



WEST OXFORDSHIRE  
DISTRICT COUNCIL

**WEST OXFORDSHIRE DISTRICT COUNCIL**

Name and date of Committee	<b>LICENSING PANEL – 16<sup>th</sup> February 2023</b>
Report Number	<b>Agenda Item 5</b>
Subject	<b>Application For a Variation to a Premises Licence – The Highway Inn, Burford</b>
Wards affected	Burford
Accountable member	Licensing Committee
Accountable officer	Andrea Thomas, Licensing Officer Tel: 01993 861000 Email: andrea.thomas@publicagroup.uk
Summary/Purpose	To determine a variation to a premises licence application made by David Crank from DWF Law on behalf of The Bull at Burford Limited in regards to the premises The Highway Inn in Burford
Annexes	Annex A – Redacted Application Form Annex B – Current Licence Annex C – Current Plans Annex D – Representations from Burford Town Council and Cllr Ashton Annex E – Local residents representations Annex F – Further representations Annex G – Licensing Hearing Procedures
Recommendation/s	That the Licensing Sub-Committee is asked, in light of the representations received, to consider the application and determine whether to:- <ul style="list-style-type: none"><li>• grant the application as requested;</li><li>• grant the application subject to such conditions that are necessary to promote the licensing objectives;</li><li>• refuse the application in whole or in part where it is necessary in order to promote the licensing objectives.</li></ul>
Corporate priorities	Ensure that services delivered by the Council are delivered to the highest standard
Key Decision	NO

Exempt	NO
Consultees/ Consultation	A 28 day consultation has been undertaken with all Responsible Authorities, Ward Member, 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 variation to an existing Premises Licence.

**1.2.** The application was received on the 29<sup>th</sup> November 2022. The Applicant is The Bull at Burford Limited who is represented by Mr David Crank of DWF Law LLP for the Highway Inn in Burford

**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. The advertisement appeared in the Witney Gazette on the 21<sup>st</sup> December 2022 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 initially to change the name to the Highway Inn.

Further on considering the existing licence as it applies to premises with residents with the premises historically operating as a hotel with guests residing in it, we seek to amend the Licence to make it clear that the public can have access 24 hours a day Monday to Sunday to accommodate guests. Further that those resident at the premises can benefit from the sale and supply of alcohol and also late night refreshment at any time during that 24 hour period. It is not proposed to change the hours for non-residents just to make clear the position for residents.

The Licence is currently limited to on sales and we seek to vary to permit both on and off sales to ensure the ability to use the outside area is maintained. We also seek to confirm recorded music is permitted within licensed hours if required.

We also seek permission for regulated entertainment within the current licensed hours. The premises would still operate as they have historically, the variation is simply to clarify the position in relation to what has been a long standing use of the premises.

A copy of the redacted application is attached at **Annex A**.

## 2. SITE DESCRIPTION

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

### 3. AGREED CONDITIONS

**Environmental Health** – West Oxfordshire District Council suggested the following conditions, which have been agreed by the applicant

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 23:00hrs.

### 4. REPRESENTATIONS

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

4.1. There have been no further representations made by any of the other Responsible Authorities under the Act except for Thames Valley Police who had no objections

#### **Other persons**

##### **Burford Town Council and Local Ward Councillor**

4.2. Comments were received from Burford Town Council and the local Ward Councillor, Cllr Hugo Ashton and can be found in **Annex D**.

#### **Residents**

4.3 There have been representations from local residents received in relation to this Application and can be found in **Annex E**.

There are also further representations submitted by other local residents at **Annex F**. Only information concerning the Highway Hotel in Burford can be taken into account by the Licensing Panel

Some of the representations relate to aspects which are not part of the application. There is no variation to include the garden and there is no variation to include music outside, these comments should be disregarded.

4.4 The following concerns are raised in some of the representations:

- Traffic , including road safety
- Parking
- Crime and Disorder emanating from alcohol

- Area of Outstanding Natural Beauty

The Licensing Authority is unable to accept these concerns due to the following reasons.

#### Traffic, Parking and Area of Natural Beauty

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

#### Crime and Disorder concerns

The Police Licensing Officer had no objections to the application.

### **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 G**.

### **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**

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.