

### Sub-Committee Hearings

22<sup>nd</sup> September 2011: Chair: Cllr Clarkson

The Lodge, Oxpens Road, Oxford

**Application to Vary a Premises Licence:** To allow alterations to internal layout. To extend terminal hour for all licensable activity to 05.00 hrs Monday to Saturday and to include an additional hour on the morning of the day the clocks go forward. To vary the door supervisor conditions.

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

The Sub-Committee considered all submissions, both written and oral. It took into account both the Home Office Guidance and the Council's own Statement of Licensing Policy (SLP), in particular policies LH3 (Licensing hours not limited) and LH7 (Latest admission times).

The Sub-Committee noted that Thames Valley Police had withdrawn its representation and that the conditions requested by the Police had been agreed by the Applicant and would transfer to the premises operating schedule. The Sub-Committee also noted that the premises had not caused Police any concerns when it had operated until 05.00am at its previous premises in Pennyfarthing Place. The Sub-Committee was satisfied that the variations applied for would not create any additional problems of crime and disorder.

The Sub-Committee found that the nature of the premises as a SEV and the way in which it was operated meant that the increase in hours applied for was unlikely to lead to any additional problems of public nuisance or risks to public safety.

In order to address the risk of the premises becoming a focus for intoxicated persons seeking alcohol after other premises in the area had closed, the Sub-Committee found it necessary to impose the further condition offered by the Applicant restricting last entry times to 03.00am. Such a condition was also in accordance with Policy LH7 of the SLP.

The Sub-Committee was satisfied that the variations sought were otherwise in accordance with the licensing objectives and there were no grounds to reduce the hours to less than those applied for. There appeared to be no objection to the variations in respect of premises layout and door staff.

The application is therefore GRANTED as applied for, subject to the following additional condition:

- (1) No new customers shall be admitted to the premises after 03.00. The re-admission of customers having used the outside smoking area is permitted until the end of licensable activities

**Reason: Prevention of public nuisance/prevention of crime and disorder and in furtherance of policy LH7 of the Statement of Licensing Policy.**

**22<sup>nd</sup> September 2011: Chair: Cllr Clarkson**

**Balamurali Kamalenthiran**

**Application for a Personal Licence – objected to by Thames Valley Police**

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

Having taken all factors and representations into account, the application for a Personal Licence for the above-mentioned Applicant was GRANTED.

In making this decision the Sub-Committee took into account the fact that the Applicant was two-thirds of the way through the recommended rehabilitation period. The offence appeared to have been an isolated incident and there was no evidence of any ongoing alcohol problem.

The Sub-Committee were satisfied that Mr Kamalenthiran had an excellent employment record was sufficiently supervised for there to be no problem with his role at Sainsbury's. The Sub-Committee found that the risk of any further offences or further convictions was extremely low and concluded that it was not necessary for the promotion of crime prevention to refuse the application. In reaching its decision the Sub-Committee took into account the Home Office Guidance concerning criminal convictions, in particular para 4.9, but found there were good to depart from the Guidance on this occasion.

**22<sup>nd</sup> September 2011: Chair: Cllr Clarkson**

**Omar Faruq Hussain**

**Application for a Personal Licence – objected to by Thames Valley Police**

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

Having taken all factors and representations into account, the application for a Personal Licence for the above-mentioned applicant was REFUSED.

The Sub-Committee believed that, bearing in mind the applicant's previous conviction, it was desirable for there to be a longer period of rehabilitation before the award of a personal licence. The Sub-Committee considered that because of the seriousness of the Applicant's conviction and the relatively short period since the expiry of his prison sentence, it was necessary that the application be refused in the interests promoting the prevention of crime objective.

In reaching its decision the Sub-Committee took into account the Home Office Guidance on criminal convictions and found there were no exceptional circumstances in this case that would justify granting the application against Police advice.

