

Sub-Committee Hearings

17th May 2012: Chair Cllr Clarkson

The Old Boot Factory, 102-104 St Mary's Road, Oxford

Application for a Temporary Event Notice (Date of Event 2nd June 2012)

Decisions and reasons of the Licensing Sub-Committee:

The Sub-Committee had regard to the objection notice and to the representations made both written and oral.

The Sub-Committee found that the premises are currently unsuitable for regulated entertainment because of the nature and condition of the building. This and the very poor levels of sound insulation create a high risk of public nuisance from noise 'break out' and this was demonstrated by the history of previous complaints.

Whilst the potential benefit of a community arts event was recognised it could not be allowed to take place in conflict with the licensing objectives.

The Sub-Committee found that it was therefore appropriate in the prevention of public nuisance for a counter notice to be given to prevent to the temporary event.

There was no objection to the retail sale of alcohol.

17th May 2012: Chair Cllr Clarkson

The Old Boot Factory, 102-104 St Mary's Road, Oxford

Application for a Temporary Event Notice (Date of Event 23rd June 2012)

Decisions and reasons of the Licensing Sub-Committee:

The Sub-Committee had regard to the objection notice and to the representations made both written and oral.

The Sub-Committee found that the premises are currently unsuitable for regulated entertainment because of the nature and condition of the building. This and the very poor levels of sound insulation create a high risk of public nuisance from noise 'break out' and this was demonstrated by the history of previous complaints.

Whilst the potential benefit of a community arts centre was recognised it could not be allowed to operate in conflict with the licensing objectives. It was also significant that in this case the event was described as a 'private party' and not a community event.

The Sub-Committee found that it was therefore appropriate in the prevention of public nuisance for a counter notice to be given to prevent to the temporary event.

There was no objection to the retail sale of alcohol.

31st May 2012: Chair: Cllr Campbell

Bodrum @ No. 10, 10 Park End Street, Oxford

Application for a Variation of a Premises Licence: Extension of hours for late night refreshment to 03.00 hours from Sunday to Saturday. Extension for takeaway only with last entry at 02.45 hrs. Door staff employed until 03.30 hrs.

Decisions and reasons of the Licensing Sub-Committee:

The Sub Committee considered all submissions, both written and oral. The Sub Committee took into account the relevant Government guidance and the Authority's Statement of Licensing Policy, in particular policies GN19 (Special Saturation Policy) and PP10 (Late Night Refreshment).

The Sub-committee were satisfied that the evidence of TVP demonstrated that a late night refreshment premises at the location in question, which was within the City Centre SSP area, was likely to attract considerable numbers of people leaving nearby pubs and clubs having consumed alcohol. Consequently operating until the hours applied for was likely to aggravate crime and disorder problems in an already saturated location and at a particularly sensitive time of the night. The Sub Committee found that there had been no significant change in circumstances in this respect since the Applicant has last sought the variation.

The Sub Committee understood the Applicant's wish to compare his premises to others in the city centre which operated until later hours. However, law and guidance made it clear that the circumstances of each application should be considered on its merits and a premises licence in one location did not create any precedent for another.

The Sub Committee decided to **REFUSE** the application as contrary to the Special Saturation Policy and inconsistent with the licensing objective for the prevention of crime and disorder.

31st May 2012: Chair: Cllr Campbell

Cowley Retreat, 172 Cowley Road, Oxford, OX4 1UE

Application to Vary a Premises Licence: To increase licensable hours until 00.30 hrs Sunday to Thursday and until 01.30 hrs Friday and Saturday and to include the licensable activities of films, live music and recorded music. Additional hour to notable days and 20 occasions per year with notification to Thames Valley Police

Decisions and reasons of the Licensing Sub-Committee:

The Sub Committee considered all submissions, both written and oral. The Sub Committee took into account the relevant Government guidance and the Council's Statement of Licensing Policy, in particular policy GN19 Special Saturation Policy (SSP).

The Sub Committee noted that following the amendments to the application and agreement on conditions, Environmental Protection no longer objected to the

application. It further noted that the only remaining Police objection concerned the location of the premises within the East Oxford SSP area.

