

New premises licence application for The Bull Charlbury - W/24/00302/PRMA

Applicant's summary of proposals for the hearing on 16 May 2024, to assist the Licensing Sub-Committee

- 1. The Applicant here is The Bull Charlbury Limited, represented by directors James Gummer and Phil Winser. James and Phil grew up in the area as childhood friends, in the nearby villages of Dean and Chilson and enjoyed some of their first drinks at The Bull.
- 2. After an extensive renovation project, they have now taken the reins at the pub themselves having opened fully last summer and hope to safeguard it as a community asset for the future. There is an existing premises licence for the venue, which they have been operating under and which we understand has been in place for many years. The Bull itself has sat at the heart of Charlbury since the 18th century.
- 3. The Bull benefits from a large garden space to the rear, which can be used until 11pm under the existing licence. When the team took this over, there was already a bar servery outside, which the previous operator had been using to serve drinks, as a key part of the business. However, it has since come to light that the licence plans on record with the council were not updated by previous operators, and do not authorise the use of the servery. (To be sure, alcohol sales to the garden are already permitted it is just that they are authorised by way of "off" sale using the bar inside the pub, rather than the bar servery in the garden.)
- 4. So, the company stopped any use of the servery, and has now made this application, proposing to replace the existing licence with a new premises licence, in order to:
 - update and regularise the plans, so as to authorise the use of the bar servery, and to show the full layout of the building, including on the first and second floors; and
 - update the licence conditions to promote the licensing objectives, <u>but without</u> changing the hours or activities authorised – <u>including the 11pm cut-off for all parts of the garden, which is staying the same</u>.

Representations - further conditions agreed

- An updated list of proposed licence conditions is enclosed for the Sub-Committee.
- 6. The Applicant has agreed the two additional conditions suggested by Environmental Protection: (1) to require a Noise Management Plan to be submitted to and approved by the Licensing Authority before the new licence takes effect (see condition 1); and (2) to reassert that the designated seating area outside cannot be used past 11pm (see condition 2), supplementing the condition to the same effect included in the application (see condition 8). There were no other representations from the responsible authorities.
- 7. The concerns of residents and other interested parties were principally focused on noise from music outside and whether there was to be a change in the scope of the music authorised in the garden, and at what times.
- 8. The team sent a letter in response to these concerns, to provide clarification and reassurance, and to propose amendments to the plans and conditions to address the points raised. That letter and the accompanying Noise Management Plan (required under the condition agreed with Environmental Protection) are both enclosed for the Sub-Committee, together with the updated version of the new plans. To explain further:



Music in the garden

- 9. The team have no wish to extend their music rights in the garden beyond what is already permitted. However, as a result of the liberalisation instituted by the Live Music Act 2012, extending the red line around the boundary of the garden would necessarily involve deregulating full recorded music outside until 11pm¹ and would also mean any conditions relating to music outside before 11pm would have no effect (as they would be disapplied by section 177A(2) of the Licensing Act 2003).
- 10. So, in response to resident concerns, they have now adjusted the red line in the new plan for the ground floor, so that it only covers: (i) the indoor areas within the building; and (ii) the perimeter of the bar servery in the garden specifically. This allows the outside bar to be authorised for alcohol service (by way of "off" sales), without bringing the garden within the ambit of section 177A in relation to music.
- 11. The result is that only live music and <u>background</u> recorded music will be permitted in the garden, as is the case under the existing licence, since:
 - 1) live music is deregulated by paragraph 12B of Schedule 1 of the Licensing Act 2003, as the garden is a 'workplace'; and
 - background recorded music playing while the garden is in use is deregulated under paragraph 7 of Schedule 1 of the Licensing Act 2003, on the basis it is incidental to other activity in the garden.
- 12. Because section 177A will not apply to the garden, this also means the team have been able to offer new licence conditions controlling music outside, requiring them to:
 - 1) route background recorded music outside at all times through a sound limiting device, set at a level which will not give rise to nuisance to nearby residents (see condition 3); and
 - 2) restrict live music outside to between 3pm and 8pm on a Saturday or Sunday (except for carol singing in December, which is permitted until 9pm on any day) (see condition 4).
- 13. After further discussions with one of the residents, the form of the sound limiter condition proposed for background recorded music has been bolstered (compared to the draft in the letter) so as to require the level to be determined by and to the satisfaction of an authorised Environmental Protection Officer, to give even more comfort.
- 14. These prescriptive and enforceable controls go significantly beyond the conditions in the existing licence and will ensure the venue can offer music, but in a way that promotes residential amenity and avoids nuisance.

