

**Minutes of a meeting of the
Licensing & Gambling Acts Casework Sub-
Committee
on Tuesday 22 February 2022**

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Committee members present:

Councillor Wade (Chair)

Councillor Gant

Councillor Rehman

Officers present for all or part of the meeting:

Alison Daly, Lawyer

Katie Thorp, Licensing Compliance Officer

Richard Masters, Senior Licensing Compliance Officer

1. Election of Chair for the hearing

Cllr Wade was elected as Chair for the hearing.

**2. Application for a New Premises Licence - 260 Cowley Road
(21/04636/PREM)**

The decision notice for this hearing is attached.

The meeting started at 6.00 pm

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Licensing Act 2003



Licensing Sub-Committee

Notification of determination

Hearing under Sections 17 and 18 of the Act, and the Licensing Act 2003 (Hearings) Regulations 2005 in respect of an application made to Oxford City Council for a Premises Licence.

Date of hearing:	22nd February 2022
Place:	Town Hall, Oxford
Case No.	21/04636/PREM
Applicant	Miss Esmeralda Cenga
Premises:	TBC
Premises address:	260, Cowley Road, Oxford, OX4 1UH
Licensing Sub-Committee Councillors:	Cllr Liz Wade (Chair), Cllr Andrew Gant and Cllr Ajaz Rehman
Legal Advisor:	Alison Daly
Licensing Officer:	Katie Thorp
Clerk:	Richard Masters

The Sub-Committee heard representations from the following:

Licensing Authority: Katie Thorp (Licensing Compliance Officer)

Katie Thorp (KT) presented the Licensing Authority's report, stating that the application had attracted a representation from 1 Interested Party which highlighted concerns in relation to how the application may fail to promote the licensing objective of prevention of a public nuisance.

KT confirmed that there had been communication between the applicant's agent and the interested party in an attempt to come to a resolution, including the offer of reducing the hours sought for licensable activity, however the attempt was unsuccessful. A copy of the communication had been provided to all parties prior to the hearing.

KT also confirmed that the establishment had previously held a premises licence, that lapsed when the licence holder became insolvent, and that the new application mirrored the timings for late night refreshment from the previous licence.

Cllr Gant (CG) raised the Council's policy LA4 from its Statement of Licensing Policy with regard to how interested parties may raise matters of concerns directly with those responsible for managing the premises and how those matters will be effectively addressed.

Cllr Wade requested examples of licences issued to similar venues in the vicinity of the premises and KT provided a list of premises that had licences for late night refreshments and the timings for this licensable activity.

Applicant; Mr John Payne, Licensing Lawyers, representative for the applicant

Mr Payne (JP) stated that unfortunately the applicant could not be present due to Covid and also suggested a couple of additional premises that provided late night refreshment on the Cowley Road with similar hours to the hours requested by his client.

JP explained why an application was sought, confirming the previous licence had lapsed and rather than try to reinstate the company and licence, the decision was made to apply for a new licence.

He reminded the sub-committee that the application was not for the sale of alcohol or live music and was solely for late night refreshment and that the premises would not attract people to the area but would help disperse them and provide sustenance to persons that had consumed alcohol.

JP reiterated that the application mirrored the hours that the previously licence had and that there had been no representation from the Police, Environmental Health or the Licensing Authority and only 1 interested party who lived approximately 500-750m from the premises.

JP confirmed that they had tried to negotiate with the objector to seek a resolution and to avoid the need and expense of a hearing. JP stated that the premises had been problem free and there was no evidence to suggest otherwise. There is currently no Special Saturation Policy in force and it would be incumbent on objectors to provide relevant evidence of any cumulative impact.

JP requested that the licence be granted with the hours as per the application and that he was agreeable to displaying a contact number for the premises which would be made visible from outside the property for residents to use to make any complaint. However, JP said that a complaint log would be an unnecessary burden on the business and probably wouldn't be effective.

Cllr Rehman (CR) asked how the premises intended to disperse patrons. JP stated the premises was not like a nightclub and there would be a natural dispersal of patrons, with potential for less food to be on offer towards the end of trading hours and to turn off some of the additional lighting to encourage patrons to leave. He said that a dispersal policy would not be necessary as it is a small and easily managed premises. JP also suggested a last licensable activity time could be considered rather than a closing time for the premises and that this would suffice. Opening hours should be at the discretion of the licence holder.

