



WEST OXFORDSHIRE  
DISTRICT COUNCIL

## WEST OXFORDSHIRE DISTRICT COUNCIL

Name and date of Committee	LICENSING PANEL – 16 AUGUST 2023
Subject	Application for a variation to a Premises Licence – Bell Hotel, Charlbury
Wards affected	Charlbury
Accountable officer	Andrea Thomas – Licensing Officer Email: andrea.thomas@westoxon.gov.uk
Summary/Purpose	To determine a variation to a premises licence application made by The Mill At Kingham Limited, represented by TLT Solicitors, in regards to the premise named The Bell Hotel, Charlbury, OX7 3PP
Annexes	Annex A – Redacted Application Form Annex B – Proposed Plans Annex C – Current Licence Annex D – Local resident representations Annex E – Copy of letter from Solicitor Annex F – Licensing Hearing Procedures
Recommendation(s)	That the Licensing Panel 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	<ul style="list-style-type: none"><li>• Putting Residents First</li><li>• Working Together for West Oxfordshire</li><li>• Ensure that services delivered by the Council are delivered to the highest standard</li></ul>
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
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## 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 27 June 2023. The Applicant is The Mill at Kingham Limited represented by TLT Solicitors for The Bell Hotel, Charlbury, OX7 3PP
- 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 vary the licence to include an external bar in the garden subject to the following conditions which have been suggested by the Applicant to alleviate any concerns of local residents. The Applicant’s Solicitor has been in touch with persons who have made representations to make them aware of the conditions they have suggested could be attached to the Licence if granted

- a) Any external bar will operate until no later than 2200
- b) The external bar will be supervised at all times it is in use
- c) The external bar will be inaccessible to customers when not in use to ensure that customers do not have direct access to alcohol

The position of the bar is shown on the attached site map and plan drawings.  
041\_10\_03 to be added to the licence to reflect changes to the layout of the premises.

The specific changes are as follows:

- Changes to pub building ground floor layout (reflected in drawing number 041\_10\_00)
  - Reconfiguration of bar servery
  - Installation of fixed seating
  - Reconfiguration of lavatories
  - Reconfiguration of reception
- Changes to barn building ground floor layout (reflected in drawing number 041\_10\_03)
  - Reconfiguration of lavatories
  - Installation of door on ground floor

- 1.5 All other hours, activities and conditions currently permitted by the premises are to remain.

A copy of the redacted Application is attached at **Annex A** and the proposed plans are at **Annex B**

## **2. SITE DESCRIPTION**

2.1 A copy of the current premise licence is at **Annex C**

## **3. REPRESENTATIONS**

3.1 **Responsible Authorities under the Licensing Act 2003-** There have been no further representations made by any of the other Responsible Authorities

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

3.3 The concerns raised in the objections relating to Planning Conditions are not a matter for the Licensing Panel to take into account, this is dealt with under Planning legislation.

3.4 The applicants Solicitor has responded to the representation made and a copy of this email can be found at **Annex E**

## **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 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 Meeting is attached at **Annex F**

## **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 Section 182 Statutory Guidance published April 2018

(END)