

**Sub-Committee Hearings**

**19th January 2012: Chair: Cllr Brett**

**Sainsbury's Supermarket, 263 Banbury Road, Oxford, OX2 7HN**

**Application for a New Premises Licence:** For off-sales of alcohol, Sunday to Saturday 07.00 hrs to 23.00 hrs

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

The Sub-Committee took all submissions and evidence presented, both written and oral, into account. It considered the relevant parts of the government guidance and the Council's Statement of Licensing Policy, in particular policy LH8 (Hours for off sales) and LH3 (Licensing hours not limited).

The Sub-Committee found it significant that the premises had in the past, and until quite recently, been an off licence. There was therefore a background record from which it could assess the effects of selling alcohol from this location. There was no evidence that the former off licence had caused any significant crime and disorder or nuisance. The Sub-Committee also found it very relevant that Thames Valley Police, the Responsible Authority for preventing crime and disorder, did not object to the application.

The Sub-Committee found that the representation from the interested party, suggesting that the premises would cause problems of crime and disorder and harm to children were largely speculation and did not contain any substantial evidence that the premises are likely to become a focus for crime, disturbance or public nuisance.

The petition submitted by the Interested Party was not taken into account by the Sub-Committee as its subject was not relevant to any of the licensing objectives.

The Sub-committee was satisfied that the applicant had adequately answered all the concerns raised by the interested parties.

With all this in mind the Sub-Committee found that there was insufficient evidence to show that any problems relevant to the licensing objectives would be caused by the grant of a licence at this location, and that the measures proposed by the Applicant would be sufficient to address the four objectives. Given the location of the premises within the Oxford Alcohol Free Zone, the Sub-Committee found it necessary to impose a condition that notices be displayed advising customers of this.

The Application was therefore GRANTED as applied for but with the following condition:

CD10	<b>Prominent, clear notices shall be displayed at all exit points to advise customers that the premises fall within an Alcohol Free Zone.</b>
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**Note**

It was also agreed, but not made a condition of the licence, that a sign should be displayed giving details on how to contact the management should residents wish to raise concerns about licensable activities at the premises.

**1<sup>st</sup> March 2012: Chair: Cllr Goddard**

**Thirst, 7-8 Park End Street, Oxford. OX1 1HH**

**Application to Vary a Premises Licence:** for the extension of the terminal hour on all licensable activities to 02.30 hours Sunday to Wednesday.

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

The Sub-Committee considered all the submissions, both written and oral, including that from the Interested Party who was not present. 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 found that the premises were within the area of the City Centre SSP and that an application to increase licensing hours, even for only 30 minutes, was one capable of amounting to a '*material variation*'. However, the Sub-Committee noted there was no dispute between the parties that Thirst was a well run premises and that there was no evidence that it directly contributes to problems of crime and disorder. The Sub-Committee found it particularly significant that the premises already operate until 03.00 (a later hour than that applied for) on other nights of the week without any apparent increase in crime and disorder.

The Sub-Committee noted the Police argument that, even without any direct evidence of crime and disorder problems, a 30 minute increase in the availability of alcohol at Thirst would, in itself, add to the problems of cumulative impact in the City Centre.

Whilst the Sub-Committee respected the Police opinion and their role in tackling crime and disorder it found that, in this case, that opinion was not sufficient to demonstrate that the variation would in fact add to cumulative impact problems. The Sub-Committee reached this view having balanced the Police case against the other evidence and the good record of the premises. Therefore, the variation sought was not a '*material variation*' within the meaning of the SSP and there was no presumption against granting it.

The Sub-Committee noted the requirement in paragraph 2 of the SSP and went on to consider the individual merits of the application against the representations made. It found that, given the good record of the premises, the limited increase in hours applied for and the fact the premises already operated until a later hour on other days of the week, it was unlikely that granting the variation would add significantly to cumulative impact or the problems complained of by the Interested Party.

Policy LH3 (Licensing Hours Not Limited) made clear that applications should not be reduced in terms of the hours sought unless there was evidence showing that was necessary. The Sub-Committee was not satisfied there was such evidence.

There were no other representations or reasons to indicate the variation sought was incompatible with licensing objectives.

The application was therefore GRANTED as applied for.

