

Oxford City Council

Local Government (Miscellaneous Provisions) Act 1982

**Hearing under paragraph 10 of Schedule 3 of the Act
In respect of an Application for Renewal of a Sexual
Entertainment Venue Licence**

Applicant: Alistair Lockwood Thompson

Premises: The Lodge, Oxpens Rd, Oxford. OX1 1RX

Date of Hearing: 24th September 2012

Hearing before the Licensing and Registration Sub Committee.

**Sub Committee Members: Councillors Van Coulter (Chair), Colin Cook,
Michael Gotch and Gwynneth Royce.**

The Sub Committee heard from:

- Allan Hibberd (Licensing Officer)
- James Rankin (Counsel for the Applicant)
- Marguerite Robinson (Objector)
- Paul Hernandez (Objector)
- Sue Tanner (Objector)
- Louise Livesey (Objector)

(As set out in the minutes to the meeting)

The Sub Committee considered a report submitted by the Head of Environmental Development.

Decision and reasons of the Licensing Registration Sub Committee

1. The Sub Committee examined all the documents submitted and considered all the representations made at the hearing. The Sub Committee had particular regard to the written objections concerning the location of the premises and the Council resolution of 19/04/2010 concerning generally inappropriate locations for sexual entertainment venues.

2. The Resolution of 19/04/2010 states that “*sexual entertainment venues are not generally appropriate near or in locations / or areas containing any of the following:*
 - *Historic buildings or tourist attractions,*
 - *Schools, play areas, nurseries, children’s centres or similar premises,*
 - *Shopping complexes,*
 - *Residential areas,*
 - *Places of worship, ”*
3. The Sub Committee found that the relevant locality for the purposes of deciding the application is the area near to the premises.
4. Taking into account the ground of refusal at paragraph 12 (d) of Schedule 3 of the Act the Sub Committee found that renewal of the licence would be inappropriate having regard to the character of the relevant locality or use to which premises in the vicinity are put.

The Sub Committee reached this conclusion for the following reasons:

- The premises are near to Oxford Ice Rink, Oxford and Cherwell Valley College and the Oxpens car and coach park. The Ice Rink is a facility which attracts many children, young people, families and tourists and the College is similar to a school. The Sub Committee therefore felt the Resolution of 19/4/2010 on generally inappropriate locations was engaged in respect of the Ice Rink and College.
- The Oxpens car and coach park, whilst not an 'attraction' in itself, nevertheless brings many tourists, visitors and local residents into the area of the premises at all hours. The operation of a sexual entertainment venue in the locality was therefore not appropriate.
- The Oxpens road is a busy transport link and pedestrian route for visitors and residents living in the St Thomas and St Ebbs areas, a sexual entertainment venue was not appropriate in such a well used location.
- The increasing concentration of student accommodation in the area, including development of student housing at Luther Court, Mill Street and Park End St, meant an increased use of the locality by young and possibly vulnerable students as a route to and from their accommodation.

- Many of the representations received indicated there had been a negative change in the character of the vicinity brought about by the opening of the premises.
 - Many of the representations received indicated that the operation of premises had created a hostile atmosphere in the locality and a heightened fear of the risk of sexual violence. Whilst acknowledging there was no evidence of any violent incidents attributable to the operation of the premises, the Sub Committee gave weight to the representations and felt the heightened fear reported was at least in part due to the existence of the premises and the type of entertainment it operated. The Sub Committee were mindful of the Council's duty under section 17 of the Crime and Disorder Act 1998 to take reasonable steps to prevent crime and disorder.
 - Of particular concern were reports contained in the representation of Louise Livesey concerning incidents of harassment by users of The Lodge toward a user of the Ice Rink. Whilst recognising these reports were both anonymous and hearsay and accordingly carried limited weight, the Sub Committee nevertheless took some account of them.
5. The Sub Committee recognised that its findings were a departure from the Council's decision to grant the licence in July 2011 but found that as a differently constituted Sub Committee with the benefit of evidence concerning the operation of the premises over the last year, they were entitled to reach a different conclusion.
 6. The Sub Committee were aware of the human rights considerations as set out in paragraphs 26 and 27 of the Head of Environmental Development's report, but found that the Applicant's right to protection of his licence was not a right so significant as to override their own calculation of the public interest.

Decision: The Application is **refused** on the grounds that a sexual entertainment venue at the Premises would be inappropriate, having regard to the character of the relevant locality and the use to which other premises in the vicinity are put.

Signed:

Van Coulter

Councillor Van Coulter (Chair)

Date: 26th September 2012

Note:

- Any statutory rights of appeal against this decision are set out in paragraph 27 of schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.