The Sub Committee found that the premises were within the SSP area and that an application which sought to increase the licensing hours was capable of amounting to a "*material variation*" within the meaning of policy GN19. However, having considered the merits of the application, in particular the amended hours and the agreed conditions, the Sub Committee found that the variation sought was unlikely to add to cumulative impact problems.

The Sub Committee found it especially significant that the new style of premises to be operated was less likely to attract crime and disorder problems. The agreed conditions would provide a means of enforcement and security that had not previously existed and should address the concerns of the interested Parties.

The Sub Committee was satisfied that the agreed conditions were appropriate and should be attached to the licence. The application was otherwise in accordance with the licensing objectives.

The Sub Committee decided to **GRANT** the amended application, subject to the following additional conditions:-

- (1) There is to be no use of the outside area after 23:00, with the exception of customers using the designated area for smoking. From 23:00 hours until close, a specific area will be cordoned off for smoking which will be at the side of the pub. Customers will not be permitted to take drinks outside when using this area.

Reason: The prevention of public nuisance.

- (2) A minimum of 2 door supervisors, each individually registered with the Security Industry Authority shall be on the property between 21:00 hours and the close of the Property on Friday and Saturday and any other day where the terminable hours are extended by way of non-standard timings and/or seasonal occasions from the normal operating hours.

Reason: The prevention of crime and disorder.

- (3) All door supervisors working inside or outside the Property or whilst engaged in with dispersal of patrons at the close of business shall wear high visibility florescent yellow clothing.

Reason: The prevention of crime and disorder.

- (4) Staff to assist in dispersal, as agreed with TVP, of patrons at the closure of the Property

Reason: The prevention of crime and disorder.

- (5) The CCTV system will incorporate a recording facility that should be suitably stored for a minimum of 1 calendar month. The system will be in place to maintain the integrity of the recorded images with a full audit trail. The system

will comply with regulations as set out in the Data Protection Act and all signs required must be clearly displayed. This system must be maintained and fully operational throughout the trading hours. A member of staff shall be suitably trained in operating the system to retrieve or save data.

Reason: The prevention of crime and disorder.

- (6) All members of staff at the Property shall seek “credible photographic proof of age evidence” from any person who appears to be under the age of 21 years and who is seeking to purchase or consume alcohol on the Property. Such credible evidence, which shall include a photograph of the customer, will include a passport, photographic driving licence, or proof of age card carrying a “PASS” logo.

Reason: The prevention of crime and disorder.

- (7) After 18:00 hours on nights when the Property is providing regulated entertainment, doors and windows are to be closed (except for entrance and egress) to ensure no disturbance to residents in the vicinity.

Reason: The prevention of public nuisance.

- (8) No noise from regulated entertainment will be heard beyond the boundary of the Property.

Reason: The prevention of public nuisance.

- (9) The manager of the Property will provide an ongoing schedule of live entertainment events to be held at the Property to the Police and EPO

Reason: The prevention of public nuisance.

- (10) No regulated entertainment is to take place until sound levels have been agreed and set by the Local Authority

Reason: The prevention of public nuisance.

31st May 2012: Chair: Cllr Campbell

Saudia’s Taste of Jamaica, 32 Cowley Road, Littlemore, Oxford, OX4 4LD

Application for a Temporary Event Notice (

Decisions and reasons of the Licensing Sub-Committee:

The Sub Committee had regard to the Temporary Event Notice and considered all submissions, both written and oral.

The Sub-committee found that the premises are currently unsuitable for regulated entertainment because of the nature and condition of the building, its proximity to neighbouring dwellings and the lack of sound insulation. There is therefore a very high

risk of public nuisance from noise 'break out' and this was demonstrated by the history of previous complaints.

The evidence of noise from patrons having spilled onto the street outside the premises during previous events added to the risk of public nuisance.

The Sub Committee were not satisfied that the Premises User had measures in place to prevent these problems.

The Sub Committee found it was therefore appropriate in the interests of preventing public nuisance for a counter notice to be given to prevent the temporary event.

