



WEST OXFORDSHIRE
DISTRICT COUNCIL

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Name and date of Committee	LICENSING PANEL – 18th April 2023
Subject	APPLICATION FOR A VARIATION TO A PREMISES LICENCE – MERRISCOURT GALLERY
Wards affected	Lyneham
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 Mr Thomas Astor in regards to the premises Merriscourt Gallery
Annexes	Annex A – Redacted Application Form Annex B – Current Licence Annex C – Current Plans Annex D – Local residents representations Annex E – 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">• grant the application as requested;• grant the application subject to such conditions that are necessary to promote the licensing objectives;• 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/ 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 8th February 2023. The Applicant is Mr Thomas Astor for Merriscourt Gallery, Merriscourt, Chipping Norton, OX7 6QX
- 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 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 to extend the opening and licensable activity times to allow brunches in the venue with the option of alcohol. Also a variation to allow amplified music in the courtyard to allow guests to enjoy a variety of background music during the drinks reception and to extend this area of music being played to our Gallery Garden, which is situated just at the end of The Gallery. A copy of the redacted application is attached at **Annex A**.
- 1.5 The Licence is currently has the following conditions attached to it;

- All external doors and windows must be kept closed, other than for access and egress, in all rooms when events involving amplified music or speech are taking place.
- The provision of live music outdoors shall be restricted to the courtyard, be unamplified only and shall cease at 23:00 hours.
- The provision of recorded and live music indoors shall cease at 02:00 hours on Saturdays and Sundays.
- The Designated Premises Supervisor (DPS) or a nominated representative shall receive and respond to complaints throughout the duration of all noisy events.
- No music or events shall be relayed via speakers to external areas of the premises including the courtyard, other than for events with prior approval of the Licensing Authority.
- The Licence holder shall retain full control over sound amplification equipment including the specification and orientation of speakers.
- Zero drugs policy
- Emergency lighting and well lit escape routes

2. SITE DESCRIPTION

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

3. AGREED CONDITIONS

Environmental Health – West Oxfordshire District Council suggested the following condition, which have been agreed by the applicant and would be added to the licence if the application is granted.

- The provision of any live and recorded music outdoors shall be restricted to the courtyard and gallery garden areas and shall cease at 23:00 hours prompt.

The following conditions are on the current licence

1. All external doors and windows must be kept closed, other than for access and egress, in all rooms when events involving amplified music or speech are taking place.
2. The provision of live music outdoors shall be restricted to the courtyard, be unamplified only and shall cease at 23:00 hours.
3. The provision of recorded and live music indoors shall cease at 02:00 hours on Saturdays and Sundays.
4. The Designated Premises Supervisor (DPS) or a nominated representative shall receive and respond to complaints throughout the duration of all noisy events.
5. No music or events shall be relayed via speakers to external areas of the premises including the courtyard, other than for events with prior approval of the Licensing Authority.
6. The Licence holder shall retain full control over sound amplification equipment including the specification and orientation of speakers.

4. REPRESENTATIONS

Responsible Authorities under the Licensing Act 2003

4.1. Responsible Authorities

There have been no further representations made by any of the other Responsible Authorities.

4.2. Residents

There have been representations received from local residents in relation to this application and can be found in **Annex D**.

- 4.3.** The concerns raised in the objections relating to traffic, area of Outstanding Natural Beauty and Fireworks are not issues the Licensing Authority cannot be accepted for this Licensing Hearing

Traffic and AONB

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.

Fireworks

The use of fireworks is not a licensable activity and therefore cannot be taken into consideration under the Licensing Act 2003.

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 E**.

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

8.1 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.

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.