.
- 3.4. A Notice of a Hearing will be sent to the applicant(s), interested parties, and responsible authorities in accordance with Regulation 34. The following information will also be made available:
- the rights of the party provided for in Regulations 15 and 16;
 - the consequences if a party does not attend or is not represented at the hearing;
 - this licensing hearing procedure;
 - any particular points on which the authority considers that it will want clarification at the hearing from the party
- 3.5. Where the applicant(s), responsible authority, or interested party intends to produce documents in support of their case, these should be supplied to the Licensing Authority not less than 7 working days prior to the hearing in order for this to be disclosed to all other parties. Regulation 18 allows additional information to be submitted (with consent) in relation to an existing representation at the time of the hearing.
- 3.6. The Licensing Authority will distribute hearing agendas, reports, and associated documents to the applicant(s), responsible authorities, and or interested parties ten clear working days prior to the hearing. Agendas and reports will be published on the Licensing Authority's web site – www.westoxon.gov.uk. Agendas, reports, and associated documents will be available for public inspection at the offices of the West Oxfordshire District Council, Woodgreen, WITNEY, Oxfordshire OX28 1NB. They will also be available for inspection at licensing hearings.
- 3.7. Licensing Hearings will generally be held at the Council Offices referred to in paragraph 3.6 above. The premises have wheelchair access and will be available to all parties 30 minutes prior to, and after the conclusion of, a licensing hearing.
- 3.8. The Licensing Authority may dispense with holding a hearing if the applicant(s), responsible authority, and or interested party agree that such a hearing is unnecessary. A notice will be sent to the applicant(s), responsible authorities, and or interested party informing them that the hearing has been dispensed with.
- 3.9. The Hearing agenda will contain the following information:
- Date, time and place of the hearing
 - Scheduled membership of the Licensing Panel
 - Licensing Authority Contact information
 - Order of business

- Information on where agendas, reports, and associated documents will be available for public inspection.
 - Information on where the Licensing Hearing Procedure will be available for public inspection
- 3.10. The applicant(s) will have the right to be accompanied to a hearing by his or her representative who may present the case to the Licensing Panel for or on behalf of the applicant(s).
- 3.11. Hearings will be held in public unless the Licensing Authority considers that the public interest in not doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in public in which [case] the applicant(s), those assisting the applicant(s), responsible authorities, or other interested parties can be excluded.
- 3.12. At the conclusion of the Hearing the Licensing Panel will deliberate and determine the application. This process will be carried out in private session.
- 3.13. A record of proceedings will be kept for six years from the date of decision or the disposal of any appeal. The purpose of this is to provide an accurate record of proceedings, and a summary of the key points. The record will also include:
- Membership of the Panel
 - Any declarations of interest
 - Confirmation that the agreed procedure was followed
 - Details of the decision taken and of the reasons for that decision

4. Licensing Hearing Process

- 4.1. The Chair of the Licensing Panel will at the start of the hearing outline the process, introduce the other members of the panel, and ask the applicant(s), and any responsible authorities or interested parties, to introduce themselves.
- 4.2. The Hearing will begin with a presentation by an officer of the Council, when the application will be outlined.
- 4.3. In accordance with the Regulations:
- (i) the applicant(s) (or his/her representative) will be invited to address the Panel if they have indicated they wish to and in accordance with the Regulations;
 - (ii) each responsible authority will then be invited to address the Panel if they have indicated they wish to and in accordance with the Regulations; and
 - (iii) Each interested party (whether supporting the application or objecting to it) will then be invited to address the Panel if they have indicated they wish to and in accordance with the Regulations.
- 4.4. The applicant(s) (or his/her representative) will be invited to sum up their application and to address issues raised by the responsible authorities / interested parties.
- 4.5. The Licensing Panel may ask questions of any of the parties following their address.
- 4.6. Regulation 23 states that cross-examination cannot take place unless specified by the Licensing Authority. All parties present at a hearing will be allowed to ask questions of one another through the Chair of the Panel.
- 4.7. The applicant(s) (or his or her representative), responsible authorities, and or interested parties will be allowed and equal period of time (per party) allowed in which all parties can exercise their rights. This will be determined on a case by case basis.