21st June 2012: Chair: Cllr Goddard

Bar Aroma, 234 Cowley Road, Oxford. OX4 1UH

Application for a New Premises Licence: Recorded music, provision of facilities for making music Monday to Thursday 12.00 hrs to 00.30 hrs, Friday and Saturday 12.00 hrs to 01.30 hrs and Sunday 12.00 hrs to 00.00 hrs and sale of alcohol Sunday to Saturday 12.00 hrs to 01.30 hrs.

Decisions and reasons of the Licensing Sub-Committee:

The Sub Committee considered all submissions, both written and oral, it took into account the relevant parts of the Home Office Guidance and the Council's own Statement of Licensing Policy, in particular policy GN19 Special Saturation Policy (SSP).

The Sub Committee noted that the works to the entrance door requested in the representation of the Fire and Rescue Service had now been carried out and that representation had been withdrawn.

The Sub Committee also noted that Bar Aroma was not a new premises but an existing licensed bar which had carried out substantial extension work, such that a new licence was now required to reflect the increased size of the premises. The Applicant also sought an increase to the licensed capacity limit on Friday and Saturdays only from the existing capacity of 65 persons to 100 persons. The Application did not seek any change to the licence hours and otherwise reflected the provisions of the existing licence.

It was not in dispute that the Premises are within the East Oxford Special Saturation Policy Area. As the Application sought an increase to the occupancy limit of the premises the Sub Committee had no hesitation in finding that the SSP was engaged and that therefore there was a presumption against granting it. The Sub Committee noted the Applicant's submission that because certain nearby premises no longer operated as licensed premises the SSP carried less weight in this case. However, the Sub Committee disagreed with that submission. The SSP is a policy set by full Council and subject to regular review, only full Council can change the policy. The Sub-Committee found that unless and until the policy is changed it should not be applied to differentiate between one part of the policy area and another.

As required by the SSP, the Sub Committee went on to consider the merits of the application. It considered the measures proposed by the Applicant in part P of his application to promote the licensing objectives, especially the measures to prevent crime and disorder by installation of extra CCTV (already in place) and the use of 2 door staff on Friday and Saturdays.

The Sub Committee recognised the Police and Interested Party position that, notwithstanding these measures and that Bar Aroma is not known for causing problems of crime and disorder; it is nevertheless within the SSP area of high cumulative impact and should not be permitted to increase its capacity. The Sub-Committee took the view that the SSP should not be applied as a blanket ban and still required an assessment of whether, on the merits of the application, any increase in cumulative impact would actually occur.

In light of the SSP it was for the Applicant to rebut the presumption against granting the application. The Sub Committee found that the correct test for it to apply in deciding whether he had done this was whether the application was *likely or unlikely to add significantly to cumulative impact?*

With the new measures for CCTV and door staff as well as the transfer of all existing conditions onto the new licence the Sub-Committee was satisfied that an increase in capacity of 35 persons on Fridays and Saturdays only was unlikely to add significantly to cumulative impact and could be permitted.

For these reasons the Sub-Committee agreed to **GRANT** the application, with the following conditions:-

1. A minimum of two door supervisors, each individually registered with the Security Industry Authority, shall be on the premises on Friday and Saturdays from 22.00hrs, when the premises is open for any licensable activity, until the venue is closed and the immediate vicinity of the premises is cleared of patrons. All door supervisors whilst working inside or outside the premises or whilst engaged in the dispersal of patrons at the close of business shall wear 'high visibility' fluorescent clothing.

Reason: the prevention of crime and disorder.

2. The CCTV system shall incorporate a recording facility which shall retain and store recordings in a suitable and secure manner for a minimum of one calendar month. A system shall be in place to maintain the integrity of the recorded image and a complete audit trail maintained. The system shall comply with the Data Protection Act 1998 and all required signs shall be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

Reason: the prevention of crime and disorder.

3. All conditions currently attached to premises licence number 10/00594/MVPREM shall also attach to the licence hereby granted, save where they are inconsistent with this decision.

For the avoidance of doubt the Sub-Committee made clear it does not permit the relaxation of the prohibition on glass bottles and drinking vessels sought by the Applicant.

