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Cherwell District Council

Licensing Sub Committee

Minutes of a meeting of the Licensing Sub Committee held at Exeter Hall, Kidlington, Oxon OX5 1AB, on 28 July 2015 at 9.30 am

Present: Councillor Rose Stratford (Chairman)

Councillor Colin Clarke
Councillor Lawrie Stratford

Officers: Christine Pegler, Licensing Officer
Oliver Hughes, Solicitor
Matt Marsh, Solicitor
Louise Aston, Team Leader, Democratic and Elections
Aaron Hetherington, Team Leader Democratic and Elections

5 **Appointment of Chairman of the Sub-Committee**

Resolved

That Councillor Rose Stratford be appointed Chairman of the Sub-Committee.

6 **Declarations of Interest**

There were no declarations of interest.

7 **New Premise Licence Application - Yarnton Manor, Church Lane, Yarnton, OX5 1PY**

The Interim Public Protection and Environmental Health Manager submitted a report which provided an outline of an application for the grant of a Premises Licence in relation to Yarnton Manor, Church Lane, Yarnton, OX5 1PY, and detailed the representations received from Responsible Authorities and Other Persons.

Resolved

- (1) That the application for the grant of a premises licence in relation to Yarnton Manor, Church Lane, Yarnton OX5 1PY be refused as detailed in the attached decision letter.

The meeting ended at 4.30 pm

Minute Item 7

Community & Environment

Ian Davies – Director of Community & Environment



DISTRICT COUNCIL
NORTH OXFORDSHIRE

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Our Ref: Yarnton Manor

29 July 2015

Dear Mr Humphreys

Yarnton Manor Premises Licence Application Hearing - 28 July 2015

I write to confirm the outcome of the above hearing.

Decision

The licensing sub-committee has carefully considered the evidence submitted by the applicant and all the other parties and what has been said by all those who spoke at the hearing. It has taken all the documentation submitted right up until last night into account.

The sub-committee found, based on the extensive evidence before it, that the grant of the application would be likely to undermine both the public nuisance and public safety licensing objectives. Public nuisance included noise and disturbance to local residents from licensable activity and also from people and vehicles coming and going. The sub-committee did not consider that the conditions proposed by the applicant in relation to noise were adequate. The public safety concerns included the serious risk posed by traffic coming to and going from the premises down Church Lane which was for the most part a single track lane and well used by adults and children on foot. The applicant's expert traffic evidence was not persuasive. The sub-committee recognised from the evidence that there were already problems of this nature on Church Lane.

To a lesser extent, but still relevant, the sub-committee were concerned about the manner in which the application had been prepared and submitted. It had required quite significant clarification/confirmation and the applicant had addressed the key issues apparently only in response to points raised by the responsible authorities and local residents. The sub-committee considered an application of this nature and extent required rather more careful attention than the applicant had given it at first instance. This, combined with evidence of previous breakdown in communication between the applicant and local residents concerning licensing issues (especially

those closest to the premises), called the applicant's management of, and ability to, promote the licensing objectives into question.

On the basis of all the evidence heard, the sub-committee did not consider attaching conditions to the licence would promote the prevention of public nuisance and public safety.

Taking everything into account, the Panel considered it was appropriate for the promotion of the licensing objectives to refuse the application.

The Panel noted that the applicant could still seek to utilise Temporary Event Notices, the number of which available would increase next year.

Parties can appeal to the Magistrates' Court within 21 days of notification of this decision. Any appeal should be made to Banbury Magistrates Court, The Court House, Warwick Road, Banbury, Oxfordshire, OX16 2AW.

Yours sincerely,

pp. Ian Davies
Director of Community and Environment

cc. Robert Humphreys - Solicitor for applicant

Jeremy Phillips Barrister for applicant