

Sub-Committee Hearings1. The House, 11 Wheatsheaf Yard, Blue Boar St, Oxford. OX1 4EE

4<sup>th</sup> August 2011: Chair: Cllr Brundin

**Application to Vary a Premises Licence:** To extend the hours of licensable activities to 01.00 hrs Sunday to Thursday. To add the licensable activities of Live Music and Recorded Music. To extend licensable activities on May morning from 05.00 hours

Decisions and reasons of the Licensing Sub-Committee:

The Sub-Committee considered all submissions, both written and oral. The Sub-Committee noted that certain conditions had already been agreed with Thames Valley Police who did not object to the application.

The Sub-Committee considered that any concerns about potential noise nuisance would be addressed by the dispersal policy required by the conditions agreed with the Police. In order to address the risk of noise nuisance from regulated entertainment it was necessary to attach two further conditions.

The Sub-Committee took into account policy GN19 (Special Saturation Policy) of the Authority's Statement of Licensing Policy but found that in the absence of any objection to the application by Thames Valley Police there was insufficient evidence to show the variation would add to cumulative impact, and the policy was therefore not engaged.

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

- (1) No music or speech shall be relayed via external speakers other than for events with the prior approval of the Licensing Authority.

**Reason: The prevention of public nuisance and in furtherance of policy LA3 (Regulated Entertainment) of the Authority's Statement of Licensing Policy.**

- (2) Regulated entertainment shall take place indoors only.

**Reason: The prevention of public nuisance and in furtherance of policy LA3 (Regulated Entertainment) of the Authority's Statement of Licensing Policy.**

- (3) Noise emanating from the premises as a result of regulated entertainment shall be inaudible when measured 1 metre from any residential dwelling.

**Reason: The prevention of public nuisance and in furtherance of policy LA3 (Regulated Entertainment) of the Authority's Statement of Licensing Policy.**

## **2. Las Iguanas, 40-41 Park End Street, Oxford.OX1 1JD**

**4th August 2011: Chair: Cllr Brundin**

**Application to Vary a Premises Licence:** To extend the sale of alcohol every Thursday, Friday and Saturday from 10.00 hrs until 02.00 hrs the following morning and until 02.00 hrs the following morning every Bank Holiday Sunday. To extend late night refreshment on Thursday, Friday and Saturday (the following morning) from 23.00 hrs until 02.30 hrs the following morning and until 02.30 hrs the following morning of every Bank Holiday Sunday.

### **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 Secretary of State's Guidance and the Council's own Statement of Licensing Policy in particular GN19 (Special Saturation Policy (SSP)). It was not in dispute that the premises fell within the area of the SSP and that Park End St is a centre for problems resulting from late night drinking and entertainment in Oxford.

The evidence of Thames Valley Police and the interested parties, whilst to a degree speculative, was based on considerable experience of dealing with crime, disorder and nuisance problems in the vicinity of the premises. The evidence demonstrated the variation applied for would increase the availability of alcohol in an already sensitive area and create a real risk of adding to the problems of cumulative impact. The SSP was therefore engaged.

The Sub-Committee considered the application carefully in particular the conditions offered by the Applicant to address the risk of problems. However, it found that none of those conditions prevented the premises being used as further late night bar and this was in direct conflict with the SSP. There was nothing in the application to ameliorate the risks to a level that would allow the application to be granted.

The application in respect of additional hours for the sale of alcohol is therefore **REFUSED**.

The application for additional hours for late night refreshment did not engage the SSP. The Sub-Committee found that the evidence did not show that this aspect of the application was in conflict with the licensing objectives. However, if customers for late night refreshment were to use the premises until 02.30 it would be necessary to impose further conditions to prevent noise nuisance as result of use of the smoking area.

Therefore the application for late night refreshment is **GRANTED** as applied for, subject to the following conditions:-

- (1) During the additional hours for late night refreshment a designated smoking area shall be set up at the top of the path next to Park End Street, as far away from the residential buildings as possible

**Reason:** The prevention of public nuisance and in furtherance of policy PP10 (late night refreshment) of the Authority's Statement of Licensing Policy

- (2) During the additional hours for late night refreshment an appropriate number of door staff, each individually registered with the SIA, shall be employed to ensure that the smoking area is used and that noise is kept to a low level.