10th July 2012: Chair: Cllr Coulter

North Oxford Sports Club, Banbury Road North Sports Ground, Oxford. OX2 8EQ

Application for a New Premises Licence: The application is for the Sale of Alcohol on Monday to Thursday from 10.00 hours to 23.00 hours, Friday and Saturdays 10.00 hours to 00.00 midnight and Sundays 10.00 hours to 22.00 hours. Recorded Music, Live Music and Facilities for Dancing from Friday and Saturday 18.00 hours to 00.00 midnight and Sundays 18.00 hours to 23.00 hours.

Decisions and reasons of the Licensing Sub-Committee:

The Sub Committee considered all submissions, both written and oral. It took into account the Home Office Guidance, in particular paragraph 2.25 concerning public nuisance and the Council's own Statement of Licensing Policy, in particular policies LH3 (licensing hours not limited) and LA5 (addressing local concerns).

The Sub Committee focused on the likely impact of the licensable activities applied for. The wider concerns of some Interested parties over noise from sporting activities and car movements were not relevant to licensing.

The Sub Committee found that the reduced level of licensable activity reflected in the amended application would bring the risk of nuisance to an acceptable level and one proportionate and reasonable for a premises of the type and in the location applied for.

The Sub Committee were reassured in this view by the fact that Environmental Protection had not objected to the application.

The Sub Committee wished to encourage communication between the Club and its neighbours with a view to avoiding future problems and providing a means for neighbours to contact the club in the event of concerns. With this in mind the Sub Committee found that a condition requiring a point of contact at the Club would be appropriate.

The application was otherwise in accordance with the licensing objectives.

The Sub Committee therefore GRANTED the amended application subject to the following condition:-

- (1) The Licence holder shall provide a telephone point of contact for receiving complaints and the officer responsible for that point of contact shall have the appropriate management responsibility for the premises. Any complaint made shall be logged in writing.

Reason: the prevention of public nuisance and in furtherance of policy LA5 (Addressing local concerns).

Whilst not a condition the Sub Committee wished to suggest to the Applicant that some form of notification to immediate neighbours ahead of any events of regulated entertainment would be sensible and that any significant complaints arising from an event be notified to the relevant ward member of the Council.

19th July 2012: Chair: Cllr Lygo

1 Woodin's Way, Paradise Street, Oxford. OX1 1HF

Application for a New Premises Licence: For the retail sale of alcohol (off sales only) Monday to Sunday 10.00 hrs to 20.00 hrs.

Decisions and reasons of the Licensing Sub-Committee:

The Sub-Committee considered all submissions, both written and oral. It took into account the relevant Home Office Guidance and the Council's Statement of Licensing Policy, in particular policy LH8 (Hours for Off-Sales of Alcohol). The Sub Committee noted there were no representations from any of the responsible authorities.

The Sub Committee found that Policy LH8 made clear that, unless there is compelling evidence indicating the premises are likely to become a focus for disturbance or nuisance, the application should be granted as applied for.

The Sub Committee noted the concerns of the Interested Parties, but found these to be largely speculative at this stage. Concerns over parking and general noise, not directly associated with the sale of alcohol, were not matters the Sub Committee had any jurisdiction over. It was also clear from The Home Office Guidance that any general problems of disorder or nuisance beyond the immediate area of the premises could not be made the responsibility of the premises. The Sub Committee felt that the proposed operation as a Thai food store with specialist Thai and oriental alcohol sales ancillary to that was not likely to attract street drinkers.

With this in mind, as well as the measures set out by the applicant in section P of his application, and the conditions agreed with Thames Valley Police the Sub Committee were satisfied there were no compelling reasons to believe the premises would be a focus for disturbance or nuisance. However, given the city centre location of the premises the Sub Committee found that it would be appropriate to attach additional conditions requiring the sale of alcohol remain ancillary to food sales and that signs be put up advising customers of the 'alcohol free zone' and providing a contact telephone number for neighbours to call should they be disturbed by activity at the premises.

The Sub Committee felt confident that with these conditions the premises would operate without prejudice to the licensing objectives, but reminded all parties that if problems did occur in the future the licence could be subject to an application for review.

The Sub Committee was otherwise satisfied that the application met the licensing objectives and decided to **GRANT** the application as applied for, with the addition of the following conditions:-

- (1) The sale of alcohol shall be ancillary to the sale of food.

