



LICENSING SUB-COMMITTEE HEARING

Members' Record of Determination

**Olney Wine Bar and Brasserie, 9 High Street South, Olney
Application for a New Premises Licence
22 November 2016**

Constitution of the Sub-Committee: Councillors Miles and Wallis
Chair Councillor Morris

Others Present:

Legal Advisor: Lee Gardner
Committee Manager: Jane Crighton

Licensing Officers: Simon Teesdale Licensing Team Leader
Kieran Evans Licensing Enforcement Officer

Applicant/Licence Holder John Shayler Applicant
/Licence Holder's Representative Unrepresented. Frank Fender FJF Licensing Solutions


Also Present: Liam Costello (Olney Town Council)
Mr Williams, Mr Davison and Mr Wilkinson

Documentation: Report of Licensing Officer and documentation

Apologies: None

Disclosures of interest: None

Prior to the commence of the hearing, the Chair read an opening statement which constituted the strict procedure to be followed at the hearing, the process for all parties giving evidence and the rights of persons attending the hearing.

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Signature:	
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1. Findings of Fact

The application was for a new premises licence but there had been an existing licence in place since September 2005 when it had been known as Olney Wine Bar. It was then subject to a transfer to Grigg and Seidler in 2007. The current licensee, TJD Trade Ltd, took over the license in October 2009.

Olney Wine Bar had been closed for approximately two years.

The adjoining property to Olney Wine Bar was going to be merged with the exiting premises for licensable activities.

The existing license permitted the following:

(a) Supply of Alcohol

Monday to Wednesday (10.00 to 00.30 (01.30 during December))

Thursday to Saturday (10.00 to 01.30)

Sunday (12.00 to 23.30)

Good Friday and Christmas Day (12.00 to 23.30)


New Year's Eve from the start of permitted hours on that day of the week until start of permitted hours the following day.

(b) Indoor Regulated Entertainment encompassing Live Music, Recorded Music, Performance of Dance, Activity similar to Live Music / Recorded Music or Performance of Dance

Monday to Wednesday (20.00 to 00.00)

Thursday to Saturday (21.00 to 00.00)

Sundays (12.00 to 23.00)

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(c) Late Night Refreshment

Monday to Wednesday (23.00 to 00.30 (01.30 during December)

Thursday to Saturday (23.00 to 01.30)

Sundays, Good Friday and Christmas Day (23.00 to 00.00)

New Year's Eve (23.00 to 05.00 New Year's Day)

The application for new licensable activities were as follows:

(a) Supply of Alcohol (on and off the premises), Live Music, Recorded Music and Performance of Dance (indoors)

Sunday to Thursday (10.00 to 00.30)

Friday to Saturday (10.00 to 01.30)

(b) Late Night Refreshment (indoors)

Sunday to Thursday (23.00 to 00.30)

Friday to Saturday (23.00 to 01.30)

Seasonal variations had also been requested in respect of the end times for all licensable activities, as follows:

(a) an additional one hour on the Sundays and Mondays of Bank Holiday weekends;


(b) an additional hour on Christmas Eve, Boxing Day, St. Patrick's Day and Valentine's Day, where these days fall other than on a Friday or Saturday;

(c) an additional half an hour on the day British Summertime begins; and

(d) from the end of permitted hours on New Year's Eve until 05.00 on New Year's Day.

Since the application had been submitted, the applicant had agreed with Environmental Health that the condition in the operating schedule relating to the terminal time for drinks and refreshments consumed outside be reduced to 21.00. The applicant had also agreed to further additional conditions to be added to the operating schedule, as follows:

(a) a dispersal policy be produced and implemented to ensure noise is kept to a minimum; and

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- (b) a large gathering of customers would be prevented to occur outside the front of the premises to prevent spillage onto the main road.

There had been complaints previously recorded against Olney Wine Bar but these had little relevance to the decision regarding the new application.

There had been representations made from Olney Town Council and four local residents in relation to the application which, in summary, included the following issues:

- (a) the unsuitability of the location and timings for licensable activities;
- (b) that the seasonal timings for New Year's Day were excessive and that St. Patrick's Day and Valentine's Day were not sufficiently exceptional to warrant additional hours;
- (c) the potential for anti-social behaviour; and
- (d) the hours of music should be reduced and the last entry to the premises be 22.00.