Cllr Gant (CG) raised the issue that residents might have become accustomed to the premises shutting at 23:00 whilst no licence had been in place and wondered what effect extended hours might have on neighbours. JP reminded the sub-committee that if residents had concerns about the extended hours they could have objected to the application and that premises on Cowley Road do normally attract interest and objections but this application only

received one objection.

Clr Wade (CW) asked if the applicant had experience with this type of business. JP replied that they had and that they had sourced experienced staff from other venues on Cowley Road.

CW raised the potential issue with emptying external bins during the night and the disruption it would cause to neighbours. JP indicated that it would be up to the sub-committee to add necessary and proportionate conditions where appropriate but raised the potential issue of keeping waste inside a premises.

CW also asked if the reduced hours suggested to the objector would be agreeable. JP stated that the reduced hours offered to the objector were his client's way of showing willing and were an attempt to negotiate in the hope of avoiding a hearing. However, the hours sought were the hours in the application and that was a matter for the sub-committee to decide.

CG raised the issue of waste and litter and suggested suitable bins outside the premises. JP said it would be advisable to have bins inside the premises so that management would have more control and to prevent them from being used irresponsibly by patrons. It was a matter of individual responsibility to discard litter appropriately once away from the vicinity of the premises.

CG also raised the issue of a complaints log and asked the licensing officer if it was a recommended condition. KT referred to a licence of a similar establishment that had no complaints log but had a condition regarding having an adequate number of waste receptacles.

RM was asked his view on both matters and agreed that bins inside may be advisable due to the fact that if they were outside they may encourage persons to congregate and not disperse. RM also said that if a complaints log was requested the Authority would have no way of confirming if complaints were being recorded correctly.

JP agreed it was sensible to have a contact number and email address for the premises available to residents to be visible from outside the property during trading hours.

JP again reiterated the hours sought were the hours in the application that matched the previous licence and were not inconsistent with others in the area.

JP confirmed that the Police had not objected to the hours sought and that there was no evidence to pull the hours back and that if the sub-committee was minded to reduce hours they should not be to the extent that had been offered during attempted negotiation with the only resident who had objected.

JP stated that the hours in the application were requested to make the business profitable and that the reduced hours previously offered were to avoid a hearing and that they could be extended in the future by way of a variation.

CW confirmed that in the objector's absence the decision had been passed on to the Sub-committee. JP summed up by stating the premises had successfully been trading previously to the same hours and that experienced staff had been recruited. The Police and Environmental Health had not objected and there was no evidence to suggest that the licensing objectives would be undermined if the licence was approved. It would support the business and the local economy and that the objector had praised the applicant's measures to

ensure compliance with the licensing objectives including the installation of CCTV.

JP said it was a balancing act between the responses of the Responsible Authorities and that of the objector and that balance was tipped towards the Responsible Authorities professional judgement.

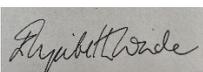
Interested Parties: The Sub-committee had been advised that the objector would not be in attendance. However, the objector's written representation and correspondence with the applicant had been provided to them in advance of the hearing and was considered.

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, including policies GN 17, LA 3, LA 4, PP 9, PP 10 and OS 1.
2. The Sub-Committee considered the impact the premises would have on residents who had become accustomed to the premises closing at 23:00 during the period where there was no licence for late night refreshment beyond this time.
3. The Sub-Committee gave weight to the fact that there had been no representations by any of the Responsible Authorities.
4. The Sub-Committee agreed it was necessary and proportionate to include conditions regarding waste receptacles and contact information for residents
5. The Sub-Committee also took into account the hours for licensable activity for premises located in the immediate vicinity of this venue and were of the opinion that the majority had an earlier cessation time for a Friday and Saturday than that sought by the applicant.
6. The Sub-Committee therefore agreed that the following conditions should be added to the licence:
 - ***The Premises Licence Holder should ensure that there is an adequate number of waste receptacles inside the premises***
 - ***The Premises Licence Holder shall display a notice, clearly visible outside of the premises during trading hours, that provides a contact telephone number and email address for the premises***
7. The Sub-Committee also agreed that the hours for licensable activity should be reduced to the following on Friday and Saturdays:

Fridays and Saturdays 23:00 hours to 04:00 hours the following day

The application is **GRANTED** subject to the conditions and amendments as set out above.



**Signed: Councillor Wade
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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