Licensed hours - indoors/outdoors

15. As explained in the letter, only those areas within the building itself – surrounded by the red line, are to be treated as 'indoors'. And the licensed hours proposed for inside the building are the same as on the existing licence. Everywhere outside this boundary in the plans is classed as 'outside', within the garden, and subject

¹ Per paragraph 12A of Schedule 1 of the Licensing Act 2003.

² See paragraph 16.43 of the Revised Guidance under section 182 of the Licensing Act 2003. As to the meaning of 'workplace' – see regulation 2 of The Workplace (Health, Safety and Welfare) Regulations 1992: "...any premises or part of premises which are not domestic premises and are made available to any person as a place of work...".



to the hard cut-off at 11pm, as well as the new controls on music.

Other new controls to promote the licensing objectives

- 16. The team have also responded to resident concerns by committing to there being no deliveries to the premises between 10pm and 7am, secured by a new licence condition (see condition 5). Again, this goes beyond any protection in the existing licence.
- 17. The Noise Management Plan, meanwhile, contains detailed procedures:
 - regarding the principles for staff reporting and how complaints will be handled (in Section 2) –
 backed up by the new condition in the licence requiring that residents are given a telephone number
 to be able to contact the manager at the premises;
 - 2) ensuring that the garden is properly managed and supervised at all times, backed up by the new controls on music outside (in Section 3);
 - 3) governing the quiet and efficient dispersal of customers at closing time (in Section 4); and
 - 4) enshrining the principles for managing deliveries (in Section 5), backed up by the new prohibition on deliveries between 10pm and 7am.

Representations in support

- 18. The Sub-Committee will note there is a great deal of enthusiastic support from residents in the representations submitted, including from those living very close to the premises. To highlight just a few example quotes:
 - 1) "the use of the garden has not disturbed me in any way. [...] I totally support this application and I will continue to support this amazing business that Charlbury needs so much. They have gone out of their way to support our local community and provide employment, and custom for other local businesses. As residents we should welcome this fabulous business. I wholeheartedly support this application and fully expect it to be granted."
 - 2) "Since the new tenants took over the Bull it has been like a new lease of life has been given to the place and they have done absolute wonders for the building and the town of Charlbury, the staff are fantastic and go out of their way to make our time in the establishment the best they can make it and the food is superb."
 - 3) While there were some issues initially when first opening (including regarding music), "as time has gone by I have observed as a neighbour and a customer how the Operating team have taken on board concerns and tried to address them. I think both the owners and the management team understand that they are at the heart of a vibrant community and have learnt, [I] believe, the responsibility that goes with that. [...] I believe the team are also happy to discuss concerns and accommodate as best they can those concerns, if any, going forward. The Bull is in incredibly good hands and we as a community are very blessed to have a place like this on our doorstep."

Thomas & Thomas Partners LLP

Conclusion

19. The Bull is a historic venue that has been in Chalbury for hundreds of years. The measured controls proposed in this application - guaranteed by new and robust conditions that promote the licensing objectives - will put The Bull on a secure economic footing for the future and - crucially – ensure it operates harmoniously within the local community.

Thomas & Thomas Partners LLP

2 May 2024



30th April 2024

New licence application for The Bull - W/24/00302/PRMA

Dear Charlbury Resident

Thank you very much for taking the time to submit a representation in relation to our application for a new premises licence for The Bull, to replace the existing licence.

We feel incredibly lucky to have the privilege of operating this historic pub, where we ourselves had some of our first drinks growing up, and we take the responsibility very seriously.

Some of you have raised concerns with certain aspects of the application, so we wanted to write to respond to those concerns and provide reassurance on our intentions – and propose amendments to the application to back-up those reassurances.

Firstly, the Council's Environmental Health officer has recommended a licence condition requiring us to have a Noise Management Plan (the "Plan") in place, which we are happy to agree to. We have attached a draft of the Plan to this letter for you to see.

We are also proposing to back-up this Plan with additional conditions on the licence, which we have set out in a list at the end of this letter. For ease of reference, in a separate list, we have also set out the conditions included in the original application.