- 4.8. New evidence by the applicant(s), and any responsible authority or interested party will only be considered with the agreement of all parties present at the hearing. The Licensing Authority expects any such evidence to be submitted to the Head of Community Safety & Licensing 48 hours prior to a hearing to allow the Panel, applicant(s), any responsible authority, or interested party the opportunity to consider it.
- 4.9. The Panel may retire at any point during the hearing to consider interim points as they arise.
- 4.10. Agendas, reports, and associated documents relating to the application will be distributed to the Panel prior to the hearing. Panel Members will read and have taken into account the information relating to the application. Applicant(s) (or his/her representative), responsible authorities, and interested parties should in the interest of fairness, efficiency and cost-effectiveness, ensure that their address is factual, and outlines 'key points' relating to the application and the positive or negative impact on the licensing objectives. The Licensing Panel can only consider the impact of an application on the four licensing objectives and will disregard information relating to other matters.
- 4.11. At the conclusion of the public hearing, the Panel will retire to carry out its deliberations and determination of the application. The Panel may have support in the process from an officer of the Licensing Authority, usually a Solicitor or a representative of the Chief Executive. Any advice given to the Panel by an officer of the Council will be disclosed to the applicant(s) (or his/her representative), responsible authorities, and interested parties. Following the deliberation, the Panel will determine the application and announce the decision. This may include:
- (i) Granting the licence in accordance with the operating schedule
 - (ii) Granting the licence in accordance with the operating schedule, but taking into account representations made by the responsible authorities and or interested parties
 - (iii) Applying condition(s) taken from the Licensing Authority's Pool of Conditions or constructing a condition(s) to address the negative impact of an application on one or more of the four licensing objectives
 - (iv) Refusing the application based on the likely negative impact of the proposal on one or more of the licensing objectives
 - (v) Deferring the determination, or adjourning the hearing.

5. Information

- 5.1. Licensing Panels will consist of three elected members of the Licensing Authority (West Oxfordshire District Council). They will all be members of the Licensing Committee required to be established by virtue of the Licensing Act 2003, and will have received prior training on the Licensing Act 2003 and Panel Procedures.
- 5.2. The applicant(s), responsible authorities, and interested parties will be notified of the Panel's decision in writing.
- 5.3. In cases where a decision cannot be given at the end of the hearing, the Licensing Authority will inform the applicant(s) when they will be notified of the decision within five working days.
- 5.4. Decisions will generally be taken regardless of whether the applicant(s) is present, unless an application for an adjournment has been made and granted.

- 5.5. The record of the hearing will be published 10 working days after the hearing on the Licensing Authority's web site - www.westoxon.gov.uk and will be available for public inspection at West Oxfordshire District Council, Woodgreen, WITNEY, Oxfordshire OX28 1NB.
- 5.6. The Licensing Authority may remove disruptive persons from the hearing. These persons will be allowed to submit for consideration, before the end of the hearing, any written representations that relate to the licensing objectives they had wished to make orally to the hearing.
- 5.7. Clerical errors do not render the licensing hearing procedure void. The Licensing Authority will seek to cure any irregularity or error as soon as practicable.
- 5.8. Written correspondence and documentation relating to the application, both in support and in objection will be made available in its entirety to the Licensing Panel, the applicant(s), responsible authorities, interested parties, and the public so that they can prepare for the hearing and, in the case of the Panel, make an informed decision on the application.

6. Appeals

- 6.1. Applicant(s), responsible authorities, and interested parties have a right to appeal against the decision of a Licensing Panel. Details can be obtained from Community Services, West Oxfordshire District Council, Elmfield, WITNEY, Oxfordshire OX28 1PB Telephone: (01993) 861636. Email: community.services@westoxon.gov.uk.