**The Sub-Committee encouraged Mr Hussain to re-apply when his conviction was spent.**

**20<sup>th</sup> October 2011: Chair: Cllr Brundin**

**Kebab Kid, St Clements Street, Oxford. OX4 1AG**

**Application for a New Premises Licence:** Late night refreshment 23.00 hrs to 04.00 hrs Sunday to Thursday and 23.00 hrs to 05.00 hrs Friday and Saturday'

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

The Sub-Committee considered all submissions, both written and oral. Members of the Sub-Committee welcomed the Applicant's agreement to the installation of a suitable CCTV system and the introduction of an approved dispersal policy. The Sub-Committee further found that there was no evidence to suggest that the home delivery service would cause a particular nuisance and therefore it was reasonable for the hours of operation for this aspect of the business to be granted as applied for.

The Sub-Committee noted that the premises were within the area of the East Oxford Special Saturation Policy (GN19). Whilst the Committee accepted the policy was primarily designed to control problems associated with the sale of alcohol and had no direct relevance to an application for a late night refreshment licence, it nevertheless indicated that St Clements is an area of particular sensitivity to antisocial behaviour and problems of crime and disorder. The Sub-Committee found that the evidence of Thames Valley Police and the interested parties supported this view.

The Sub-Committee also had particular regard to the Home Office Guidance and policies PP10 (Late Night Refreshment) and LA4 (Noise Control to Suit Late Night Trading) of the Council's Statement of Licensing Policy.

The Sub-Committee found that a late night refreshment outlet in the proposed location operating to the amended hours applied for was likely to be a focus for gatherings of people having left late night alcohol venues. Consequently there was a significant risk of crime, disorder and noise nuisance. In order to reduce that risk to an acceptable level the Sub-Committee found it necessary to restrict the hours of operation and impose a further condition requiring door staff. The Sub-Committee noted the Applicant's resistance to a condition requiring door staff but found that given the risk of crime and disorder this was a reasonable and proportionate measure.

The application was therefore GRANTED as follows:-

- (1) Late night refreshment shall be provided between the hours of 23.00 and 02.00 hours daily, from Monday to Sunday. The home delivery service may operate from the Premises between the hours of 23.00hours and 04.00hours Sunday to Thursday, and from 23.00hours and 05.00hours Friday and Saturday, so long as the shop is closed to the public after 02.00hours every day of the week.

**Reason: The prevention of public nuisance/prevention of crime and disorder and in furtherance of Policy PP10 (Late Night Refreshment) of the Council's Statement of Licensing Policy.**

- (2) A minimum of 2 Door Supervisors, all individually registered with the Security Industry Authority, shall be on the premises on Friday and Saturday when the

premises are open for any licensable activity from 23.00hours until closure, and shall wear high visibility yellow fluorescent coats at all times while on duty

**Reason; The prevention of crime and disorder and in furtherance of Policy PP10 (Late Night Refreshment) of the Council's Statement of Licensing Policy.**

- (3) A CCTV system shall be installed or the existing system maintained. This system shall be fit for purpose. It shall comply with the current and relevant Thames Valley police guidelines for Standard Minimum CCTV Requirements (Issue 1<sup>st</sup> July 2004). The system will incorporate as a minimum standard a camera covering any of the entrance /exit doors, and be capable of providing an image that is regarded as "identification standard". To obtain a clear head and shoulders image of every person entering the premises on the CCTV system, persons entering the premises should be asked to remove head wear unless worn as part of religious observance.

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 one 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 will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

When the premises are open there shall be staff on duty that are fully trained to operate the system and are able to produce copies of footage requested by Thames Valley Police or the Licensing Authority upon request. The premises shall provide footage within 24 hours of being requested.

**Reason: The prevention of crime and disorder and in furtherance of Policy PP10 (Late Night Refreshment) of the Council's Statement of Licensing Policy.**

- (4) The premises shall implement and their staff consistently adhere to a written dispersal policy. This policy shall be under regular review and the premises shall make agreed amendments to the policy in light of evidenced concerns from Thames Valley Police or the Licensing Authority.