Talking through the particular concerns raised in the representations:

1) Music

- Our intention with this application is to authorise the use of the bar servery in our garden for alcohol service, just to bring the licence in line with how the venue has been used previously. We have no wish to expand our permission for music in the garden or to extend the licensed hours.
- In the application, we extended the red line around the whole of the garden, to show the full area we propose to use for alcohol service from the bar servery. But to allay any concerns about music, we are very happy to adjust the red line, so that it is only around:

 (i) the indoor areas within the building; and (ii) the bar servery in the garden specifically, so that alcohol sales to the garden are by way of 'off' sale only. This is shown in the attached amended ground floor plan.
- To be sure, this means that only: (i) live music; and (ii) <u>background</u> recorded music will be permitted outside, as deregulated activities under the Licensing Act 2003, as is the case for our existing licence.
- To provide further reassurance, we are also happy to add new licence conditions requiring us to:

- route background recorded music outside at all times through a sound limiting device;
 and
- restrict live music outside to between 3pm and 8pm on a Saturday or Sunday (except for carol singing in December, which is permitted until 9pm on any day).
- This is not to say at all that we intend to have live music every week we are just committing to our licence not permitting it outside those hours.
- Our existing licence does not have such limitations, but we are very happy to agree to impose them on the new licence, to provide reassurance. This is also built into the controls in the Plan (in section 3).

2) Licensed hours - indoors/outdoors

- The licence conditions have a hard cut-off for use of the outside garden area after 11pm

 the same as our existing licence. That includes any area under a tent or covering.
- With the adjusted red line in the plan, we hope it is now clear that only the areas within
 the building itself are to be treated as 'indoors'. And the licensed hours proposed indoors
 for inside the building are the same as on our existing licence.

3) Deliveries

- We are going to ensure that deliveries to The Bull do not take place between 10pm and 7am.
- Again, this is guaranteed in the list of additional conditions, and is also built into the principles in the Plan (in section 5).

We hope these additional clarifications and controls allay your concerns, and that you would be happy to withdraw your representation on this basis. Of course, if you have any remaining questions or issues, please don't hesitate to get in touch.

We will always have an open door, and we look forward to continuing to work together with you to ensure The Bull operates harmoniously within the local community.

Yours sincerely

James Gummer and Phil Winser



Additional licence conditions proposed

- 1. This premises licence shall have no effect until a Noise Management Plan (the "Plan") for the premises has been submitted to (and approved in writing by) the Licensing Authority. A copy of the Plan shall be kept on the premises and be made available to an authorised officer on request. Any revisions to the Plan shall be submitted to (and approved in writing by) the Licensing Authority within 14 days of the revision. [As proposed by Environmental Health.]
- 2. Use of the designated outdoor seating area is prohibited past 23:00 on any day. [As proposed by Environmental Health.]
- 3. Any recorded music played through speakers positioned outside shall be relayed through a sound limiting device set at a level which will not give rise to nuisance to nearby residents. The level of the sound limiting device shall be set by an independent acoustic consultant. Only the Premises Licence Holder and the Designated Premises Supervisor shall have access to the sound limiting device.
- 4. In the outside area, live music (other than carol singing) may only take place between 15:00 and 20:00 on a Saturday or Sunday, and at all times at a level that does not cause nuisance to nearby residents. Carol singing may take place outside until 21:00 on any day of the week in December.
- 5. No deliveries to the Premises shall take place between 22:00 and 07:00.



Licence conditions included in original application

- 1. All staff shall be suitably trained for their job function in the operating standards for the premise. The training shall be under constant review. All Personal License Holders supervising the sale of alcohol shall hold a nationally recognised licensing qualification.
- 2. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
- 3. There will be no use of the outside areas after 23:00hrs.
- 4. There will be no regulated entertainment in any outside areas.
- 5. The Premises Licence Holder shall ensure that no nuisance is caused by noise emanating from the premises.
- 6. A telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
- 7. Prominent, clear notices shall be displayed at all exits and in the garden requesting customers to respect the needs of local residents and leave the premises and the area quietly.
- 8. This premises licence shall have no effect until premises licence W/23/00738/PRMDPS (or such other number subsequently issued for the premises) has been surrendered.