**Reason:** Public safety/the prevention of public nuisance and in furtherance of policy PP10 (late night refreshment) of the Authority's Statement of Licensing Policy

### **3. The Junction, 42-43 Park End Street, Oxford, OX1 1JD**

**4<sup>th</sup> August 2011 Chair: Cllr Brundin**

**Application for a New Premises Licence:** For Films, Live Music, Recorded Music, Dance, facilities for dancing and sale of alcohol 11.00 hrs to 02.00 hrs Monday to Saturday and 12.00 hrs to 00.00 hrs on Sunday. Late night refreshment from 23.00 hrs to 02.00 hrs Monday to Saturday and 23.00 hrs to 00.00 hrs on Sunday.

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

The Sub-Committee considered all submissions, both written and oral. It took into account the Special Saturation Policy (GN19) of the Authority's Statement of Licensing Policy but found that as the premises are effectively a replacement for a recently existing licence, which under normal circumstances would have been transferred, it could not be considered a 'new' premises that would add to cumulative impact. With that in mind and in the absence of any objection from Thames Valley Police the Saturation Policy was not engaged.

With the attachment of the conditions agreed with Thames Valley Police, Environmental Protection and those contained in the Applicant's operating schedule the Sub Committee found the application was not in conflict with the Licensing Objectives.

The Sub-Committee **GRANTED** the application as applied for.

### **4. Oxford Café, 39 Magdalen Road, Oxford. OX4 1RB**

**4<sup>th</sup> August 2011 Chair: Cllr Brundin**

**Application for a New Premises Licence:** For Plays, Films Monday to Sunday 10.00 hrs to 22.00 hrs, Live music Monday to Thursday 10.00 hrs to 22.00 hrs and Friday and Saturday 10.00 hrs to 22.30 hrs and Sundays 10.00 hrs to 20.00 hrs, Recorded music Monday to Saturday 08.00 hrs to 23.00 and Sunday 08.00 hrs to 22.0 hrs, Similar entertainment, facilities for dancing Monday to Sunday 10.00 hrs to 23.00 hrs and sale of alcohol Sunday to Thursday 10.00 hrs to 22.30 hrs and Friday and Saturday 10.00 hrs to 23.00 hrs with May Day from 06.00 hrs

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

The Sub-Committee considered all submissions, both written and oral. The Sub-Committee noted that concerns about the possible commercial effect of granting the application upon other businesses in the area and the potential for reduced property

values. However, these were not relevant licensing matters and the Sub-Committee could not take them into account.

The Sub-Committee felt that there was insufficient evidence to show that granting a licence to supply alcohol would aggravate the licensing objectives. The Applicant's operating schedule made clear that the sale of alcohol would be ancillary to the main use of the premises as an arts café. The risk of crime and disorder being caused was therefore low and it was significant in this respect that conditions had been agreed with Thames Valley Police who did not object to the application. The Sub-Committee noted that the agreed conditions would transfer to the premises operating schedule. The Sub-Committee also found that the Applicant's removal of alcohol off-sales from his application had further lowered the risk of crime and disorder.

The Sub-Committee did not feel that the proximity of the East Oxford Special Saturation Policy area need affect their findings. The Premises were not within the policy area and for the reasons set out above any additional cumulative impact as a result of alcohol sales was unlikely.

Despite amendments to the application in respect of live music and the withdrawal of the representation from Environmental Protection, the Sub Committee nevertheless found the evidence did show a significant risk of noise nuisance being caused by events at the Premises involving regulated entertainment.

The Sub-Committee considered the Secretary of State's Guidance and the Authority's own Statement of Licensing Policy in particular policies LA3 (Regulated Entertainment) and GN23 (Live Music, Dancing and Theatre).

Having balanced the need to encourage small scale live music and theatre, as set out in GN23, against the need to prevent noise nuisance to local residents (LA3), the Sub-Committee found that the regulated entertainment applied for could be carried on without conflicting with the licensing objectives, providing any necessary sound proofing measures were put in place first. It was not acceptable to delay those measures for financial reasons given the potential for noise nuisance.

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

- 1. No regulated entertainment shall take place until a noise survey by a suitably qualified and independent surveyor (approved in writing by the licensing authority) has been carried out at the premises and any recommendations implemented to the satisfaction (in writing) of the licensing authority.**

**Reason:** the prevention of public nuisance and in furtherance of policy LA3 (Regulated Entertainment) of the Statement of Licensing Policy.

- 2. The sale of alcohol shall be ancillary to the primary use of the premises as an arts café, as set out in its operating schedule.**

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