APPENDIX**SCHEDULES 1, 2 & 3 OF THE LICENSING ACT 2003(HEARING) REGULATIONS**

Schedule 1		Schedule 2		Schedule 3		
Column 1	Column 2	Column 1	Column 2	Column 1	Column 2	Column 3
Provision under which hearing is held.	Period of time within which hearing must be commenced.	Provision under which hearing is held.	Persons to whom notice of hearing is to be given	Provision under which hearing is held	Person to whom notice of hearing is given	Documents to accompany notice of hearing
1. Section 18(3)(a) (determination of application for premises licence).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c).	Section 18(3)(a) (determination of application for premises licence).	(1) The person who has made the application under section 17(1); (2) persons who have made relevant representations as defined in section 18(6).	Section 18(3)(a) (determination of application for premises licence).	The person who has made the application under section 17(1).	The relevant representations as defined in section 18(6) which have been made.
2. Section 31(3)(a) (determination of application for a provisional statement).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c) by virtue of section 30.	Section 31(3)(a) (determination of application for provisional statement).	(1) The person who has made the application under section 29(2); (2) persons who have made relevant representations as defined in section 31(5).	Section 31(3)(a) (determination of application for provisional statement).	The person who has made the application under section 29(2).	The relevant representations as defined in section 31(5) which have been made.

Schedule 1		Schedule 2		Schedule 3		
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Provision under which hearing is held.	Period of time within which hearing must be commenced.	Provision under which hearing is held.	Persons to whom notice of hearing is to be given	Provision under which hearing is held	Person to whom notice of hearing is given	Documents to accompany notice of hearing
3. Section 35(3)(a) (determination of application to vary premises licence).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c) by virtue of section 34(5).	Section 35(3)(a) (determination of application to vary premises licence).	(1) The holder of the premises licence who has made the application under section 34(1); (2) persons who have made relevant representations as defined in section 35(5).	Section 35(3)(a) (determination of application to vary premises licence).	The holder of the premises licence who has made the application under section 34(1).	The relevant representations as defined in section 35(5) which have been made.
4. Section 39(3)(a) (determination of application to vary premises licence to specify individual as premises supervisor).	20 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under section 37(5).	Section 39(3)(a) (determination of application to vary premises licence to specify individual as premises supervisor).	(1) The holder of the premises licence who has made the application under section 37(1); (2) each chief officer of police who has given notice under section 37(5); (3) the proposed individual as referred to in section 37(1).	Section 39(3)(a) (determination of application to vary premises licence to specify individual as premises supervisor).	(1) The holder of the premises licence who has made the application under section 37(1); (2) the proposed individual as referred to in section 37(1).	The notices which have been given under section 37(6).

Schedule 1		Schedule 2		Schedule 3		
Column 1	Column 2	Column 1	Column 2	Column 1	Column 2	Column 3
Provision under which hearing is held.	Period of time within which hearing must be commenced.	Provision under which hearing is held.	Persons to whom notice of hearing is to be given	Provision under which hearing is held	Person to whom notice of hearing is given	Documents to accompany notice of hearing
5. Section 44(5)(a) (determination of application for transfer of premises licence).	20 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under section 42(6).	Section 44(5)(a) (determination of application for transfer of premises licence).	(1) The person who has made the application under section 42(1); (2) each chief officer of police who has given notice under section 42(6); (3) the holder of the premises licence in respect of which the application has been made or, if the application is one to which section 43(1) applies, the holder of that licence immediately before the application was made.	Section 44(5)(a) (determination of application for transfer of premises licence).	(1) The person who has made the application under section 42(1); (2) the holder of the premises licence in respect of which the application has been made or, if the application is one to which section 43(1) applies, the holder of that licence immediately before the application as made.	The notices which have been given under section 42(6).