**1<sup>st</sup> March 2012: Chair: Cllr Brett**

**Oxford Kebab House, 1 Manzil Way, Cowley Road. OX4 1XD**

**Application for a New Premises Licence:** for Live music 19.00 hrs to 01.00 hrs Monday to Sunday, Recorded music 07.00 hrs to 01.00 hrs Monday to Saturday, 11.00 hrs to 01.00 hrs Sunday and Late night refreshment 23.00 hrs to 01.00 hrs Sunday to Thursday and 23.00 hrs to 03.00 hrs Friday and Saturday. Activities provided indoors only. Extended hours on New Years Eve, Christmas Day and Persian New year until 03.00 hrs.

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

The Sub-Committee considered all submissions, both written and oral. It took into account the Home Office Guidance and the Council's Statement of Licensing Policy, in particular policy PP10 (Late Night refreshment). The Sub-Committee noted that certain conditions had already been agreed with Thames Valley Police who did not object to the application and that there were no representations from any other responsible authorities.

The Sub-Committee noted the concerns of the Interested Parties. The commercial nature of the premises in the proposed location was a matter for the planning authority and not a licensing issue (*see note B*).

The Sub-Committee found that the other concerns expressed were largely speculative at this stage. The measures set out by the applicant in section P of his application, and which the Sub-Committee noted would be transferred to the premises operating schedule, appeared adequate to address the issues set out in PP10. If problems did occur in the future the licence could be reviewed.

The Sub-Committee were otherwise satisfied that the application met the licensing objectives and decided to **GRANT** the application as applied for.

**1<sup>st</sup> March 2012: Chair: Cllr Brett**

**Hi-Lo Jamaican Eating House, 68-70 Cowley Road, Oxford. OX4 1JB**

**Application for a Review of a Premises Licence:** Sought by Environmental Protection following consistent breaches of the licensing objective: prevention of public nuisance

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

The Sub-Committee took all the representations into account, both written and oral. It considered the Home Office Guidance in particular paragraph 11.9 (*the importance of co-operation*), 11.19 (*the need to establish the cause of concerns*) and the Council's Statement of Licensing Policy in particular policies LA3 (*Regulated Entertainment*) and LA4 (*Noise control to suit late night trading*).

The Sub-Committee found that the primary cause of the review concerns was noise nuisance as a result of regulated entertainment and that the nuisance was aggravated by inadequate sound insulation of the premises. The Sub-Committee was satisfied that the evidence showed a series of breaches of condition 11. of the premises licence which required regulated entertainment to be inaudible at the boundary of any neighbouring residential property. The Sub-Committee also found that the Premises Licence Holders had been operating regulated entertainment beyond the permitted hours on 'Function days' and appeared to be unaware as to the extent of their licence in this respect.

In order to address these problems the Sub-Committee found that appropriate and effective sound proofing is required at the Premises and that regulated entertainment should not be carried on until this has been completed. Whilst the Licence Holder's evidence was that sound proofing had now been fitted, the measures had not been assessed by Environmental Protection. The Sub-Committee also found that the late night operation on 'Function days' did not promote the licensing objectives and should be removed from the licence.

The Sub-Committee noted that Environmental Protection had also recommended a reduction in the permitted hours for late night refreshment and the sale of alcohol, but it was not satisfied that there was sufficient evidence to show that these aspects of the licence caused any public nuisance.

Therefore the Sub-Committee decided that it was necessary and proportionate and in the promotion of the licensing objectives to resolve the review application by taking the following actions:-

- 1. Remove the provision for "Function Days" from Part 1 of the Licence. Remove Condition 3. of Annex 2 of the Licence ('function nights') and amend Condition 8. to remove reference to 'function nights';**
- 2. Suspend the licensable activities of live music and recorded music from Part 1 of the Licence.**

**The period of suspension shall be until the completion of an effective sound proofing scheme at the premises, approved in writing by**

**Environmental Protection, or a maximum of 3 months from the date this decision comes into effect, whichever is sooner. The Licensing Authority is authorised to remove the suspension on receipt of written confirmation that Environmental Protection is satisfied by the sound proofing work.**

In making this decision the Sub-Committee considered the potential financial impact on the Premises but were satisfied the measures were necessary and proportionate to promote the prevention of public nuisance.

**Note**

The Sub-Committee advised, but not made a condition of the licence, that if the noise insulation is not confirmed as adequate by Environmental Protection within three months then the license holders are advised to refrain from playing music at licensable levels if they want to avoid the risk of another premises licence review application.

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