**Reason: The prevention of crime and disorder/prevention of public nuisance.**

**20<sup>th</sup> October 2011: Chair: Cllr Brundin**

**Camera, St. Ebbes Street, Oxford**

**Application to Vary a Premises Licence:** To extend licensable activities on 02.30 hrs Monday to Saturday and until 00.30 hrs on Sunday. To include 12 occasions per year to extend licensable activities by an extra hour subject to 10 days notice. On Sundays immediately before Bank Holidays the permitted hours shall extend to 02.30 hrs. On the day that BST begins the terminal hour is extended by 1 hour. On May Day (1st May) the activity is extended until 05.00 hrs. New Year's Eve the activity is extended to the beginning of normal licensed hours on New Year's Day.

**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 Home Office Guidance concerning hours of operation and the Council's own Statement of Licensing Policy, in particular policies GN19 (Special Saturation Policy (SSP)), GN17 (Need for Evidential basis), and LH3 (Licensing Hours Not Limited).

The Sub-Committee considered that the closure of other premises in the vicinity since adoption of the SSP did not lessen the weight to be given to the policy. The SSP had been recently reviewed and was designed to control cumulative impact over the whole of the policy area and not by reference to specific premises. However, the closure of other licensed premises in the immediate vicinity of Camera was relevant to assessing whether the variation sought would in fact add to crime and disorder.

The Sub-Committee was mindful that the SSP did not excuse it from examining the merits of the application. It was not in dispute that the Premises are well managed and with the attachment of the conditions agreed by the Applicant the Sub-Committee was satisfied that the variation in hours sought would not significantly add to crime and disorder. It was not therefore a 'material variation' and there was no presumption against granting it.

The Sub-Committee found that any risk of increased crime and disorder presented by a 30 minute increase in hours was adequately balanced by the attachment of the agreed conditions. The conditions were necessary in a premises of this type and were a considerable but appropriate increase in the level of management control.

The Sub-Committee agreed that for the sake of clarity existing condition 3. on the licence should be amended/removed as applied for.

The application was therefore **GRANTED** as applied for with the following additional conditions:-

- (1) The premises shall formulate and implement the following written policies:
  - a. Queuing and management of patrons in external areas
  - b. Search policy
  - c. Drugs policy
  - d. Dispersal Policy

All staff shall be trained on the above policies. Copies shall be submitted to the Licensing Authority and Thames Valley Police. The policies shall be kept under regular review and the premises shall make any reasonable and proportionate amendments following evidenced concerns from Responsible Authorities.

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

- (2) A minimum of 4 Door Supervisors, all individually registered with the Security Industry Authority, shall be on the premises at least 15 minutes before the premises open until the premises and the immediate vicinity of the premises is cleared of patrons on any day that the venue is trading past 00.00hours [midnight]. All Door Supervisors shall wear "High Visibility" fluorescent yellow Nightsafe branded clothing.

**Reason; The prevention of crime and disorder.**

- (3) A CCTV system shall be installed or the existing system maintained. This system shall be fit for purpose. It shall comply with the current and relevant Thames Valley police guidelines for Standard Minimum CCTV Requirements (Issue 1<sup>st</sup> July 2004). The system will incorporate as a minimum standard a camera covering any of the entrance /exit doors, and be capable of providing an image that is regarded as "identification standard". To obtain a clear head and shoulders image of every person entering the premises on the CCTV system, persons entering the premises should be asked to remove head wear unless worn as part of religious observance.

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 one 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 will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

When the premises are open there shall be staff on duty that are fully trained to operate the system and are able to produce copies of footage requested by Thames Valley Police or the Licensing Authority upon request. The premises shall provide footage within 24 hours of being requested.

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

- (4) All members of staff at the premises shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 25 years, and who is seeking to purchase alcohol from the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence or Proof of Age card carrying a "PASS" logo.

**Reason: The protection of children from harm**

(5) A Premises Daily Register shall be kept at the premises. This register will be maintained and kept for a minimum of 12 months. This register shall record:-

- The name of the person responsible for the premises on each given day;
- All calls made to the premises where there is a complaint made by a resident or neighbour of noise, nuisance or anti social behaviour by persons attending or leaving the premises. This shall record the details of the caller, the time and date of the call, and the time and date of the incident about which the call is made, and any actions taken to deal with the call;
- Any refusals on the grounds of age or intoxication (to include the date, time, member of staff involved, reason for refusal as well as a brief physical description of the person refused);
- Any calls or visits by Thames Valley Police in relation to any crime and disorder or like related matter;
- The Premises Daily Register will be readily available for inspection by any responsible authority throughout the trading hours of the premises.

