

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 to vary a Premises Licence

Date of hearing: **22nd August 2016**

Place: **Town Hall, Oxford**

Case No: **16/02985/PREM**

Applicant: **Mrs Vera Franca**

Premises: **5 Atkyns Road**

Premises address: **5 Atkyns Road, Wood Farm, Oxford, OX3 8RA**

Licensing Sub-Committee Councillors: **Mary Clarkson (Chair), Liz Wade, Angela Goff**

Legal Advisor: **Jeremy Franklin**

Licensing Officer: **Richard Masters**

Clerk: **Anna Kieca**

The Sub-Committee heard representations from the following:-

Licensing Authority: Richard Masters (Licensing Compliance Officer)

Mr Masters presented the Licensing Authority's report and confirmed that the applicant and Thames Valley Police had now agreed on a number of conditions to be added to the licence (if granted) that were deemed necessary and appropriate to uphold the licensing objectives.

Applicant: Mrs Vera Franca

Mrs Franca described her premises as a Portuguese Café that will mainly offer sandwiches, baguettes, etc., with occasional main meals served at the weekends during day time hours. She stated that customers will be able to come in and have a drink (alcoholic or non-alcoholic / hot drink) at the bar without the need to purchase food. Mrs Franca explained that she specifically selected this area for her premises to operate a family friendly café, as well as to attract local residents.

Mrs Franca addressed the stated concerns regarding the sale of alcohol and smoking area. She gave assurances that the premises will be well managed and will operate a refusal policy should any customer be intoxicated or hostile. The customers will be instructed to leave the premises quietly and to be mindful of the rights of local residents.

Legal Advisor: Mr Jeremy Franklin

In order to assist Licensing Sub-Committee Mr Franklin questioned the Licensing Authority and the Thames Valley Police whether any form of formal complaint has been received regarding another two similar establishments in Oxford.

The Licensing Authority and Thames Valley Police stated that there have not been any formal complaints received with regard to either premises.

Responsible Authorities: Not Applicable

Interested Parties: Councillor Susan Brown

Cllr Brown explained that she had consulted with the local residents and that they were very supportive of the application in general. Although the local residents have few some concerns they wish to express.

Cllr Brown described the layout of the flats in relation to the café. She felt that due to the flat windows being directly next to the café and in order to respect the resident's privacy the opening hours of the café should be limited to 21:00 hours.

Cllr Brown also expressed concerns about anti-social behaviour that could potentially arise due to individuals gathering outside the premises and creating noise which would disturb residents of the flats. As such Cllr Brown sought a reduction to the hours of operation put forward within the application.

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 LH3 (Licensing Hours Not Limited), and GN17 (Need for an evidential base)
2. The Sub-Committee was satisfied that, in light of the amendments to the application, the nature of the premises as a café, the robust procedures and conditions set out in the operating schedule and the absence of objection from Responsible Authorities - the premises is in accordance with the Licensing Objectives.
3. If conditions were not complied with or other problems occurred the licence could be subject to review.

The Application was therefore **GRANTED** as applied for, subject to the following conditions:

1. No external waste bins shall be used between 22:00 hours and 08:00 hours the following day

Reason: the prevention of public nuisance

2. The rear door of the premises shall be used as an emergency exit only.

Reason: the prevention of public nuisance

3. Condition 8 of the Operating Schedule shall be amended and read as follow:

“No person shall be allowed to leave the premises whilst in the possession of any drinking vessel or open glass bottle, whether empty or containing any beverage.”

Reason: the prevention of public nuisance and the prevention of crime and disorder

Signed:

Councillor Mary Clarkson

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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