Reason: Prevention of public nuisance / prevention of crime and disorder.

- (2) Prominent clear notices advising that the premises are situated in an alcohol free zone shall be displayed by every public entrance/exit to the premises.

Reason: Prevention of public nuisance / prevention of crime and disorder.

- (3) A prominent clear notice, advising a telephone number for store management to be rung in the case of any problem, shall be displayed in the front window of the premises.

Reason: Prevention of public nuisance / prevention of crime and disorder.

30th August 2012: Chair: Cllr Clarkson

The Milano Bar, 92 Cowley Road, Oxford. OX4 1JB

Application for a Variation of a Premises Licence: To extend the licensing hours for all licensable activities in the follow manner: Sunday to Thursday inclusive 10am to 1am the next day; Friday to Saturday 10am to 2am the next day; Christmas Eve, New Year's Eve and Sundays preceding bank holidays to 2am; Remove condition 16 of Annexe 3 of the licence in respect of the ground floor.

Decisions and reasons of the Licensing Sub-Committee:

The Sub Committee considered all relevant representations, both written and oral. It had regard to the relevant Home Office guidance and the Council's own Statement of Licensing Policy, in particular policy GN19 Special Saturation Policy (SSP).

It was not in dispute that the premises fall within the area of the SSP for East Oxford. Having heard the evidence of Thames Valley Police and the Interested Parties and also considering the background evidence to the SSP, the Sub Committee were satisfied that problems of crime & disorder and nuisance remain high in the vicinity of the Premises.

The Sub Committee acknowledged that these problems are general and could not be attributed solely to the Premises. However, it found that the extended hours applied for were likely to aggravate the situation by:

- significantly increasing the time available for the consumption of alcohol with a consequent increased risk of crime and disorder.
- dispersal of intoxicated customers at a later and more noise sensitive hour with an increased risk of nuisance to neighbours.

The Sub Committee therefore found that the variation sought was a 'material variation'

and the SSP indicated it should not be granted unless the Applicant could demonstrate he had measures in place to address the risk of additional crime & disorder and nuisance.

The Sub Committee was not satisfied that such measures had been demonstrated. The Applicant had not proposed any new precautions and the current measures appeared insufficient to control existing problems let alone the increased risk that would come with operating later hours.

The Sub Committee took into account that a previous similar variation application had been refused in 2010 as contrary to the SSP and found no evidence to suggest the problems of cumulative impact had reduced since then.

There continued to be Police and Licensing Authority concerns over the management of the premises, confirmed by recent enforcement activity. These concerns cast further doubt over the Applicant's ability to deal with the increased risks of crime & disorder and nuisance that would come with later hours.

The Sub Committee accepted the merit of the Applicant's plan to create a more exclusive 'high end' establishment but felt that this aspiration did not necessarily require an extension in operating hours and could not be permitted at the risk of additional crime & disorder and nuisance. If the style of operation changed in the future to reduce that risk it was open to the Applicant to reapply.

The Sub Committee also considered the Applicant's request to remove condition 16 of the licence (non-glassware drinking vessels) but found that for reasons of preventing crime and disorder and promoting public safety the condition remained appropriate as per policy PP13 (safe drinking vessels) of the Statement of Licensing Policy. However, having heard from Thames Valley Police that drinking vessels in new safe glass type materials may now be available, the Sub Committee were satisfied that it would be appropriate to vary condition 16 to allow use of such vessels.

The application for increased licensing hours was therefore **REFUSED** for the reasons that:

- it would add significantly to the problems of crime & disorder and public nuisance.
- It is contrary to policy GN19 (Special Saturation Policy) of the Council's Statement of Licensing Policy.

The application to remove condition 16 of the Licence was **REFUSED** in order to prevent crime & disorder and promote public safety. However, the condition is varied to read:

Drinks shall be served in non-glassware drinking vessels (e.g plastic, polycarbonate or any other material previously agreed with Thames Valley Police).

In reaching its decision the Sub Committee disregarded page 37 of the hearing report, acknowledged it had no jurisdiction over illegal parking problems and placed no weight on reported litter problems which were not directly related to the variation sought.