

Licensing Act 2003



Licensing and Gambling Acts Casework Sub-Committee

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 Oxford City Council for variation of a Premises Licence

Date of hearing:	13th March 2017
Place:	Town Hall, Oxford
Case No.	17/00321/PREM
Applicant	Midcounties Co-operative Limited
Premises:	Midcounties Co-operative
Premises address:	40-43 Walton Street, Oxford, OX2 6AD
Licensing Sub-Committee Councillors:	Mary Clarkson (Chair), Elizabeth Wade, Ruthi Brandt
Legal Advisor:	Daniel Smith
Licensing Officer:	Richard Masters
Clerk:	Jill Cramer

Councillor Pressel, the only Interested Party to make a representation, did not attend the hearing. The Sub-Committee resolved that it was in the public interest to proceed with the hearing despite her absence.

The Sub-Committee heard representations from the following:

Licensing Authority: Richard Masters (Licensing Officer)

Richard Masters presented the Licensing Authority's report, stating that the application had attracted one representation from an Interested Party.

The Sub-Committee enquired as to the licensable hours for other similar establishments in the vicinity, including the other Co-operative store situated nearby. It was confirmed that this other store currently closes at 22.00 hours but is licensed until 23.00 hours.

Applicant: Philip Somarakis (Solicitor), **Gavin Pledge**, **Matt Cherrett**

Mr Somarakis stated that Thames Valley Police and Environmental Health did not oppose the

application and had not submitted a representation. The sole objection was lodged by Councillor Susanna Pressel with whom he had tried to engage prior to the hearing. Her principle concern was beggars outside the premises.

Mr Somarakis had discussed this issue with Thames Valley Police and their view is that a requirement to report begging outside the premises would be disproportionate and that the Council have their own enforcement powers over beggars. He believed this was low level nuisance and the staff members do request the beggars move on from outside the premises.

Mr Somarakis informed the Sub-Committee that the Applicant had been trading at the premises for many years and had implemented a number of procedures, including a Challenge 25 policy and CCTV, to ensure that alcohol was sold responsibly. He also mentioned that the opening hours were at the discretion of the licence holder and differed from the hours for licensable activity.

Councillor Clarkson asked if the ATM machine at the premises acted as a magnet for beggars but Mr Cherrett indicated that the beggars were usually located at the opposite side of the premises and were usually respectful to those using the machine. He also informed the Sub-Committee that this premises was similar to a village shop where most of the customers know each other and had a different environment and clientele base to their other premises.

Councillor Wade asked if staff called the Police on 101 if the beggars were causing a nuisance and it was confirmed by Mr Cherrett that they do and that they keep a store diary to record any such incidents.

As the premises is located in a residential area, Cllr Wade also asked if a notice reminding customers to respect the needs of residents could be placed at the exit.

Interested Party: Susanna Pressel

Councillor Pressel did not attend the Sub-Committee hearing but her written representation was noted.

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 policy LH8 (hours for 'off-sales of alcohol).
2. The Sub-Committee was satisfied that the applicant was an established responsible Licence holder who had robust procedures in place to uphold the licensing objectives.
3. The Sub-Committee noted the concerns raised by Councillor Pressel but found that these are problems controllable by other police and Council powers and there was no evidence that the variation applied for would aggravate the situation.
4. The Sub-Committee found that a notice at the premises exit requesting that customers leave quietly and respect nearby residents would help to promote the objective of preventing public nuisance and attaching a condition in this respect was appropriate.
5. The application was otherwise in accordance with the licensing objectives.

The application was therefore **GRANTED** subject to the following additional condition:

Prominent, clear notices shall be displayed at all exits requesting that customers respect the needs of local residents and leave the premises and the area quietly.

Reason: prevention of public nuisance

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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