

**Sub-Committee Hearings**

1. **Mapledurham Lady, Salters Steamers, Folly Bridge, Oxford, OX1 4LA**

27<sup>th</sup> January 2011: Chair: N/A

**New Premises Licence:** Application for live music, recorded music, provision of facilities for making music and for dancing and sale of alcohol 09.00 hrs to 00.00 hrs Sunday to Saturday and late night refreshment from 23.00 hrs to 00.0 hrs Sunday to Saturday

The application was **withdrawn** before being put before the Sub-Committee.

2. **Bullington Arms, 162 Cowley Road, Oxford, OX4 1EU (Variation)**

27<sup>th</sup> January 2011: Chair: N/A

**Variation of Premises Licence:** Application to extend the sale of alcohol and provision of regulated entertainment on Tuesdays and Thursdays from the current hours of 10.00 to 01.00 hours to 10.00 to 02.00 hours the following morning. To extend the provision of late night refreshment on Tuesdays and Thursdays from the current hours of 23.00 to 01.00 hours the following morning to 23.00 to 02.00 hours the following morning.

The application was **withdrawn** before being put before the Sub-Committee.

3. **Kukui, 42-43 Park End Street, Oxford, OX1 1JD (Variation)**

17<sup>th</sup> February 2011 Chair: Cllr Brundin

**Variation of Premises Licence:** Application to extend licensable hours for the provision of regulated entertainment, provision of entertainment facilities, provision of late night refreshment and for sale of alcohol (on and off supplies) from 02.00 hrs to 03.00 hrs on a Thursday, Friday and Saturday.

**Decisions and reasons of the Licensing Sub-Committee:**

The Sub-Committee took all submissions and evidence presented, both written and oral, into account.

It also considered both the Government Guidance under section 182 of the Act and the City Council's own Statement of Licensing Policy (SLP) in particular paras 10.19 & 10.20 of the Guidance (Hours of Trading) and Policies LH1 (Zoning), LH5 (Closing Times) and G19 of the SLP (Special Saturation Policy (SSP)) of the SLP.

It was not in dispute that the Premises fell within the City Centre SSP area. The Sub Committee found that the application sought was a 'material variation' because if granted it would mean an increase in the operating hours and the evidence from Thames Valley Police indicated that such an increase would aggravate problems of cumulative impact.

There was therefore a presumption against granting the application unless the Applicant could satisfy the Sub Committee that they had measures in place to prevent any increase in crime and disorder.

The Sub Committee was not satisfied that the Applicant had demonstrated this. The Sub Committee reached this conclusion for the following reasons:

1. The fact that a number of temporary events (TENS) had been held until 3am, apparently without incident, was not sufficient, given the overall record of crime and disorder at the Premises, to demonstrate that a permanent variation would not lead to more incidents.
2. Whether, as the Applicants argued, an extension until 3am would reduce on street crime and disorder by preventing 'club hopping', was unknown and not made out by the evidence.
3. The variation, if granted, would lead to a additional hours drinking time for up to 700 persons and the resulting increase in intoxication was in itself likely to aggravate problems of crime and disorder.
4. The Police evidence was clear that the variation would lead to increased problems at local flashpoints at the especially sensitive time of 3am. Whilst the Police case in this respect was to some extent speculative, such speculation was unavoidable and the Sub Committee were more persuaded by the Police speculation than that of the Applicant.
5. Any comparison with the operating hours of similar premises in the vicinity was not a relevant consideration as each application had to be considered on its own merits
6. The Sub Committee took into account the economic pressure on licence holders including the Applicant but found that those pressures were overridden by the requirement to promote the licensing objectives.
7. The Sub Committee considered whether any new conditions could be added to the licence to allow the variation to be granted without compromising the licensing objectives but decided that the licence was already heavily conditioned and no new conditions were likely to have an effect.

The presumption in the SSP against granting the application was therefore not rebutted and in order to promote the licensing objective of preventing crime and disorder the Sub Committee **REFUSED** the Application.

#### **4. The Bridge, 6-9 Hythe Bridge Street, Oxford, OX1 2EW**

**22<sup>nd</sup> February 2011 Chair: Cllr Coulter**

**Review of Premises Licence:** Application made by Thames Valley Police based on the grounds the operator is not upholding his obligations under the four objectives of the Licensing Act most notably the prevention of crime and disorder. Thames Valley Police now believe that the most appropriate recourse moving forward is to refer the premises on again to the Licensing committee

#### **Decision and reasons of the Licensing Sub-Committee**

The Sub-Committee took all submissions and evidence presented, both written and oral, into account.

