

# Minutes

of a meeting of the

## Licensing Panel



held on Monday, 11 September 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:**

Councillors: Ben Manning (Chair), Georgina Heritage, and Katharine Keats-Rohan  
Officers: Darius Zarazel (Democratic Services Officer) Sarah Commins (Legal Officer),  
and Ashley Peachey (Licensing Officer)

### **Remote attendance:**

Officers: Jeremy Lloyd (Broadcasting Officer)

## **5 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.

## **6 Declarations of interest**

There were no declarations of interest.

## **7 Procedure for the meeting**

The chair confirmed that all parties present understood the procedure.

## **8 Application for a variation of the premises licence - The Wheatsheaf, Wantage Road, Didcot, OX11 0BS**

The panel considered the application for a variation of the premises License for The Wheatsheaf, Wantage Road, Didcot, and the chair invited the licensing officer to present their report.

## **Licensing officer**

The licencing officer informed the panel that the application was for the variation of the premises licence for the addition of regulated entertainment, including indoor live music from 11.00 to midnight Fridays and Saturdays, and recorded music from 11.00 to 00.30 Fridays and Saturdays. She also sought clarity from the applicant about when live music would be played till as there were two figures provided in the application forms.

The Wheatsheaf was licenced for the sale of alcohol from Monday to Wednesday from 11.00 to midnight, Thursdays from 11.00 until 00.30, Friday and Saturday from 11.00 to 01.00, and on Sundays from midday to 23.30.

The licensing officer also noted that during the consultation period the application had received four representations, presented in the report attached to the agenda for the meeting. She also confirmed to the panel that the application was advertised in accordance with all the necessary regulations.

No members of the panel, or the applicant and objector, had questions for the licensing officer.

## **The applicant**

Piers Warne speaking on behalf of the applicant, and Michael Fowler the Designated Premises Supervisor (“DPS”) for The Wheatsheaf, then presented their case to the licensing panel. Some of the key information they highlighted was that the variation was for the addition of live and recorded music. Mr Warne also clarified that their application was for live music until midnight Friday and Saturdays and for recorded music until 00.30. He also emphasised that the variation was not for an extension of the hours the premises could operate.

The applicant’s solicitor also informed the panel that they were looking to amend the variation sought in relation to the use of the outside area. Currently, the area is used in accordance with the existing premises licence until midnight, and the applicant had requested an exemption for smokers but with a written notice placed in the smoking shelters requesting them to please respect the neighbours. The solicitor confirmed that they were now proposing a revised condition which was that the outside areas should not be used by customers between 00:00 hours and 08:00 hours except for the purpose of smoking- and, that no glasses would be allowed outside at this time.

In addition to this, Mr Warne confirmed they had proposed six new conditions, circulated to members, objectors and officers prior to the meeting, which were designed to address the concerns of neighbours. In summary the applicant’s proposed conditions were for regular entertainment checks, for the doors and windows to be closed during regulated entertainment, a garden management policy, a dispersal policy, a complaints log, and the provision of a phone number for residents to enable them to complain if required. While these proposed conditions were confirmed to be largely in accordance with those proposed by the Council’s environmental protection officer, they did not include the suggested use of noise monitoring equipment or the suggested restriction of access to the outside for smokers. Mr Warne justified this to the panel by explaining that it was the view of the applicant that the requirement for a noise limiter would be a disproportionate condition due to its financial cost and that as

the application was not a review of the current licence and there was no recent evidence under the current landlord that there was an issue with excessive noise. The applicant believed therefore that these two conditions proposed by the environmental health officer were less appropriate and disproportionate and that the conditions proposed sufficiently addressed the concerns about noise and disturbance and promoting the licensing objective of the prevention of public nuisance. Mr Warne also noted that the current licence had 17 conditions which would carry over to the varied licence, if granted.