**Reason: Prevention of crime and disorder/prevention of public nuisance**

(6) All staff shall be suitably trained for their job function for the premises. This shall include amongst other topics the law regarding the refusal of service to any person who is drunk or underage, and staff shall be made aware of how to seek identification from anyone who appears to be underage. All staff shall sign and date a document to confirm that. The training shall be written into a programme, ongoing and under constant review, and must be available to a relevant Responsible Authority when called upon.

**Reason: Prevention of crime and disorder, / protection of children from harm/ prevention of public nuisance.**

(7) After 23.00hours on any day that the premises is trading after 00.00hours [midnight], egress between the basement and ground floors shall be controlled by a SIA licensed member of security.

**Reason: public safety/prevention of crime and disorder**

(8) No person shall be admitted to the premises less than 1 hour before cessation of the last licensable activity.

**Reason: Prevention of crime and disorder/prevention of public nuisance.**

(9) Persons shall be prevented from leaving the premises with alcohol supplied in open containers.

**Reason: Prevention of crime and disorder/prevention of public nuisance.**

(10) Prominent, clear notices shall be displayed at all exit points to advise customers that the premises fall within an Alcohol Free Zone.

**Reason: Prevention of crime and disorder/prevention of public nuisance.**

(11) To facilitate a gradual dispersal, the premises shall be cleared of customers and closed 45 minutes after the conclusion of the last licensed activity.

**Reason: Prevention of crime and disorder/prevention of public nuisance.**

(12) In all areas of the premises, all drinks, with the exception of champagne and champagne flutes, shall be served in non-glassware drinking vessels (for example polycarbonate, plastic, polystyrene), with the exception of:-

- The restaurant and VIP area where the service of all drinks shall be permitted in glass vessels;
- The main area of the premises on nights where licensable activities end no later than 23.00 hours, or on occasion when the premises are being used for pre-booked private functions, when the service of all drinks shall be permitted in glass vessels

**Reason: Public safety/the prevention of crime and disorder.**

**All conditions on the existing licence continue to apply unless varied or removed by this decision.**



**20<sup>th</sup> October 2011: Chair: Cllr Brundin**

**Viking Sports Club, Old High Street, Headington, Oxford**

**Application to Vary a Premises Licence:** To include live and recorded music Monday to Friday 19.00 hrs to 23.00 hrs, Saturday 19.00 hrs to 00.00 hrs and Sunday 19.00 hrs to 22.30 hrs.

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

The Sub-Committee considered all submissions, both written and oral.

The Sub-Committee noted that conditions had already been agreed with Environmental Protection and that these would transfer to the Operating Schedule to the licence. The Sub-Committee also noted the suggestion about limiting the number of events each year, which the Applicant had indicated willingness to accept.

The Sub-Committee therefore GRANTED the application as applied for, with the following additional conditions:-

- (1) The maximum number of events involving regulated entertainment held at or by the Viking Sports Club shall not exceed 20 per annum.

**Reason: the prevention of public nuisance.**

- (2) A calendar of events shall be drawn up by the Applicant and shall be provided to neighbours in the immediate vicinity of the premises, and to a representative of the local Neighbourhood Watch. Any events that are not on the calendar at the time of its publication shall be advised to the same people once they are arranged.

**Reason: The prevention of public nuisance.**

**20<sup>th</sup> October 2011: Chair: Cllr Brundin**

**Six Bells, Beaumont Road, Headington, Oxford**

**Application to Vary a Premises Licence:** To vary hours for sale of alcohol, entertainment and refreshment Sunday to Thursday 10.00 hrs to 00.00 hrs and Friday and Saturday 10.00 hrs to 01.00 hrs and to add additional licensable activities and to amend 2 conditions

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

The Sub-Committee considered all submissions, both written and oral. The Sub-Committee noted that neither Thames Valley Police nor Environmental Protection had made representations against the application. The Sub-Committee took into account the Home Office Guidance and the Council's own Statement of Licensing Policy in particular policies LH3 (Licensing Hours Not Limited) and LH7 (Latest Admission Times).

