



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 4</b>
Subject	<b>Application For a Variation to a Premises Licence – The Bull Hotel</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 Bull at Burford
Annexes	Annex A – Redacted Application Form Annex B – Proposed Plans Annex C – Current Premises Licence and plans Annex D – Representations from Burford Town Council and Cllr Ashton Annex E – Representations from local residents Annex F – Further representations from local residents 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

I.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.

I.2 The application was received on the 29<sup>th</sup> November 2022. The Applicant is The Bull and Burford Limited who is represented by Mr David Crank of DWF Law LLP.

I.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.

I.4 The nature of the variation is to reflect the refurbishment of and improvements to this premises that has been closed for some time and to open up additional areas in the premises under the Licence. The premises will operate as a hotel and changes are requested to the hours to reflect this while substantially retaining the same hours for non-residents. It is proposed to create an enhanced offering with these changes. A set of plans accompany this application and show the incorporation of 107 High Street in the premises with an altered entrance at 107 to the reception area.

It would be proposed to licence the whole of the premises. The principal public licensed areas going forward would be the lounges and function rooms on the ground floor, including a Sushi Bar created at the rear of the main building at 105. Also, it is proposed to conduct wine tasting events in the basement room marked to that effect. At the rear of the grounds of 105 are rooms for residents and the upstairs area will now be residential rooms for hotel guests.

The external areas in the gardens of 105 and 107 would be landscaped and brought into use for licensable activity; the areas are shown by the foliage and external seating on the ground floor plan. It would be proposed that small functions, possibly wedding receptions and other celebrations, would be held in the rear area.

There is also provision requested for an external area at the front of the premises subject to other permissions

As indicated, the premises will cater for hotel residents and it is proposed the Licence will operate 24 hours a day Monday to Sunday for the service of alcohol and late night refreshment for residents and bona fide guests. It would be proposed licensed hours for non-residents would remain the same save that recorded music be extended to commence at 10.00 hours rather than 20.00 hours.

There is a condition permitting only internal entertainment and prohibiting speakers in external areas at the premises and the application asks for that condition to be removed. It would be proposed that any external music would conclude by 23.00hrs

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

## **2. SITE DESCRIPTION**

2.1 A copy of the proposed site plan and location is attached at **Annex B**, there is also a copy of the current licence and plans at **Annex C**.

## **3. CONDITIONS**

**Environmental Health** – West Oxfordshire District Council suggested the following 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.

At the time of writing this report these conditions had not been fully agreed by the applicant

## **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 Thames Valley Police who have no objections to the application.

### **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 Bull at Burford can be taken into account by the Licensing Panel

**4.4** The following concerns raised in the objections:

- 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.