On the premises itself, Mr Warne informed the panel that it was a traditional community pub run as a family business by Michael Fowler, the DPS who was an experienced. It was emphasised that Mr Fowler had a young child and that this provided reason for him to not cause excessive noise or disruption. It was also noted that the pub had received recent investment by both Mr Fowler and the licence owner, Punch Taverns Limited, and that Mr Fowler was also looking to open a new kitchen facility,

Mr Warne highlighted to the panel that Mr Fowler was an active member of Pubwatch and was happy to work with council officers and the local community, and had sought to do so for previous events such as one held on the last bank holiday when he had provided advance warning of the event and had received no complaints. On the proposed condition for a dispersal policy, he confirmed that this would help to enable customers of the pub to leave in a more staggered manner. Furthermore, as the live music would end before the recorded music this would also help create a more staggered dispersal. He also confirmed that the Mr Fowler had not received any complaints since he started in his role.

Finally, with the recent proposed conditions and the extension of the live music hours, the applicant believed that the business could continue to develop while ensuring that they would be promoting the licensing objectives.

Members of the panel asked the applicant about the proposed noise containment measure of keeping all the doors and windows shut and how this may affect the customers inside, especially during periods of hot weather. In response, the applicant responded that it could be a frustration but if people did not respect the rules they would be barred, something the DPS had done in the past. They also informed members that, although they did not have air conditioning, there was a garden area outside where people could go, and that temperature would not be a year-round issue. In addition, the applicants noted that The Wheatsheaf was normally busiest in the early evening as people would leave for late night entertainment and that the purpose of the variation was to provide more value for their regular customers.

On the proposed dispersal policy, members asked if this would require extra staff input to ensure people move on, but the applicants responded that they would use existing staff or that the partner of the DPS could assist with this as they were a trained SIA door supervisor and that the current situation was managed effectively.

The panel asked about how often live music would be provided and the applicants responded that there would be a regular schedule of entertainment, but live music was not likely to be provided every week due to its cost.

As the legislation allows for music up to 23.00, members asked about what difference the extra hour would make to the business. In response, the applicant confirmed to the panel that it was crucial as people were moving on to different venues at 23.00. When asked if they would result in more people arriving at the premises entering the premises at 23.00 who could be potentially already drunk, the applicant responded that this was unlikely as they would likely go to the venues which were open longer, such as Broadways, and that they did not anticipate any problems with these types of issues.

Neither the licensing officer nor objector had questions for the applicants.

### **The objector**

Alick Natton, environmental health officer and objector to the application, then presented their case to the licencing panel. The environmental health officer highlighted that the site was surrounded by residential properties and that The Wheatsheaf had a history of past complaints which led to the former DPS being served with an abatement notice, 10 years ago. The environmental health officer explained that since that time, the council had received sporadic noise complaints about both live music and customer noise, although there was no evidence to suggest that it had passed the threshold needed for a statutory nuisance. The officer did confirm that the council had not received any complaints about The Wheatsheaf under the current DPS.

The environmental health officer also discussed their proposed conditions if the panel were minded to approve the application. On the opening hours of the garden potentially being considered outside the scope of the application, he confirmed that the legal officer could advise the panel on that but that the only outstanding point of difference between the environmental health officer and the applicant's proposed conditions was on the noise limiter. He noted that the applicant considered it to be an excessive condition but that he had suggested it due to the historic issues with the premises.

No members of the panel, or the licensing officer or applicant, had questions for the objector.

### **Final submissions**

The chair then invited each party to present their final submissions. The licencing officer and the objector did not provide a final submission, but the applicant concluded by confirming that the DPS had prior experience in working constructively with the council and the local residents and that the abatement notice had been issued on the previous DPS and emphasised that under the current DPS they had not received any complaints of public nuisance. The applicants also highlighted that the extension was modest and that one of their proposed conditions for no glasses outside from midnight would be helpful to control noise and that there would be room to review the license at a later date if they did not meet their obligations.

Finally, the chair invited all the relevant parties to confirm that they had been provided with a fair opportunity to put their respective cases to the panel and each party confirmed that they had received that opportunity.

