

Licensing Act 2003



Licensing Sub-Committee

Notification of determination

Hearing under Sections 17 and 18 of the Act, and the Licensing Act 2003 (Hearings) Regulations 2005 In respect of an application made to Oxford City Council for a Premises Licence.

Date of hearing	22nd May 2024
Place:	Town Hall, Oxford
Case No:	24/01195/PREM
Applicant:	Chloe Gee
Premises:	The Medley Walled Garden
Premiss address:	Medley Manor Farm, Binsey Lane, Oxford, OX2 0NJ
Licensing Sub-Committee Councillors:	Councillor Ottino (Chair), Councillor Jupp, Councillor Yeatman
Legal Advisor:	Alison Daly
Licensing Officer:	Richard Masters
Clerk:	Celeste Reyeslao

Councillor Jupp wished to put on record that Councillor Howson, present at this meeting as an objector, was known to him as a member of the same political group. He confirmed that he had not discussed the application with Councillor Howson.

The Chair explained the hearing procedures to be followed and asked the attendees to introduce themselves.

The Sub-Committee heard representations from the following:

Licensing Authority: Richard Masters (Senior Licensing Compliance Officer)

Richard Masters (**RM**), Senior Licensing Compliance Officer, presented a summary of the Licensing Authority's report. He stated that the application had received objections from eleven interested parties, citing concerns in relation to how the application may fail to promote the licensing objectives of the prevention of crime and disorder, the prevention of public nuisance, and public safety. The application had also attracted nine representations in support but only those that referenced the licensing objectives should be considered.

RM informed the Sub-Committee that following publication of the report, it was brought to the attention of the Licensing Authority that a pond in the proposed licensed area had been omitted from the submitted plan. The applicant's legal representative resubmitted a revised plan for consideration of its impact on the licensing objectives, particularly on public safety and the protection of children from harm. The amended plan, along with additional supporting materials, had been circulated to the Sub-Committee and interested parties prior to the meeting.

The Sub-Committee was reminded of its responsibilities under relevant legislations to consider a fair balance between the interest of the applicant and the rights of the residents, and duties to promote the licensing objectives.

Applicant: Chloe Gee (in attendance with licensing consultant, Gill Sherratt)

Gill Sherratt (**GS**), licensing consultant, addressed the Sub-Committee on behalf of Chloe Gee. She stated that whilst Ms Chloe Gee (**CG**) was the named applicant, the Gee family was in attendance due to their shared interest in the matter. She highlighted that the application sought granting of a restricted alcohol licence for the operation of seasonal events held in the Medley Walled Garden between May and October, from 11am to 11pm.

GS provided an overview of the business, highlighting its upscale nature and target demographic of high-end clientele. She described the location of the premises under consideration, stating that it is situated on the Gee family's farm which had been under their ownership since 1958. **GS** also gave an overview of the family's diverse business interests including ventures that were alcohol-focused as compared to the application. She then drew attention to Ms Gee's credibility and experience detailing her background in organising events in various venues in London and private clubs.

GS emphasised that the application sought to enable a diverse range of events that may or may not involve alcohol but noted that a licence was essential in securing bookings.

GS addressed the issues raised by residents including concerns about nature and safety around the pond. She pointed out that many licenced premises operated near rivers and that safety ultimately rested on individual responsibility or parental supervision for children. She emphasised that the pond was an asset to the venue and assured that security measures would be in place, including full lighting, CCTV, and a requirement for event organisers to acknowledge and take responsibility for safety, including around the pond.

GS then addressed parking concerns and stated that the car park would be moved closer to the site, reducing the walk to two minutes minimising disruption to residents. **GS** assured that the application met the conditions of the authorities, with measures in place to prevent nuisance, including immediate handling of disruptions, orderly dispersal of patrons, and availability of direct contact line for residents.

A copy of proposed additional conditions were submitted to the Sub-Committee.

In response to questions from the Sub-Committee:

- It was noted that it was impractical to notify all residents on a daily basis. The Sub-Committee was asked to identify which residents could be directly impacted to achieve a good level of notification.
- The applicant agreed to reduce the maximum attendees from 500 to 250 persons.