The Sub-Committee was not persuaded that the variation applied for, would have the detrimental effect upon the local area claimed by the interested parties. The premises had a good track record and there was no evidence to suggest the variations applied for would aggravate the licensing objectives.

In order to prevent the later hours of operating leading to any 'premises hopping' by customers and the consequent risks of nuisance and disorder, the Sub-Committee found it necessary to impose a condition restricting last admission times.

In order to prevent public nuisance from use of the outside area after 23.00 the Sub-Committee found it necessary to restrict the variation sought to Condition 11.

The concerns of the Interested parties over the admission of children are already addressed by section 145 of the Licensing Act 2003.

The application was therefore **GRANTED** as applied for, with the following additional conditions:-

- (1) There shall be no new admission to the premises after 00.00 hours [midnight]

**Reason: The prevention of public nuisance/ prevention of crime and disorder.**

- (2) Condition 11 (existing licence) shall be varied to read: "External areas shall not be used for licensable activities or the consumption of alcohol or food after 23.00hours"

**Reason: The prevention of public nuisance.**

All other existing conditions on the Licence remain unchanged

**10<sup>th</sup> November 2011: Chair: Cllr Goddard**

**Oxford Brookes University, Faculty of Health and Life Sciences, Jack Straws Lane, Marston, Oxford**

**Application for a New Premises Licence:** To allow the sale of alcohol on and off sales, live and recorded music, plays, films, performance of dance, facilities for entertainment of a similar nature and provision of entertainment of a similar nature Sunday to Saturday 11.00 hours to 23.00 hours. A request has also been made for an extension of six evening events per year to 01.00 hours

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

The Sub-Committee considered all submissions, both written and oral. It also considered the Home Office Guidance and the Council's own Statement of Licensing Policy in particular policies LH3 (Licensing hours not limited) and GN17 (Need for evidential base).

The Sub-Committee recognised the concerns of the Interested parties about the risk of noise and disturbance but found that these concerns were based on speculation at this stage. The premises had apparently operated events under TENs without problems of noise or nuisance and there was no evidence to suggest that this would change with the grant of a licence.

The Sub-Committee found that any risk of noise nuisance could in any event be adequately controlled by the noise limit condition agreed with Environmental Protection.

An increase in traffic and parking were not matters within the Sub-Committee's jurisdiction to control.

The Sub-Committee noted and was reassured by the amendment of the application to remove off sales and confirmation that the Applicant's operating schedule included provision of 4 stewards for events after 21.00.

The Sub-Committee were satisfied that the application was otherwise in accordance with the licensing objectives and that there were no grounds to restrict it to less than that applied for.

In the event that any public nuisance problems were to occur in the future the Interested parties could rely on the provisions for review of premises licences.

The amended application was GRANTED as applied for.

**10<sup>th</sup> November 2011: Chair: Cllr Goddard**

**Bodrum, Park End Street, Oxford**

**Application to Vary a Premises Licence:** Late Night Refreshment from 23.00 hours to 04.00 hours.

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

The Sub-Committee considered all submissions, both written and oral and including those from interested parties who did not attend the hearing. The Sub-Committee also considered the Home Office Guidance and the Council's Statement of Licensing Policy (SLP) in particular policies PP10 (Late Night Refreshment), OS9 (Door Supervisors) and GN19 (Special Saturation Policy) (SSP).

The Sub-Committee were satisfied that the evidence of Thames Valley Police demonstrated that a late night refreshment premises at the location in question, which was within the SSP area, was likely to attract considerable numbers of people leaving nearby pubs and clubs having consumed alcohol. Consequently operating until the hours applied for was likely to aggravate crime and disorder problems.

In order to address that risk the Committee found it necessary to limit the hours applied for to 01.00 to avoid the peak discharge of persons from other premises.

