

The Double Red Clanfield Limited (the “Applicant”)

Application for a New Premises Licence, The Duchess, Bampton Road, Clanfield, OX18 2RG

(the “Premises”)

Applicant’s Written Submissions

This statement is made in support of an application for a new premises licence with the intention of outlining the Applicant’s case and seeking to address the concerns of those who have made representations.

Amplification of the points made below, together with further submissions, will be made orally at the licensing sub-committee hearing if the application cannot be granted by way of delegated authority.

Background

The Premises is a converted barn acquired by the Applicant. The barn will be redeveloped into additional guest accommodation for the Double Red Duke (<https://www.countrycreatures.com/double-red-duke>) which is a boutique hotel adjacent to the Premises and also operated by the Applicant.

The application for a premises licence is to permit a welcome drink to be served, to recognise an important event (i.e. glass of champagne to newlyweds), drinks on request and in minibars in the bedrooms. After further reflection and hearing the concerns of those that have made representations there will be no ‘pop-up’ bars as described in the application. The sale of alcohol is only for overnight residents and their bona fide guests.

During the planning process there was consultation with local residents which included a meeting to discuss relevant concerns.

Comments on Representations



A single representation has been received from a local resident and two from local councillors. There are no representations from any of the statutory authorities. This is significant. The Section 182 Guidance to the Licensing Act 2003 states that:

'Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent'.

The Applicant's comments on the concerns raised in the representations are as follows:

Provision of Parties

Whilst the accommodation at the Premises will be made available to single party bookings (provided they book sufficiently in advance and none of the rooms have already been reserved) the Premises will not be a 'party house' as suggested in the representations. Both the Masons Arms and the Double Red Duke have dedicated spaces for private events or parties and there will be no dining facilities, nor bar at the Premises.

The Applicant not only wants the Premises to be a 'good neighbour' to surrounding residential properties but, from a commercial perspective, it is essential that overnight guests at the Premises do not disturb other guests staying at the Premises, the Masons Arms and Double Red Duke.

By bringing the Premises into the licensing regime there will be significantly more 'checks and balances' in place than if the Premises permitted 'Bring Your Own' or was rented via platforms such as Airbnb (which



can prove particularly problematic). Conditions have been proffered preventing the generation of noise, requiring the cessation outdoor drinking at 11.00p.m., requiring full CCTV coverage and the recording of any incidents. Any breach of these conditions is a criminal offence which, on successful prosecution, can lead to an unlimited fine and/or six months imprisonment. They are not to be taken lightly. Without a premises licence no such obligations will exist.

If the Applicant is not true to its word and the Premises do cause a nuisance, apart from the threat of a prosecution for breach of condition there are also other checks and balances that exist to address any problems including the issuing of a noise abatement notice.

As a broader point, the Applicant is keen to nip any issues in the bud, not just those stemming from the Premises, but also those relating to its other two venues. Therefore, it would like to proffer the following additional condition:

‘A direct telephone number for the manager of the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity’.

‘Need’ for a premises licence given proximity of two other licensed premises

As the Licensing Policy of West Oxfordshire District Council (the “Policy”) states:

‘The Authority will leave the assessment of the ‘need’ for licensed premises to the Planning Authority and to the market. It will not address this matter in undertaking its licensing functions’.

Difficulties of limiting outdoor consumption after 11p.m.

Not only will there be signage at the Premises stating that drinks cannot be taken outside after 11p.m. but there are staff at the Masons Arms and Double Red after that time that can check that the condition is being adhered to.



Difficulties of limiting the sale of alcohol to residents and bona fide guests

A 24-hour premises licence for residents and their bona fide guests is a standard provision for hotels both large and small. At a small venue such as the Premises, it is relatively easy to enforce. Staff will know the guests staying at the Premises and any persons with no connection to overnight guests will be conspicuous. Indeed, there is no incentive for members of the public to try and consume alcohol within the Premises when the Masons Arms and the Double Red Duke with their large and welcoming public bars are so close.

Requirement for a 24-hour licence

With minibars being accessible 24-hours a day it is necessary to have a premises licence which reflects that guests can access these at any time. As explained above, in the writer's experience, most hotels have 24-hour licences for residents and their bona fide guests.

Late Night Refreshment

To serve hot drinks after 11.00p.m. a premises licence must permit late night refreshment. This ability, if permitted, will be rarely used and there is no intention to serve hot food that late.

National Licensing Policy Framework and revised Section 182 Guidance

Whilst economic factors have long been a consideration in determining licensing applications, with the perilous state of the hospitality sector, this need has recently come to the fore with the publication of the National Licensing Policy Framework and revised Section 182 Guidance which now states:

'When making licensing decisions, all licensing authorities should consider the need to promote growth and deliver economic benefits'.



To be able to offer residents at the Premises the likes of a well-stocked minibar or the ability to be able to offer a drink in the lounge or bedroom (rather than guests going to the Double Red Duke or Masons Arms) may not be integral to the operation of the Premises but still an important part of the guest experience.

Conclusion

The Applicant already has two premises which are part of the local community. The Premises will not be operated as a third, but as a bedroom extension to the Double Red Duke. It is a highly restricted premises licence application which, rather than facilitating a 'party house', puts additional checks and balances in place to ensure that this cannot be the case. With no representations from the 'independent experts', namely the statutory authorities and no red flags in the Policy, it is submitted that the Application should be granted as sought, albeit with the additional condition proffered. Nevertheless, the Applicant would like an opportunity to discuss any remaining concerns the objectors may have and they are invited to contact niall.mccann@keystonelaw.co.uk to arrange a time for a call or coffee with representatives of the Applicant.

Niall McCann
Partner, Keystone Law