Schedule 1		Schedule 2		Schedule 3		
Column 1	Column 2	Column 1	Column 2	Column 1	Column 2	Column 3
Provision under which hearing is held.	Period of time within which hearing must be commenced.	Provision under which hearing is held.	Persons to whom notice of hearing is to be given	Provision under which hearing is held	Person to whom notice of hearing is given	Documents to accompany notice of hearing
6. Section 48(3)(a) (cancellation of interim authority notice following police objections).	5 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under section 48(2).	Section 48(3)(a) (cancellation of interim authority notice following police objections).	(1) The person who has given notice under section 47(2); (2) each chief officer of police who has given notice under section 48(2). <i>(Two days notice by virtue of Regulation 6)</i>	Section 48(3)(a) (cancellation of interim authority notice following police objection).	The person who has given notice under section 47(2).	The notices which have been given under section 48(2).
7. Section 52(2) (determination of application for review of premises licence).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 51(3)(c).	Section 52(2) (determination of application for review of premises licence).	(1) The holder of the premises licence in respect of which the application has been made; (2) persons who have made relevant representations as defined in section 52(7); (3) the person who has made the application under section 51(1).	Section 52(2) (determination of application for review of premises licence).	The holder of the premises licence in respect of which the application has been made.	The relevant representations as defined in section 52(7) which have been made.

Schedule 1		Schedule 2		Schedule 3		
Column 1	Column 2	Column 1	Column 2	Column 1	Column 2	Column 3
Provision under which hearing is held.	Period of time within which hearing must be commenced.	Provision under which hearing is held.	Persons to whom notice of hearing is to be given	Provision under which hearing is held	Person to whom notice of hearing is given	Documents to accompany notice of hearing
8. Section 72(3)(a) (determination of application for club premises certificate).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 71(6)(c).	Section 72(3)(a) (determination of application for club premises certificate).	(1) The club which has made the application under section 71(1); (2) persons who have made relevant representations as defined in section 72(7).	Section 72(3)(a) (determination of application for club premises certificate).	The club which has made the application under section 71(1).	The relevant representations as defined in section 72(7) which have been made.
9. Section 85(3)(a) (determination of application to vary club premises certificate).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 71(6)(c) by virtue of section 84(4).	Section 85(3)(a) (determination of application to vary club premises certificate).	(1) The club which has made the application under section 84(1); (2) persons who have made relevant representations as defined in section 85(5).	Section 85(3)(a) (determination of application to vary club premises certificate).	The club which has made the application under section 84(1).	The relevant representations as defined in section 85(5) which have been made.

Schedule 1		Schedule 2		Schedule 3		
Column 1	Column 2	Column 1	Column 2	Column 1	Column 2	Column 3
Provision under which hearing is held.	Period of time within which hearing must be commenced.	Provision under which hearing is held.	Persons to whom notice of hearing is to be given	Provision under which hearing is held	Person to whom notice of hearing is given	Documents to accompany notice of hearing
10. Section 88(2) (determination of application for review of club premises certificate).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 87(3)(c).	Section 88(2) (determination of application for review of club premises certificate).	(1) The club which holds the club premises certificate in respect of which the application has been made; (2) persons who have made relevant representations as defined in section 88(7); (3) the person who has made the application under section 87(1).	Section 88(2) (determination of application for review of club premises certificate).	The club which holds the club premises certificate in respect of which the application has been made.	The relevant representations as defined in section 88(7) which have been made.
11. Section 105(2)(a) (counter notice following police objection to temporary event notice).	7 days beginning with the day after the end of the period within which a chief officer of police may give a notice under section 104(2).	Section 105(2)(a) (counter notice following police objection to temporary event notice).	(1) The premises user; (2) each chief officer of police who has given notice under section 104(2). <i>(Two days notice by virtue of Regulation 6)</i>			