It also considered both the City Council's Statement of Licensing Policy and Government Guidance under section 182 of the Act in particular section 11 on Reviews and paras 11.9, 11.19 & 11.22.

The Sub-Committee found that the police concerns were valid and the evidence illustrated a high level of crime and disorder at the premises including serious incidents on 25/10/10 and 31/10/10. The level of crime and disorder needed to be addressed. The Sub-Committee gave careful consideration as to how best to promote the licensing objectives in particular the prevention of crime and disorder and were satisfied that modification of the hours of operation is necessary.

The licensable hours of the premises shall be modified by reducing the terminal hour for all licensable activities by one hour in order to reduce crime and disorder. The modification of hours shall be temporary and last for a period of three months from the date this decision comes into effect.

The Sub-Committee took into account the financial impact the modification may have on the premises and the right of the premises licence holder not to be deprived of his licence. However they found that the temporary modification was a proportionate response and in the public interest. The three month period would allow the premises to address the levels of crime and disorder after which the hours would return to those currently operated. However, if after the period of modification the problems had not been addressed the Police would be able to seek a further review. The modification of hours would also go some way to addressing the problems of public nuisance affecting the interested parties.

The Sub-Committee found that there appeared to be little co-operation between the management and staff of premises, and the Police and that this may be contributing to the cause of the problems highlighted in the review application. Co-operation between the Police and the Premises should be of particular importance to resolving the problems. The Sub-Committee encouraged the Premises, with the co-operation of the Police, to address problems and in particular the following particular issues:

1. The provision of at least one female doors staff
2. The inadequate partition of the smoking area between the premises and the neighbouring premises which appeared to allow migration between the two.
3. Measures to help prevent any sales of alcohol to intoxicated people

5. **Branos Express, Kiosk 4, 108 Gloucester Green, Oxford, OX1 2BU (Variation)**

17<sup>th</sup> March 2011 Chair: Cllr Coulter

**Variation of Premises Licence:** To extend the hours for Late Night Refreshment from 03.00 hours to 04.00 hours Friday and Saturday night.

**Decisions and reasons of the Licensing Sub-Committee:**

The Sub-Committee took all submissions and evidence presented, both written and oral, into account. The Sub Committee also considered government guidance and relevant parts of the Council's Statement of Licensing Policy, in particular policies PP10 (Late Night Refreshment) and LH3 (Licensing Hours not Limited).

The Sub Committee found that, taking into account the Police representation, any concerns about crime and disorder could be resolved by the Premises joining the Radiolink scheme and installing suitable CCTV.

The Sub Committee considered the risks of public nuisance expressed by Cllr Brett on behalf of residents. However, they found that a certain amount of noise, even late at night, was to be expected in a city centre location. The imposition of conditions requiring sufficient staff to prevent queues developing and notices asking customers to respect local residents would help to reduce the risk of nuisance problems to an acceptable level. Conditions to prevent litter nuisance should also be attached.

The Sub Committee **GRANTED** the Application but found it necessary and proportionate to attach the following conditions on the Licence:

1. A CCTV system shall be installed, or the existing system maintained. It shall be "fit for purpose". It shall comply with the current and relevant Thames Valley police guidelines for Standard Minimum Closed Circuit Television Requirements (Issue 1, July 2004)
  - a. The system will incorporate a camera covering the serving area, and be capable of providing an image which is regarded as "identification standard".
  - b. The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 1 calendar month. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation and all signs required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
  - c. A member of staff that is able to operate the system and provide copies of any footage requested by an employee of Thames Valley Police upon request, will be on duty at all times the premises is open.

**Reason: The prevention of crime and disorder**

2. The premises shall be a member of the 'Radiolink Scheme'.

**Reason: The prevention of crime and disorder**

3. An adequate number of waste receptacles shall be provided for use by customers.

**Reason: prevention of public nuisance**

4. Within 30minutes after closing time all litter dropped by customers in the vicinity of the premises shall be collected and disposed of.

**Reason: prevention of public nuisance.**

5. Prominent notices shall be displayed requesting customers respect local residents and keep noise down.

**Reason: prevention of public nuisance.**

6. Between 3am and 4am on Fridays and Saturdays there shall be a minimum of 3 members of staff present.

**Reason: prevention of public nuisance.**

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