The applicant had responded to some concerns raised by objectors and, as a result, proposed to amend the indoor terminal hours from 00.30 to 23.00, with the premises closing at 23.30, Sunday to Thursday, therefore, the proposed Late Night Refreshment from 23.00 to 00.30 would be withdrawn.

The applicant had also proposed that a contact number be available for residents to report any concerns that may arise.

The Sub-Committee was also advised that there were two licenced premises in Olney Town Centre. This was The Swan that had a closing time of 11.00 pm (10.30 pm on Sundays) and The Bull that has a closing time of 12.00 midnight. However, The Bull is currently closed due to a fire in the premises.


2. Decision

The decision of the Sub-Committee was to grant a new premises licence with the following conditions:

- (a) Supply of Alcohol (on and off the premises), Live Music, Recorded Music and Performance of Dance (Indoors)

Sunday to Thursday (10.00 to 23.00)


Friday and Saturday (10.00 to 00.00)

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- (b) Late Night Refreshment (Indoors)
Friday and Saturday (23.00 to 00.00)
- (c) Premises Open to the Public
Sunday to Thursday (10.00 to 23.30)
Friday and Saturday (10.00 to 00.30)
- (d) Seasonal variations have been approved for all licensable activities, as follows:
 - (i) an additional one hour on the Sundays and Mondays of Bank Holiday weekends;
 - (ii) an additional hour on Christmas Eve, Boxing Day, St Patrick's Day and Valentine's Day;
 - (iii) an additional half hour on the day British Summertime begins;
 - (iv) from the end of permitted hours on New Year's Eve until 05.00 on New Year's Day.
- (e) that a dispersal policy be agreed between Thames Valley Police and Environmental Health with Olney Town Council being consulted;
- (f) additional conditions, as detailed in Annex A to the report, be approved;
- (g) all conditions agreed with the Police and Environmental Health, as contained in Annexes D and E, be approved.
- (h) that drinks shall not be consumed in the outside area after 21.00;
- (i) that appropriate signage be displayed on exit to the outside smoking area and to the external smoking area stating no drinks to be allowed outside after 21.00 and also to be respectful to neighbouring residential property; and
- (j) that a contact telephone number be available for residents and responsible authorities to call with any concerns that may arise and this to be manned at all times.

In addition to the conditions of the Licence the Sub-Committee held:

- (a) that there will be no last entry hours; and

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- (b) that the Highways department be asked to review the road outside the premises to see if bollards are required for the safety of customers.

3. Reasons for the Decision

On hearing evidence from the officers, the applicant and from parties that made relevant representations, the Sub-Committee considered the main licensing objective was public nuisance.

The Sub-Committee considered the position of the wine bar, in that it was in a small market town with residential properties in close proximity. It also took into consideration the two other licenced premises in the town.

The Sub-Committee heard that the wine bar was situated in a place with very narrow pavements where patrons could easily step into the road causing a danger to themselves and oncoming traffic.

It also took into consideration the concerns of local residents in having a wine bar operating to 1.30 am at the weekend.


In considering all their points, the Sub-Committee decided to reduce the requested operating hours at the weekend to the same as those requested for Sunday to Thursday.

The Sub-Committee decided that knowing the other two licenced premises had licences that did not go past midnight, that licencing a premise to open till 1.30 am would mean that patrons would be migrating from one premises to the wine bar to stay drinking late.

If this occurred it would encourage those premises to apply to vary their licences to extend those hours to compete, thus resulting in a proliferation of late night opening at the weekend that would increase the chances of nuisance and anti-social behaviour to local residents.

The Sub-Committee considered whether a restriction to entry would stop migration to the premises. The Sub-Committee accepted the applicant's statement in that he did not want his business to adversely affect other licenced premises. However if a last entry time was set then it could mean that patrons would be leaving the other premise early to get in the wine bar before the cut off, resulting their business being affected and then being forced to apply for the late licence.


All of the other conditions were that the Sub-Committee applied were agreed prior to the sub-committee or through statements made to the Sub-Committee and members were happy to approve those conditions.

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4. Appeal

An appeal against the decision of the Sub-Committee may be made by the applicant and any person who made relevant representations.

Applications to appeal the decision of the Sub-Committee must be made to the local Magistrates' Court within 21 days from the receipt of this notice.

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