The panel then retired and excluded all the people from the meeting room apart from the democratic services officer and the legal advisor while they deliberated on the application.

## **Deliberation**

The panel then deliberated the application.

The panel considered the written and oral evidence of all parties and the relevant provisions of the Act; the Secretary of State's guidance issued under section 182 of the Act; and the council's licensing policy. The Panel also considered what would be reasonable and proportionate having regard to the Act and associated regulations and guidance, the promotion of the licensing objectives, and the Council's licensing policy.

The panel only considered evidence relevant to the licensing regime and to the promotion of the licensing objectives. The panel did not take account of non-regulated activities, any activities not within the control of the premises or those which were not relevant to the licensing objectives.

The panel considered the issues raised by the representation from environmental health as well as the applicants and noted that since the current DPS took over The Wheatsheaf, there were no complaints received and that there was an attempt by the DPS to work constructively with the council and the community.

Members did maintain some reservations about the potential for the approval of the application to cause a disturbance, but they were generally satisfied that there were conditions that could be put in place to mitigate any issues. Specifically, the condition preventing glasses being outside after midnight satisfied the panel. Furthermore, as the DPS had a young family they were reassured that he would keep the noise levels appropriate.

The panel also noted the applicants' reason why the variation was requested, that it was about customer retention rather than specifically trying to attract people coming in from other venues at 23.00, and that those people would likely go to Broadways which was open later.

On conditioning a noise limiter, concerns were raised about the potential cost and technical knowledge needed to operate the device. However, the panel agreed that if the applicant failed to meet their requirements in the application, then the council could look to require a limiter, but that they would not require it for the current application.

Overall, as the panel were reassured by the applicants past record, that they were investing in the property, working well with the community, and that they would be responsible for meeting the conditions, they agreed that the application should be approved subject to the conditions as proposed by the applicant with the following amendments:

- an amendment for a requirement to provide copies of the garden management policy and dispersal policy to the council
- for the complaints log to be retained for 12 months
- for an e-mail address to be made available for any complaints to be logged

The panel, satisfied with the decision that was reached, called all members of the hearing back into the meeting room.

## Decision

The chair then read out the decision notice; that the panel grant the licence for the variation of the premises licence for The Wheatsheaf, Wantage Road, Didcot, OX11 0BS for regulated entertainment as follows:

| <b>Licensable Activity</b> | <b>Current days and times</b> | <b>Proposed days and times</b>                             |
|----------------------------|-------------------------------|--|
| Live music (indoors)       | None                          | Fridays and Saturdays:<br>11:00 to 00:00 the following day |
| Recorded music (indoors)   | None                          | Fridays and Saturdays:<br>11:00 to 00:30 the following day |

The licence is subject to the mandatory conditions under the Act, conditions contained within the operating schedule, and the following additional and amended conditions:

1. The outside areas shall not be used by customers between 00:00 hours and 08:00 hours except for the purpose of smoking - with no glasses allowed outside at this time.
2. To add a condition 'A notice shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly'.
3. The DPS or other designated person shall make regular external checks to ensure that any noise breakout minimised. Such checks are to be recorded and records to be kept for 12 months.
4. Doors and windows shall be kept closed (other than for ingress and egress) when entertainment involving live or amplified music is taking place.
5. A garden management policy will be drawn up and implemented at the premises. The policy will be read by all members of staff required to implement it and a copy be submitted to officers from the Responsible Authorities.
6. A dispersal policy will be drawn up and implemented at the premises. The policy will be read by all members of staff required to implement it and a copy be submitted to officers from the Responsible Authorities.
7. A complaints log will be maintained (either separately or as part of the incident log) detailing any complaints received from residents. The log will record the date and time of the complaint, the nature of the complaint and any action taken thereafter. A copy is to be kept for 12 months and be made available to officers from the Responsible Authorities on request.

8. A phone number and email address for the manager of the premises will be made available to residents (on their request) to allow for a direct line of communication in case of issues requiring immediate attention.

The meeting closed at 11.50 am

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