In order to prevent crime and disorder and nuisance problems on the premises the Sub-Committee also found it necessary to impose additional conditions on the licence.

The application was **granted** as follows:-

Late night refreshment shall be permitted between 23.00hours and 01.00hours, Monday to Sunday.

And subject to the following conditions:

- (1) A minimum of 2 Door Supervisors, all individually registered with the Security Industry Authority, shall be on the premises on each day it is open, unless otherwise agreed by Thames Valley Police, and from 23.00hours until the premises are closed and the immediate vicinity cleared of patrons. They shall wear high visibility yellow fluorescent Nightsafe branded clothing while on duty.

**Reason; The prevention of crime and disorder and in furtherance of Policy PP10 (Late Night Refreshment) of the Council's Statement of Licensing Policy.**

- (2) A CCTV system shall be installed or the existing system maintained. This system shall be fit for purpose. It shall comply with the current and relevant Thames Valley police guidelines for Standard Minimum CCTV Requirements (Issue 1<sup>st</sup> July 2004). The system will incorporate as a minimum standard a camera covering any of the entrance /exit doors, and be capable of providing an image that is regarded as "identification standard". To obtain a clear head and shoulders image of every person entering the premises on the CCTV

system, persons entering the premises should be asked to remove head wear unless worn as part of religious observance.

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 one 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 will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

When the premises are open there shall be staff on duty that are fully trained to operate the system and are able to produce copies of footage requested by Thames Valley Police or the Licensing Authority upon request. The premises shall provide footage within 24 hours of being requested.

**Reason: The prevention of crime and disorder and in furtherance of Policy PP10 (Late Night Refreshment) of the Council's Statement of Licensing Policy.**

- (3) The premises shall implement and their staff consistently adhere to a written dispersal policy which shall be agreed with Thames Valley Police before the premises opens for business to the extended hours. This policy shall be kept under regular review and the premises shall make agreed amendments to the policy in light of evidenced concerns from Thames Valley Police or the Licensing Authority.

**Reason: The prevention of crime and disorder/prevention of public nuisance.**

- (4) The premises shall implement a queuing system both for waiting patrons outside and up to the servery point to maintain order and establish an effective and clear service procedure to patrons.

**Reason: The prevention of crime and disorder/prevention of public nuisance.**

- (5) To facilitate effective dispersal, last entrance shall be 15 minutes before the cessation of licensable activities.

**Reason: The prevention of crime and disorder/prevention of public nuisance.**

- (6) The premises shall apply to the Radio Link committee to join the scheme. If deemed appropriate by the Radio Link committee, the premises will then become a full member and operate the system when trading.

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

- (7) A Premises Daily Register shall be kept at the premises. This register will be maintained and kept for a minimum of 12 months. This register shall record:-

- The name of the person responsible for the premises on each given day;
- All calls made to the premises where there is a complaint made by a resident or neighbour of noise, nuisance or anti social behaviour by persons attending or leaving the premises. This shall record the details of the caller, the time and date of the call, and the time and date of the incident about which the call is made, and any actions taken to deal with the call;
- Any refusals on the grounds of age or intoxication (to include the date, time, member of staff involved, reason for refusal as well as a brief physical description of the person refused);
- Any calls or visits by Thames Valley Police in relation to any crime and disorder or like related matter;
- The name, SIA number, start and finish time of anyone employed in a security role on that day;
- Any use of force by SIA registered staff in the effective management of the premises or in ejecting persons from the premises (to include date, time, member of staff involved, reason for force as well as a brief physical description of the person refused);
- The Premises Daily Register will be readily available for inspection by any relevant authority throughout the trading hours of the premises.

**Reason: Prevention of crime and disorder/prevention of public nuisance**

(8) The premises shall operate as a take away only after 00.00 and the seating area shall be closed.

**Reason: Prevention of crime and disorder/prevention of public nuisance**

For the avoidance of doubt all existing conditions on the licence continue to apply unless varied by or inconsistent with this decision.