- Seven Temporary Events Notices were applied for in 2023 including two weddings, one corporate party and several open days.
- One noise complaint was received in 2023 which happened during a wedding where the police were contacted. This was resolved immediately with no further actions being taken by authorities.
- The venue targeted younger couples and professional groups typically from Oxford or London due to its premium pricing, positioning it as an upper-class venue.
- It was established that the largest event hosted at the venue to date was a maximum of 150 people present at any given point.

Responsible Authorities: Not in attendance

Interested Parties: Councillor John Howson (Ward Councillor), Helen Elwes (Local resident), Alison Cobb (Witness for Ms Elwes), Steve Cobb (Witness for Ms Elwes), Robert Soley, Julien Le Vay and Paul Spencer Longhurst

Councillor Howson addressed the Sub-Committee. He highlighted the unique nature of the application for an outdoor venue in a rural part of the city, emphasising the area's natural beauty and biodiversity. He raised concerns about the potential impact on wildlife, public safety, and the risk of crime and disorder due to the large crowd that the proposed events would potentially draw. He stated that the application would add to existing operations in the area and could exacerbate issues particularly related to noise and traffic. Councillor Howson suggested that adequate conditions be put in place to meet the needs of local residents, including limiting the number of attendees and adding a fence around the pond for children's safety.

Helen Elwes (**HE**) stated that she had been a resident of Binsey since 1986. She expressed her objections to the application citing concerns about public nuisance, particularly regarding noise pollution from large outdoor events held at the walled garden. She said that the noise from such events would impede on her right to have peace enjoyment of her property and force her to avoid being home on days when events are being held.

Alison Cobb (**AC**) spoke to two concerns specifically on public nuisance and children's safety. She stated that it was important to preserve common land and everyone's right to enjoy it, further stating that it would be difficult to achieve this if music was to be played from the walled garden throughout the day. She also shared a previous personal experience about her child's near-drowning incident in their garden pond and stressed the need for safety measures especially considering the proximity of the grounds to the River Thames.

Steve Cobb (**SC**) echoed the concerns raised about traffic congestion on Binsey Lane, particularly as the area had become more popular. He stated that the single carriageway currently allowed street parking up to the farm entrance resulting in severe traffic jams. He explained that up to 70 cars had parked on the road during an event in the Medley Walled Garden with up to 200 people arriving and leaving simultaneously. Despite discussions with local authorities, **SC** said that the issue remained unresolved and predicted that the situation would become intolerable on sunny days making it difficult for residents to enjoy the local area.

Robert Sloley (**RS**) expressed his strong support for the application and Ms Gee, describing her as a responsible and professional businesswoman. He mentioned the enhancements made to the premises including improved biodiversity and measures to address safety concerns around the pond. He stated that the premises was enclosed and was not intended for large-scale events citing their own family celebrations as an example of events held on the premises, emphasising that the operation was likely to attract around 100 people as oppose to the maximum 250.

In response to a question from the Sub-Committee, **RS** clarified that he is associated with Ms Gee through Albert Sloley, who is the son of Mr Sloley and the partner of Ms Gee. He also clarified that he had no interest in the business but made representations in support of the application.

Julien Le Vay (**JL**) expressed his objection. He explained that while legal requirements were met, they were not suitable for rural areas like Binsey where people walk within the farm premises. He raised concerns about public nuisance and public safety.

Paul Spencer Longhurst (**PL**) expressed his objection raising concerns about light pollution in addition to noise under the category of public nuisance. He queried what provisions were in place to measure and address light pollution and asked if any solutions had been considered.

RM clarified that light pollution would not be considered under the applied licensable activities.

The Sub-Committee asked if the applicant would propose a condition limiting the number of events per week to reassure residents. **GS** responded that such a restriction would need to be linked to the sale of alcohol and would ultimately limit the business, however the applicant expressed willingness to cooperate to an extent.

Alison Daly (**AD**), Legal Advisor, queried the material lining the fence shown in the submitted photograph. **CG** confirmed that they were fairy lights intended to illuminate the pond supported by the fencing. It was noted that the fencing was not substantial.