The Bull Charlbury - updated list of proposed licence conditions

- 1. This premises licence shall have no effect until a Noise Management Plan (the "Plan") for the premises has been submitted to (and approved in writing by) the Licensing Authority. A copy of the Plan shall be kept on the premises and be made available to an authorised officer on request. Any revisions to the Plan shall be submitted to (and approved in writing by) the Licensing Authority within 14 days of the revision. [As proposed by Environmental Protection.]
- 2. Use of the designated outdoor seating area is prohibited past 23:00 on any day. [As proposed by Environmental Protection.]
- 3. Any recorded music played through speakers positioned outside shall be relayed through a sound limiting device set at a level which will not give rise to nuisance to nearby residents. The level of the sound limiting device shall be determined by and to the satisfaction of an authorised Environmental Protection Officer. Only the Premises Licence Holder and the Designated Premises Supervisor shall have access to the sound limiting device.
- 4. In the outside area, live music (other than carol singing) may only take place between 15:00 and 20:00 on a Saturday or Sunday, and at all times at a level that does not cause nuisance to nearby residents. Carol singing may take place outside until 21:00 on any day of the week in December.
- 5. No deliveries to the Premises shall take place between 22:00 and 07:00.
- 6. All staff shall be suitably trained for their job function in the operating standards for the premise. The training shall be under constant review. All Personal License Holders supervising the sale of alcohol shall hold a nationally recognised licensing qualification.
- 7. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
- 8. There will be no use of the outside areas after 23:00hrs.
- 9. There will be no regulated entertainment in any outside areas.
- The Premises Licence Holder shall ensure that no nuisance is caused by noise emanating from the premises.
- 11. A telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
- 12. Prominent, clear notices shall be displayed at all exits and in the garden requesting customers to respect the needs of local residents and leave the premises and the area quietly.
- 13. This premises licence shall have no effect until premises licence W/23/00738/PRMDPS (or such other number subsequently issued for the premises) has been surrendered.

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STAFF & BOH AREAS GUEST ROOMS 125.6 m²

PUBLIC AREAS 35,4 m²

- - LICENCE SCOPE BOUNDARY

FIRE SCHEME LEGEND

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FIRE ALARM PANEL FD30\$ FIRE DOOR

FD60S FIRE DOOR

ILLUMINATED FIRE EXIT SIGN

EMERGENCY LIGHTS ESCAPE WINDOW

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- - LICENCE SCOPE BOUNDARY

FIRE SCHEME LEGEND

SMOKE/HEAT DETECTOR WITH SOUNDER CALL POINT/BREAK GLASS FOAWCARBON DIOXIDE FIRE EXTINGUISHER FD60S FIRE DOOR

FIRE ALARM PANEL FD30S FIRE DOOR

ILLUMINATED FIRE EXIT SIGN

EMERGENCY LIGHTS

ESCAPE WINDOW

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Proposed Second Floor Fire Escape Plan

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THE BULL CHARLBURY

Noise Management Plan

April 2024

1 Introduction

- 1.1 This document is submitted by The Bull Charlbury Limited (the "Licence Holder") in relation to its application for a new Premises Licence for The Bull Charlbury, Sheep Street, Charlbury, Chipping Norton OX7 3RR (the "Premises").
- 1.2 The Licence Holder is committed to a high standard of professional and responsible management.

 The proposed management systems are designed to ensure that the Premises is operated successfully, sympathetically and without adversely affecting local residents or businesses. The controls set out in this document place emphasis on the promotion of the Licensing Objectives.
- 1.3 The Licence Holder recognises the need to protect the amenity of nearby residents (including those staying at The Bull) and will put measures in place to limit any potential disturbance by noise from the Premises in accordance with the Licensing Objective: Prevention of Public Nuisance. To that end, the use of the Garden will be managed in accordance with the Policy for the Garden at section 3 of this document.
- 1.4 The departure of customers from the Premises will be managed in accordance with the Dispersal Policy at section 4 of this document. These controls are designed to ensure all customers leave the area as quickly and as quietly as possible.
- 1.5 A Deliveries Policy set out in section 5 seeks to ensure these activities have minimal, if any, impact on local amenity.

2 General principles

The MOD and staff reporting

- At all times during opening hours, a Manager on Duty (the "MOD") will be present on the premises. One of the MOD's roles is to oversee that the procedures contained in this Plan are adhered to.
- 2.2 Staff should monitor any actual or potential issues arising in connection with this Plan, and report to the MOD accordingly.

Complaints procedure

- 2.3 A single phone number is to be available to local residents and businesses, in line with the condition in the premises licence.
- 2.4 Any calls relating to complaints about the Premises will be logged.
- 2.5 The MOD will investigate such complaints to determine whether the Plan has been implemented correctly and take appropriate action to address any shortcomings.
- 2.6 The MOD will communicate with the complainant to let them know what has been done to address their complaint.

3 Policy for the Garden

Introduction

3.1 The key objective of this policy is to ensure residents, businesses and members of the public – as well as guests staying at The Bull - are not disturbed by nuisance from the Premises or its customers, or any other anti-social or unsafe behaviour.