Schedule 1		Schedule 2		Schedule 3		
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Provision under which hearing is held.	Period of time within which hearing must be commenced.	Provision under which hearing is held.	Persons to whom notice of hearing is to be given	Provision under which hearing is held	Person to whom notice of hearing is given	Documents to accompany notice of hearing
12. Section 120(7)(a) (determination of application for grant of personal licence).	20 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under section 120(5).	Section 120(7)(a) (determination of application for grant of personal licence).	(1) The person who has made the application under section 117(1); (2) the chief officer of police who has given notice under section 120(5).	(No 11) Section 120(7)(a) (determination of application for grant of personal licence).	The person who has made the application under section 117(1).	The notice which has been given under section 120(5).
13. Section 121(6)(a) (determination of application for the renewal of personal licence).	20 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under section 121(3).	Section 121(6)(a) (determination of application for renewal of personal licence).	(1) The person who has made the application under section 117(1); (2) the chief officer of police who has given notice under section 121(3).	(No 12) Section 121(6)(a) (determination of application for renewal of personal licence).	The person who has made the application under section 117(1).	The notice which has been given under section 121(3).
14. Section 124(4)(a) (convictions coming to light after grant or renewal of personal licence).	20 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under section 124(3).	Section 124(4)(a) (convictions coming to light after grant or renewal of personal licence).	(1) The holder of the licence in respect of which the notice has been given; (2) the chief officer of police who has given notice under section 124(3).	(No 13) Section 124(4)(a) (convictions coming to light after grant or renewal of personal licence).	The holder of the licence in respect of which the notice has been given.	The notice which has been given under section 124(3).

Schedule 1		Schedule 2		Schedule 3		
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Provision under which hearing is held.	Period of time within which hearing must be commenced.	Provision under which hearing is held.	Persons to whom notice of hearing is to be given	Provision under which hearing is held	Person to whom notice of hearing is given	Documents to accompany notice of hearing
15. Section 167(5)(a) (review of premises licence following closure order).	10 working days beginning with the day after the day the relevant licensing authority receives the notice given under section 165(4).	Section 167(5)(a) (review of premises licence following closure order).	(1) The holder of the premises licence in respect of which the review has been made; (2) persons who have made relevant representations as defined in section 167(9). <i>(Five days notice by virtue of Regulation 6)</i>	<i>(No 14)</i> Section 167(5)(a) (review of premises licence following closure order).	The holder of the premises licence in respect of which the review has been made.	The relevant representations as defined in section 167(9) which have been made.
16. Paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence).	10 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under paragraph 3(2) or (3) of Schedule 8.	Paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence).	(1) The person who has made the application under paragraph 2(2) of Schedule 8; (2) each chief officer of police who has given notice under paragraph 3(2) or (3) of Schedule 8. <i>(Five days notice by virtue of Regulation 6)</i>			

Schedule 1		Schedule 2		Schedule 3		
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Provision under which hearing is held.	Period of time within which hearing must be commenced.	Provision under which hearing is held.	Persons to whom notice of hearing is to be given	Provision under which hearing is held	Person to whom notice of hearing is given	Documents to accompany notice of hearing
17. Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate).	10 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under paragraph 15(2) or (3) of Schedule 8.	Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate).	(1) The club which has made the application under paragraph 14(2) of Schedule 8; (2) each chief officer of police who has given notice under paragraph 15(2) or (3) of Schedule 8. <i>(Five days notice by virtue of Regulation 6)</i>			
18. Paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for grant of personal licence)	10 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under paragraph 25(2) of Schedule 8.	Paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for grant of personal licence).	(1) The person who has made the application under section 117 to which paragraph 23(1) of Schedule 8 applies; (2) the chief officer of police who has given notice under paragraph 25(2) of Schedule 8. <i>(Five days notice by virtue of Regulation 6)</i>			

Copies of the Licensing Hearing Procedure are available from:

Community Safety and Licensing
West Oxfordshire District Council
Woodgreen
WITNEY
Oxfordshire
OX28 1NB

Telephone: (01993) 861636
Email: licensing@westoxon.gov.uk

Copies can also be downloaded on the Councils web site – www.westoxon.gov.uk.