In response to further questions, it was established that the pond was waist-deep and had vegetation and sludge at the bottom.

Closing Submissions:

GS summarised by underscoring the limited scope of concerns related to the alcohol licence being applied for. She questioned the relevance of concerns raised such as light pollution and the pond to the sale of alcohol, but emphasised the applicant's commitment to safeguarding children, the local nature and wildlife. She highlighted the seasonal nature of the application and stressed the need for evidence-based conditions with assurance that issues would be addressed should they arise. **GS** concluded by noting the lack of objection by responsible authorities involved in the licensing application process.

HE summarised by reiterating her objection. However, she stated that if the Sub-Committee were to grant the application, strong conditions must be imposed and proposed that the following be added to the conditions:

- Maximum of 70 decibels
- Private property signages to be fixed to the gates

- Fences to be installed along the boundary to Ms Elwes's property especially in areas where portable toilets are situated

The Licensing Officer, applicant and legal representative, interested parties and members of the public were asked to leave the room whilst the Sub-Committee deliberated in private.

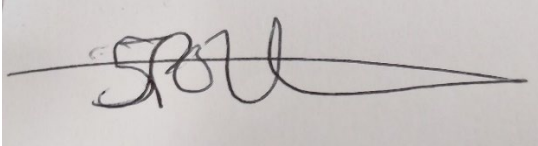
Decision and Reasons of the Sub-Committee

1. The Sub-Committee considered all written submissions and oral representations made in relation to the application. It had regard to the relevant Home Office Guidance and the Council's Statement of Licensing Policy.
2. The Sub-Committee also had regard to the Crime and Disorder Act 1988 and the Human Rights Act 1998 in its consideration to achieve a fair balance between the interest of the applicant and the rights of the residents.
3. The Sub-Committee took into account concerns raised on the matter of public nuisance, public safety, prevention of crime and disorder and the protection of children from harm (licensing objectives) and its relation to the licence for sale of alcohol.

The Sub-Committee resolved to:

- **Grant** the licence; and
- **Modify** the conditions of the operating schedule by:
 - adding the following conditions:
 - Max capacity of 250 people.
 - All neighbours within 300 meters to be notified in writing by the Premises Licence holder as soon as possible or at least a week in advance of any event where entertainment is provided.
 - Premises Licence holder to improve written policies to include safety measures in relation to the pond during licensable activities and also to specifically erect and maintain a low but substantial and illuminated fence enclosing the pond.
 - Gates and boundary fences on all access paths are to be made secure by the Premises licence holder during licensable activities.
 - Licensable activities to end at 7pm on at least one day out of seven in a week (Mon-Sun)
 - adding the seven additional conditions proposed by the applicant:
 - The Premises Licence holder will make every effort to ensure that noise from patrons does not cause a nuisance at the nearest residential property. Any person acting in a way that presents a risk of disturbance to the nearest residential property will be dealt with immediately and asked to moderate their behaviour. If they continue, they will be asked to leave the premises (and outside areas) and assisted to do so with the minimum of delay. If appropriate the police will be contacted
 - Notices will be positioned at the exit to the car park, pickup and drop off area requesting that patrons keep noise to a minimum and are mindful of local residents.
 - At the end of the evening management, staff and security staff will assist with the orderly and gradual dispersal of patrons.
 - Management staff and security staff will advise patrons to leave the premises quickly and quietly out of respect for neighbours.

- Management staff and security staff will actively discourage customers from assembling at the end of an event.
- There shall be no emptying of bottles by staff into external bins, skips or receptacle is between the hours of 21:00 and 08:00.
- There shall be a dedicated telephone number and email provided to local residents to enable them to contact the venue if noise issues are experienced during any event.

A handwritten signature in black ink, appearing to read 'S Ottino', written over a horizontal line.

**Signed: Councillor Simon Ottino
Chair of Licensing Sub-Committee**

Notes:

- A. The applicant, and any responsible authority or interested party that has made representations upon the application has a right of appeal to the Magistrates' Court against this decision. If you wish to appeal you must do so within 21 days of being notified of the decision.