

Licensing Act 2003

## Notification of determination



Hearing under Sections 34 and 35 of the Act, and the Licensing Act 2003 (Hearings) Regulations 2005 In respect of an application made to the Oxford City Council for variation of a Premises Licence

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Date of hearing: **20<sup>th</sup> June 2016**

Place: **Town Hall, Oxford**

Case No: **16/01708/PREM**

Applicant: **West End Ventures Limited**

Premises: **The Lighthouse**

Premises address: **1 Park End Street, Oxford, OX1 1HH**

Licensing Sub-committee Councillors: **Van Coulter (Chair), Liz Wade, Nigel Chapman**

Legal Advisor: **Daniel Smith**

Licensing Officer: **Julian Alison**

Clerk: **Anna Kieca**

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The Sub-committee heard representations from the following:-

**Licensing Authority:** Julian Alison (Licensing Team Leader)

Mr Alison presented the Licensing Authority's report.

**Applicant:** Piers Warne (Solicitor), Imran Hashimi, William Holsby

Mr Warne confirmed an amendment to the application removing the playing of recorded music outdoors.

Mr Warne then explained that the Applicants are professional operators of licenced premises with many years of experience in the industry. They operate two other licenced premises in Oxford. Mr Warne drew attention to the Cowley Retreat located within the Council's East Oxford Special Saturation Area where a similar variation to that sought had been granted without giving rise to any subsequent concerns or complaints.

Mr Warne then gave a brief overview of the Lighthouse stating that the aim was to attract a more mature professional customer base. The Applicant had already upgraded the CCTV system and employed registered security staff despite these not being conditions of the existing premises licence.

Mr Warne addressed the two main issues raised by the interested parties:

- Special Saturation Policy
- Noise nuisance from the outside area

Mr Warne explained that the premises do not undermine the licensing objectives in any way. Since opening of the establishment there was no evidence of anti-social behaviour or noise nuisance associated with the Lighthouse. He argued that there was no reason to think that extended hours would change this. There would be no significantly additional impact as the Lighthouse is located in an already busy and vibrant location where many other venues are open much later into the night.

Mr Warne drew attention to the operation of several temporary event notices at the venue with extended hours which had not raised any issues for the police or local residents. Mr Warne emphasised that neither Thames Valley Police, Environmental Health, nor the Licensing Authority had objected to the proposed variation.

**Responsible Authorities:** N/A

**Interested Parties:** Mr John Card, Mr Craig Baylis (solicitor - Thirst Bar)

Mr Card acknowledged the amendment to the application and the measures put in place by the Applicant to help prevent noise nuisance. His concerns remained but he could not say that the impact of the variation was likely to be 'significant'.

Mr Baylis reminded the Sub-Committee of the Council's Special Saturation Policy (SSP). His client's objection was not 'commercial' but born out of experience of operating licenced premises in the area and concern over the possibility of an increase to cumulative impact, particularly because of the large number of additional extensions of hours being applied for. The Applicant had shown no evidence to rebut the SSP and the application should be refused.

### **Decision and Reasons of the Sub-Committee**

1. The Sub-Committee considered all submissions, both written and oral. It also had regard to the relevant Home Office Guidance and the Council's Statement of Licensing Policy, in particular policies GN19 (Special Saturation Policy) (SSP), LH3 (Licensing hours not limited) and GN17 (Need for an evidential base)
2. The Sub-Committee found that the application was for a 'material variation' to a premises licence within the area of the City Centre SSP and the burden of proof was therefore on the Applicant to show the variation sought was not likely to add significantly to the cumulative impact problems of crime & disorder and nuisance.
3. The Sub-Committee was satisfied that, in light of the amendments to the application to remove outdoor regulated entertainment, the robust procedures and conditions set out in the new operating schedule and the absence of objections from Responsible Authorities - the variation is unlikely to add significantly to cumulative impact problems.
4. The Sub Committee was concerned about the risk of noise nuisance from late night use of the outside terrace, as expressed in the representations of Dr Hood, Mr Card and Councillor Pressel. In order to reduce the likelihood of nuisance to

nearby residents the Sub Committee found it appropriate to limit the time that the outside terrace can be used.

5. The Sub Committee considered the objection on behalf of Thirst bar but found that as their concerns about increased crime and disorder were not shared by Thames Valley Police, who had not objected, they carried limited weight.
6. The application was otherwise in accordance the licensing objectives.

The Application as amended was therefore **GRANTED** subject to the following additional condition:

- a) The outside terrace shall be closed and cleared of all customers by 00:00 hours each night

Signed: ***Councillor Van Coulter***

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.

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