## **Oxford Brookes University, Gypsy Lane Site, Headington, Oxford**

**Application for a New Premises Licence:** Sale of alcohol, regulated entertainment and late night refreshment from 09.00 hrs to 23.30 hrs and 12 events annually until 02.00 hrs and provision for an annual Ball.

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

The Sub-Committee considered all submissions, both written and oral. It also considered the relevant Home Office Guidance, in particular paragraphs 13.64 to 13.67 (Planning and Building Control) and the Council's own Statement of Licensing Policy in particular policies LH3 (Licensing hours not limited), GN17 (Need for evidential base), GN8 (Planning Permission).

Having considered the representations from certain of the Interested Parties concerning the validity of the Application the Sub-Committee found that it was entitled to accept the Legal Advisor's and Licensing Officer's advice on such matters. The validity or otherwise of applications was a matter delegated to the Council's Head of Environmental Development and his Licensing Officers, it was not a matter for the Sub-Committee to decide. The Application had been brought to the Sub-Committee as one validly made. The Licensing Officer had confirmed this in his representation and the Sub-Committee were entitled to rely on that. The Sub-Committee would restrict itself to considering representations about the likely effect of the grant of a premises licence on the promotion of the licensing objectives.

Nevertheless, for the sake of clarity and information for the parties, the Sub Committee noted that:

- Detailed plans had been submitted by the Applicant and, when read with the text of the application form, appeared to be sufficient to comply with the regulations and allow assessment of the application against the licensing objectives.
- How the Applicant chose to define their premises was a matter for them. The extent of the premises was indeed widely drafted in this case, but not so wide as to make the application unreasonable or invalid.
- The failure in the application form to refer to the housing on the west of the site had been corrected and in any event the houses were shown on the plans and known to the Sub-Committee.
- Whether or not the premises required a new planning permission was not a matter for the Sub-Committee to decide and even if it did the Home Office Guidance and Council's own Statement of Licensing Policy made clear that this would not prevent the granting of a premises licence.

The Sub-Committee went on to consider the merits of the Application.

The Sub-Committee recognised the concerns of the Interested Parties about the risk of noise and disturbance but found that these concerns were based on speculation at this stage. There was no history of complaints and the premises had apparently operated events under its existing licences and by way of temporary event notices without problems of noise or nuisance. There was no evidence to suggest that this would change with the grant of a licence. The Sub-Committee noted that the Responsible Authorities had not objected to the application.

The Sub-Committee found that the risk of noise nuisance from regulated entertainment at late night events would in any event be controlled by the noise limit condition agreed with Environmental Protection.

The Sub-Committee were mindful that noise nuisance from persons leaving the premises would not be controlled by the agreed condition and therefore it found it necessary, particularly in relation to the 12 late night events applied for, to impose a further condition requiring a dispersal policy be agreed and implemented in order to reduce the risk of public nuisance.

The Sub-Committee found that the concern about light pollution expressed by some of the Interested Parties was a planning/environmental protection matter rather than a premises licensing issue.

The Sub-Committee noted and was reassured by the amendment of the application to remove the site of the NTLB (new technology and library block) from the application and reduction of the time for the end of licensable activities to 23.00, save the non standard times applied for and late night refreshment which they wished to continue until 23.30.

The Sub-Committee was satisfied that the application was otherwise in accordance with the licensing objectives and that there were no grounds to restrict it to less than that applied for.

In the event that any public nuisance problems were to occur in the future the Interested Parties could rely on the provisions for review of premises licences.

The application, as amended, was **GRANTED** subject to the following additional condition:

- (1) The Licence Holder shall produce and implement a written dispersal policy to assist in moving patrons away from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours, both residential and commercial. The Policy must be approved in writing by the Licensing Authority.

***Reason: The prevention of public nuisance and in furtherance of policy LH6 (Dispersal Procedures) of the Council's Statement of Licensing Policy.***

Note: The Sub-Committee were encouraged by the Applicant's apparent willingness to hear and resolve neighbour's concerns. In accordance with policy LA5 (addressing local concerns) the Sub-Committee suggested that the Applicant make contact details clear so that neighbours could easily find out which officer of the University they should direct matters of concern to.