Principles governing the use of the Garden

- 3.2 Customers of the Premises are permitted to consume food and drink in the "Garden" shown in the licence plan, provided they are adequately supervised.
- 3.3 Staff may serve customers from the "Garden Bar" shown in the licence plan.
- 3.4 Customers are not permitted to use the Garden after 11pm (including to smoke), and staff are not permitted to serve from the Garden Bar after 11pm.
- 3.5 The Garden must have notices requesting customers to respect the needs of local residents and to leave the Premises and the area quietly.

Music in the Garden

- 3.6 Only two forms of music are permitted in the Garden:
 - (a) background recorded music; and
 - (b) live music.
- 3.7 Any background recorded music in the Garden must be relayed through a sound limiting device set at a level which will not give rise to nuisance to nearby residents. The level of the sound limiting device is set by an independent acoustic consultant. Only senior management of the Licence Holder and the Designated Premises Supervisor shall have access to the sound limiting device.
- 3.8 Any live music in the Garden (other than carol singing) may only take place between 3pm and 8pm on a Saturday or Sunday, and at all times at a level that does not cause nuisance to nearby residents. Carol singing may take place in the Garden until 9pm on any day of the week in December.

Monitoring the Garden

- 3.9 Staff should focus on prevention rather just detection or reaction to incidents, and are expected to monitor customer behaviour in the Garden accordingly.
- 3.10 Staff should check regularly that customer noise levels in the Garden remain reasonable. Where customers are found to be raising their voices, they should be quickly and politely asked to quieten down. If concerns remain that levels are too loud, such customers should be asked to move inside or refused service.

Staff provision for the Garden

3.11 Management shall ensure that there is sufficient staff provision to supervise customer use of the Garden, and monitor that this Plan is adhered to, whenever it is open to the public, particularly at busier times.

4 Dispersal Policy

Introduction

- 4.1 The objective of the Dispersal Policy is to ensure a quiet, controlled and swift dispersal of the Premises' customers.
- 4.2 The Dispersal Policy promotes professional and responsible management of customers as they leave the Premises to ensure they make their journey home without an adverse impact on local residents.
- 4.3 This Dispersal Policy will be followed whenever the Premises are open, but particular attention will be paid to customers leaving at night.
- 4.4 Staff should remain at the Premises up to one hour after closing to help ensure customers move on from the area in an orderly manner in accordance with this Dispersal Policy.

Entrances and exits

- 4.5 The main entrance/exit of the Premises is located on Sheep Street. This entrance is to be monitored by staff inside the Premises, during busy periods and where deemed necessary.
- 4.6 There are further entrances/exits to the Premises opening into the Garden.

Dispersal

- 4.7 Given the staggering of sittings, there should be a natural, gradual dispersal of customers during the evening. Customers are expected to depart the Premises in a gradual and controlled manner until close.
- 4.8 Towards closing time, the following measures may be taken to ensure a gradual and quiet closure of the Premises:
 - 4.8.1 Raised lighting levels where appropriate.
 - 4.8.2 Politely reminding customers the Premises is about to close.
 - 4.8.3 Asking customers if they require a taxi and advising customers to wait inside the Premises.
- 4.9 The exit has a notice requesting customers to respect the needs of local residents and leave the Premises and the area quietly.
- 4.10 Where appropriate, customers will be directed to nearby transport links and requested to leave quietly.
- 4.11 When booking a taxi or private car, customers will be encouraged to wait inside the Premises where possible.

Transport

- 4.12 Customers are expected to arrive and depart by various modes of transport, including by foot, train, taxi and private car.
- 4.13 All staff are to be familiar with the transport options below so they can advise customers when required.

Trains

- 4.14 Charlbury Station is less than a 10 minute walk from the Premises.
- 4.15 Where necessary customers should be given directions to the station and reminded to reach the station as quietly and as quickly as possible when they leave.

Taxis and Private Hire

- 4.16 There are a number of taxi / private hire companies serving Charlbury.
- 4.17 Staff will be available to assist customers with booking a taxi, if required.
- 4.18 Customers should be encouraged to use these services, and to wait inside whilst a taxi is called.

5 Deliveries Policy

- 5.1 Deliveries are to be arranged carefully with the aim of being sympathetic to local amenity. Wherever possible, multiple deliveries should be combined to reduce the number of vehicles servicing the Premises. Late night and early morning delivery and collection times are to be avoided wherever possible, to avoid disturbing local residents.
- 5.2 In line with the condition in the Premises Licence, no deliveries to the Premises shall take place between 10pm and 7am.