

Minutes

of a meeting of the

Licensing Panel



held on Monday, 22 May 2023 at
11.00 am in Meeting Room 1, Abbey
House, Abbey Close, Abingdon,
OX14 3JE

Open to the public, including the press

Present in the meeting room:

The Panel: Councillors Peter Dragonetti, Ben Manning and Leigh Rawlins

Officers: Candida Basilio (Democratic Services Officer), Ben Silverthorne (Trainee Democratic Services Officer), Nigel Shepherd (Litigation Lawyer), and Richard French (Licensing Officer)

Members of the public: 6

Remote attendance:

Guest: Martin Morgan (Environmental Health Officer)

1 Election of a chair

A motion moved and seconded, to elect Councillor Ben Manning as chair of the panel was carried on being put to the vote.

RESOLVED: that Councillor Ben Manning be elected as chair of the panel.

2 Declarations of interest

There were no declarations of interest.

3 Procedure for the meeting

The chair confirmed that all parties present understood the procedure.

4 Application for a Premises License - The Green Room, Henley-on-Thames

The panel considered the application for a Premises License for The Green Room, Henley-on-Thames.

Licensing Officer:

The Licensing Officer laid out the proposed application and noted how many representations had been made regarding the application, 18 representations in total. It was also noted how Mr Payne (objector) was not in attendance at the panel.

The chair allowed the applicants, the panel, and other parties to ask questions for the Licensing Officer, none were asked.

The Applicant:

The applicants put forward their case and began by giving apologies for the lack of clarity provided on the actual requirement of the license sought after, and the distress that may have caused for residents.

The applicants then presented their website to show what their plan was, with acceptance from the panel. This was accepted though the chair did stress that new evidence provided may not be considered in the final decision. The applicants then laid out their business plan and how the license application would work within that plan. The applicants explained that they were members of the Henley community and wished to create a new space for the Henley community.

The chair then allowed members of the panel to ask questions of clarification to the applicants.

Members raised questions about the idea of moving from a daytime workspace towards evening events. Applicants responded to these questions by stating they would only desire between one to two evening events a week to showcase live band performances. Applicants stated they were happy to be flexible with the times to ensure good relations with the neighbourhood. In terms of opening times, normal day-to-day openings will be 8:30am to 5:30pm, the only times the café would be open late is for specific events that have been advertised in advance.

Questions were also raised around the size of the venue and how many people would be able to fit in the venue. The maximum capacity was 93 but it would be capped at around 80 as there were a limited number of facilities on site, being two unisex toilets on site. Questions were raised about the small number of facilities for the number of people within the café.

Members also asked questions regarding CCTV and whether it was both internal and external. The CCTV was confirmed as only internal. Questions were also asked to the applicants on whether they had seen the recommendations given by the Environmental Officer, which they had, and applicants expressed that they could comply with those. The panel then opened questions of clarification from the Licensing Officer, which there were none.

The panel then opened questions from any other party that sought points of clarification. Questions were raised regarding the opening hours in the evening and when they would be open late. In response it was suggested that the café would only be open in the evenings twice a week, otherwise the café would shut at 5:30pm.

Other questions were raised about what the nature of the Premises License was, were they now applying for live music two nights a week. Applicant responded that this was all they needed. The applicants proceeded to break down the hours they were planning on selling alcohol, performing live music and other aspects relating to their application. The applicants did further stress that there was a desire and possibility to be flexible with the times. Applicants explained that the reason why there was an application for a late license was for flexibility.

Questions were raised by the panel regarding the events that would be taking place. Applicants stated that due to the size of the venue, it would only be acoustic musicians/bands.

The panel then referred to the statements made by the Environmental Health Officer and their recommendations and asked whether they had been made or not. Licensing Officer then suggested holding those questions until the Officer can make his case.

Other parties were concerned that if the license was granted, the applicant could play the live music how and whenever they wanted. Licensing Officer then explained how keeping within the limitations of the license would best serve the applicants as it would prevent the possibility of complaint and potential license removal if appropriate.

Panel then allowed other parties to state their cases regarding the application.

The Environmental Health Officer:

The Environmental Health Officer stated that he was happy with the applicant's new suggestions. However, concerns were raised about noise pollution seeping through and escaping the building affecting residents in the area. To combat this the officer felt the suggested new earlier closing hours for live music would help with managing noise levels.

The chair invited the applicant, the panel and other parties to ask questions of clarification for the Environmental Officer.

Questions were raised around the area of toilet provision and sound proofing. The officer stated that with regards to toilet provisions that was not in his area of expertise. However, regarding decibel level there was no legal limit for an applicant to have to adhere to due to the impossible nature of enforcement.

Questions were also raised regarding the application's "close down period". The officer recommended that the applicants keep to the hours suggested in his report, unless there was a higher degree of sound insulation.

The applicant then ran through the list of conditions offered by the Environmental Officer and whether they accepted them or wished to make slight alterations to them. The main alterations being the closing of windows and doors to prevent any live music escaping after the hours of 9:30pm.

Objectors:

The Chair then asked any other parties to list concerns regarding the application of the license.

Objectors to the application noted the change in the application that was first issued at the start of the process.

Objectors also highlighted four main issues they believe this license would introduce.

