



WEST OXFORDSHIRE  
DISTRICT COUNCIL

**WEST OXFORDSHIRE DISTRICT COUNCIL**

Name and date of  
Committee

**LICENSING PANEL COMMITTEE - THURSDAY 16<sup>th</sup> MAY 2024**

Subject

**APPLICATION FOR A NEW PREMISES LICENSE – THE BULL  
CHARLBURY LTD, THE BULL CHARLBURY, SHEEP STREET,  
CHARLBURY**

Wards affected

**CHARLBURY**

Accountable member

N/A

Accountable officer

Andrea Thomas – Licensing Officer  
Email: [andrea.thomas@westoxon.gov.uk](mailto:andrea.thomas@westoxon.gov.uk)

Summary/Purpose

To determine an application for a new premises licence made by **The Bull  
Charlbury Ltd**, for **The Bull Charlbury, Sheep Street, Charlbury, OX7  
3RR**

Annexes

Annex A – Application and proposed conditions  
Annex B – Plan of Premises and Location of Premises in Charlbury  
Annex C – Objections from residents  
Annex D – Support from residents  
Annex E – New information from Applicant  
Annex F – Response from Objectors following new information  
Annex G – West Oxfordshire District Council Hearing Procedure

Recommendation(s)

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

- grant the application as requested.
- grant the application subject to such conditions that are necessary to promote the licensing objectives.
- refuse to specify a person in the licence as the premises supervisor.
- refuse the application in whole or in part where it is necessary in order to promote the licensing objectives

Corporate priorities

Ensure that services delivered by the Council are delivered to the highest

|                             |  |
|-----------------------------|--|
|                             | standard   |
| Key Decision                | NO   |
| Exempt                      | NO   |
| Consultees/<br>Consultation | A 28 day consultation has been undertaken with all Responsible Authorities, Ward Members, and Town Council and advertised in accordance with the Licensing Act 2003. |

## 1. BACKGROUND

- 1.1 The Licensing Act 2003 (“the Act”) allows applicants to apply for new Premises Licences, Premises Licence variations, Club Premises Certificates and Personal Licences. This application is for a New Premises Licence.
- 1.2 The Application was received on 22<sup>nd</sup> March 2024. The Applicant is The Bull Charlbury Limited, for The Bull Charlbury, Sheep Street, Charlbury, OX7 3RR
- 1.3 This Application is for a new Premises Licence which if granted will replace the current Premises Licence.
- 1.4 A copy of the application can be found in **Annex A** which includes a set of proposed conditions that would be added to the licence if granted.
- 1.5 Hours applied for

|                  | Recorded Music - indoors | Late Night Refreshment | Supply of Alcohol  | Opening Hours       |
|------------------|--------------------------|------------------------|--------------------|---------------------|
| <b>Monday</b>    | 1000hrs to Midnight      | 2300hrs to Midnight    | 1000hrs to 0030hrs | 0900hrs to 0100hrs  |
| <b>Tuesday</b>   | 1000hrs to Midnight      | 2300hrs to Midnight    | 1000hrs to 0030hrs | 0900hrs to 0100hrs  |
| <b>Wednesday</b> | 1000hrs to Midnight      | 2300hrs to Midnight    | 1000hrs to 0030hrs | 0900hrs to 0100hrs  |
| <b>Thursday</b>  | 1000hrs to Midnight      | 2300hrs to Midnight    | 1000hrs to 0030hrs | 0900hrs to 0100hrs  |
| <b>Friday</b>    | 1000hrs to Midnight      | 2300hrs to Midnight    | 1000hrs to 0030hrs | 0900hrs to 0100hrs  |
| <b>Saturday</b>  | 1000hrs to Midnight      | 2300hrs to Midnight    | 1000hrs to 0030hrs | 0900hrs to 0100hrs  |
| <b>Sunday</b>    | 1000hrs to Midnight      | 2300hrs to Midnight    | 1000hrs to 0030hrs | 0900hrs to Midnight |

## 2. SITE DESCRIPTION

- 2.1 A copy of the plan of the premises and its location in Charlbury can be found in **Annex B**

## 3. REPRESENTATIONS

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

The Environmental Health Officer from West Oxfordshire has requested the following conditions to be added to the licence if granted:

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.
2. Use of the designated outdoor seating area is prohibited past 2300hrs on any day.

At the time of writing this report, the applicant did not agree to these conditions.

No representations have been received from other Responsible Authorities except Thames Valley Police who submitted no objection to the application.