- 1) **Public Nuisance:** The building was considered no longer suitable to serve alcohol, even if it used to be a pub. The main concern was that there was no appropriate outside seating areas as the beer garden that was there as part of the former pub now belongs to a different property. Objector raised the concern that this will lead to people drinking and smoking outside, which could lead to anti-social behaviour, used other pubs (such as the pub Hoffs) in the area as examples. Sound was also a concern raised due to the area being a residential area, example was given of older residents and how that could affect their evenings with the live music nights.
- 2) **Prevention of Public Safety:** An objector noted that some people will be leaving the establishment intoxicated. Due to how narrow the footpath was when

- leaving the café, it was suggested that there was the potential for a serious accident to take place.
- 3) Prevention of Crime and Disorder: One side next to the property was private land but was accessible so could lead to customers walking into that property encouraging potential trespassing.
 - 4) Protection of children from harm: With the possibility of loud music could be detrimental for children in lack of sleep, which the objector felt amounted to harm.

The chair then invited the panel to ask questions of clarification.

Questions were raised by the panel regarding the previous use of the building as a public house and regarding people leaving the premises. It was suggested that there was no difference between people leaving the building intoxicated while it was a public house as it would be now.

Questions were also raised about the private property, West Hill Court, and its location in respect to the café. It was pointed out by the objectors. Questions were also raised whether the private land was cornered off to public or not. The objectors stated it wasn't and therefore potentially accessible to the public. The panel further asked the question whether public do walk across the area, in which it was revealed that the public do already.

Questions were raised about smoking and would the applicant put measures in to deal with possible smokers. The applicants responded that barriers would be put in place and an area made up as a smoking area. As well as hiring security staff to control behaviour on the door.

The applicants in response to the statements surrounding the narrowness of the footpath when leaving the café, named a number of other pubs and venues that have a similar situation, and no known complaints were made about those. The chair did point out to the applicants that they will have a chance to sum up in their closing statements.

The applicants asked the objectors whether what had been said during the panel had dealt with the objectors' concerns. Although it was said that the issues had been alleviated, they had not been entirely removed.

Concerns were raised by objectors about the constant changing of the plan and requested to the panel that the application should be rejected and a new one with for more specific specifications be drawn up. Chair advised the objectors that all considerations and requests will be taken into account when in making the fairest and most efficient decision.

Objector's opinion was provided that the applicants had not taken the time to canvass the local residents to seek their opinions.

The chair did briefly explain the appeal process if people were not happy with the outcome of the panel.

Final Statements:

The chair then moved the panel on to the closing statements which the Licensing Officer and other parties did not choose to give.

In the applicant's closing statement, the applicant apologised again for the frustration caused, and accepted that they could have taken a different approach to the application. The applicants highlighted their involvement in the community and how the business plan was always what was stated in the meeting. They expressed their desire to be flexible, in line with the community and apologised if that was not clear.

The chair then asked those attending the panel if they felt they had a fair opportunity to state their case, which was agreed with unanimously. The meeting

was then recessed for private deliberation between panel members and specific officers (Legal and Democratic).

Deliberation:

The chair then ended the public section of the panel and asked the relevant parties to leave the room while the panel deliberated with the assistance of officers. The panel took time to go through each argument put forward by all the parties' making representations to the panel. The panel took advice from the Litigation Lawyer when coming to their decision.

The Decision:

The Premises License was granted following changes and suggestions made by the panel:

Licensable Activity	Days and Times
Live Music	Monday to Sunday 09:00 – 17:30
Recorded Music	Monday to Sunday 08:00 – 17:30
Activities similar to music & dance	Monday to Sunday 09:00 – 17:30
Sale of Alcohol	Monday to Sunday 11:00 – 17:30
Hours premises are open to the public	Monday to Sunday 08:00 – 17:30

The applicants were also given these following conditions to follow:

- The premises is permitted to open until 23:00 (or until 22:00 on Sundays) on up to two occasions per week, to carry out activities authorised by this licence until 23:00 (or until 22:00 on Sundays). The licence holder shall ensure that a record of any day that the premises is opening beyond 17:30 under this condition is made in the register required to be kept under this licence for recording refusals and incidents.
- The capacity of the premises shall be limited to a maximum of 80 persons.

In addition, the following additional conditions proposed by the Environmental Protection Officer are to be added to the licence:

1. No regulated entertainment shall take place in the premises until an acoustic survey has been carried out by an independent person who is qualified to be at least an associate member of the Institute of Acoustics and a scheme for soundproofing these areas has been submitted to and approved by the Head of House and Environment. The scheme must be fully implemented to the satisfaction of the Head of Housing and Environment prior to any regulated entertainment.
2. The management of the premises shall ensure that no noise shall emanate from the premises nor vibrations be transmitted through the structure of the premises which gives rise to undue disturbance, amounting to a nuisance, to residents or businesses.
3. Management shall ensure that no open glassware or other drinking vessels belonging to the premises are taken outside.
4. During any live music, recorded music and regulated entertainment, or in any case after 21:00, all external doors (including lobby doors) and windows to the premises shall remain closed, other than for access and egress.
5. All refuse and bottles shall be disposed of in bins quietly so as not to disturb local residents. There shall be no disposal of glass bottles outside between 21:00 and 08:00 hours.

The legal officer then informed those parties present about the possible appeal process and the time frame that would need to take place.

The meeting closed at 14:00pm