### **3.2 Town Council and Local Ward Member - There have been representations received by the Town Council and a Local Ward Member.**

#### **Charlbury Town Council**

The TC supports the licensing application in principle but has significant concerns relating to noise in the outside areas and nuisance to neighbours. The TC asks that these areas of concern are considered by the Licensing Committee and would like them to give particular consideration to:

- the status of the outdoor area (is it indoor or outdoor as there is no tent?)
- the ability to have music whether live or recorded in the outdoor area. We would like clarification on deregulation that live music is always permitted. Mr Winser, representing the Bull, has made the offer that live music will only be played between 4pm and 6pm on Sundays. This would be welcomed by the TC provided that this condition is written into the licence.

The TC will not support the specific requests for New Year Eve for extensions to permission through the whole of New Year's night through to opening time on New Year's Day. The TC also requests that as a matter of courtesy to neighbours any late night extensions are strictly limited to the indoors area (i.e. not the Garden Bar or outdoor areas).

Minor inconsistency in Sunday timings. The premises will be open to the public until midnight on Sunday night (1am other nights). However, the application states that the sale of alcohol will continue to 00:30 every night. For consistency this should be changed to 23:30 on Sunday nights.

***Following the submission of the conditions from the application and the noise management plan this response was received from Charlbury Town Council***

We note and welcome the proposed additional licence conditions and noise management plan as provided by the applicants. Subject to these being incorporated into the licence as legal requirements, we are satisfied that our concerns have been addressed.

We have heard directly from the agents that the deregulation on New Year's Eve will not affect the 11pm cut-off for the use of the garden - that only applies to extend the hours inside the building, and on that evening only. Again if this is incorporated into the licence, the Town Council's concerns have been addressed.

**Cllr Leffman**

The Bull has a recent record of disturbing local residents by playing music in the garden, and in the premises well beyond the limit of their license. I once had a complaint from a resident living nearby that they were woken by loud music emanating from the premises at 5am.

Residents who live nearby have also been disturbed by smoke from the wood burners in the garden. Air quality has been measurably affected.

The application is for music to be played indoors but the Licensing Officer has confirmed to me that they are entitled to play music in the garden in spite of this not being stated in the application.

I am not sure whether any conditions can be attached to the playing of music in the garden but if they can I would ask the committee to consider this.

I would like to add here that I am an enthusiastic supporter of The Bull. Some years ago I successfully campaigned to prevent it being turned into houses, and to get it registered as an asset of community value. I also enjoy going to The Bull myself. However, I am concerned that given their recent record the applicant will abuse the terms of their license to the detriment of the lives of a number of local residents.

**3.3 Residents**

A total of 13 objections have been received from local residents/businesses – **Annex C**  
There have also been 12 letters of support received from local residents/businesses – **Annex D.**

The Live Music Act came into force on the 1st of October 2012 and deregulates live and recorded music where:-

- There is a premises licence or club premises certificate in place permitting 'on sales'
- The premises are open for the sale or supply of alcohol for consumption on the premises
- Live or recorded music is taking place between 8 am and 11 pm
- If the music is amplified live music or recorded music (e.g. DJs or a disco for example), the audience consists of no more than 500 people

I would remind Members that if live amplified music is taking place in an area not shown on the licensed layout plans, for example in a beer garden, it is still not licensable due to the so-called 'workplace' exemption under the Act (again between 8 am and 11 pm). If the music is unamplified live music, providing it takes place between the hours of 8 am and 11 pm, it is not licensable anywhere regardless of the number of people in the audience. The workplace exemption does not apply to recorded music.

Other noise legislation, for example, the Environmental Protection Act 1990, will continue to apply. The Live Music Act does not allow licensed premises to cause a noise nuisance. For example, if music was at an unreasonable level a complaint could be made to Environmental Health who would then need to determine whether a Noise Abatement Notice should be issued.

- 3.4 Although complaints have been received about noise emanating from the beer garden by the Environmental Protection team, no formal action has been taken to date.
- 3.5 The Applicant has circulated further information to persons who made an objection to the application. This was a cover letter, a new site plan, a draft noise management plan and further agreed conditions – **Annex E**.
- 3.6 **Annex F** details responses from objectors in regard to the new information.
- 3.7 At the time of writing this report further conversations are taking place with the Applicant and Objectors, outcomes of these conversations will be verbally reported at the meeting by the Licensing Officer.

#### 4. NATIONAL GUIDANCE

- 4.1 The Secretary of State's Guidance requires Licensing Authorities, following receipt of relevant representations, to make judgements about what constitutes a public nuisance and what is necessary, in terms of Conditions attached to a specific Premises Licence, to prevent it.
- 4.2 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.

#### 5. PROCEDURES

- 5.1 A copy of the procedure for the Hearing is attached in **Annex G**.

#### 6. FINANCIAL IMPLICATIONS

- 6.1 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.

#### 7. LEGAL IMPLICATIONS

- 7.1 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.

**8. BACKGROUND PAPERS**

**8.1** West Oxfordshire District Council's Statement of Licensing Policy – 2021

**8.2** Home Office S.182 Statutory Guidance published December 2023.

(END)